

54.4

ARTICLE 5

54.5

GENERAL CRIMES

54.6 Section 1. Minnesota Statutes 2022, section 243.166, subdivision 1b, is amended to read:

54.7 Subd. 1b. **Registration required.** (a) A person shall register under this section if:

54.8 (1) the person was charged with or petitioned for a felony violation of or attempt to
54.9 violate, or aiding, abetting, or conspiracy to commit, any of the following, and convicted
54.10 of or adjudicated delinquent for that offense or another offense arising out of the same set
54.11 of circumstances:

54.12 (i) murder under section 609.185, paragraph (a), clause (2);

54.13 (ii) kidnapping under section 609.25;

54.14 (iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451,
54.15 subdivision 3, paragraph (b); or 609.3453;

54.16 (iv) indecent exposure under section 617.23, subdivision 3; or

54.17 (v) surreptitious intrusion under the circumstances described in section 609.746,
54.18 subdivision 1, paragraph ~~(h)~~ (h);

54.19 (2) the person was charged with or petitioned for a violation of, or attempt to violate, or
54.20 aiding, abetting, or conspiring to commit any of the following and convicted of or adjudicated
54.21 delinquent for that offense or another offense arising out of the same set of circumstances:

54.22 (i) criminal abuse in violation of section 609.2325, subdivision 1, paragraph (b);

54.23 (ii) false imprisonment in violation of section 609.255, subdivision 2;

54.24 (iii) solicitation, inducement, or promotion of the prostitution of a minor or engaging in
54.25 the sex trafficking of a minor in violation of section 609.322;

54.26 (iv) a prostitution offense in violation of section 609.324, subdivision 1, paragraph (a);

54.27 (v) soliciting a minor to engage in sexual conduct in violation of section 609.352,
54.28 subdivision 2 or 2a, clause (1);

54.29 (vi) using a minor in a sexual performance in violation of section 617.246; or

54.30 (vii) possessing pornographic work involving a minor in violation of section 617.247;

55.1 (3) the person was sentenced as a patterned sex offender under section 609.3455,
55.2 subdivision 3a; or

55.3 (4) the person was charged with or petitioned for, including pursuant to a court martial,
55.4 violating a law of the United States, including the Uniform Code of Military Justice, similar

41.6

ARTICLE 3

41.7

PUBLIC SAFETY

S1267-1

36.11 Section 1. Minnesota Statutes 2022, section 243.166, subdivision 1b, is amended to read:

36.12 Subd. 1b. **Registration required.** (a) A person shall register under this section if:

36.13 (1) the person was charged with or petitioned for a felony violation of or attempt to
36.14 violate, or aiding, abetting, or conspiracy to commit, any of the following, and convicted
36.15 of or adjudicated delinquent for that offense or another offense arising out of the same set
36.16 of circumstances:

36.17 (i) murder under section 609.185, paragraph (a), clause (2);

36.18 (ii) kidnapping under section 609.25;

36.19 (iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451,
36.20 subdivision 3, paragraph (b); or 609.3453;

36.21 (iv) indecent exposure under section 617.23, subdivision 3; or

36.22 (v) surreptitious intrusion under the circumstances described in section 609.746,
36.23 subdivision 1, paragraph ~~(h)~~ (h);

36.24 (2) the person was charged with or petitioned for a violation of, or attempt to violate, or
36.25 aiding, abetting, or conspiring to commit any of the following and convicted of or adjudicated
36.26 delinquent for that offense or another offense arising out of the same set of circumstances:

36.27 (i) criminal abuse in violation of section 609.2325, subdivision 1, paragraph (b);

36.28 (ii) false imprisonment in violation of section 609.255, subdivision 2;

36.29 (iii) solicitation, inducement, or promotion of the prostitution of a minor or engaging in
36.30 the sex trafficking of a minor in violation of section 609.322;

37.1 (iv) a prostitution offense in violation of section 609.324, subdivision 1, paragraph (a);

37.2 (v) soliciting a minor to engage in sexual conduct in violation of section 609.352,
37.3 subdivision 2 or 2a, clause (1);

37.4 (vi) using a minor in a sexual performance in violation of section 617.246; or

37.5 (vii) possessing pornographic work involving a minor in violation of section 617.247;

37.6 (3) the person was sentenced as a patterned sex offender under section 609.3455,
37.7 subdivision 3a; or

37.8 (4) the person was charged with or petitioned for, including pursuant to a court martial,
37.9 violating a law of the United States, including the Uniform Code of Military Justice, similar

55.5 to an offense or involving similar circumstances to an offense described in clause (1), (2),
55.6 or (3), and convicted of or adjudicated delinquent for that offense or another offense arising
55.7 out of the same set of circumstances.

55.8 (b) A person also shall register under this section if:

55.9 (1) the person was charged with or petitioned for an offense in another state similar to
55.10 an offense or involving similar circumstances to an offense described in paragraph (a),
55.11 clause (1), (2), or (3), and convicted of or adjudicated delinquent for that offense or another
55.12 offense arising out of the same set of circumstances;

55.13 (2) the person enters this state to reside, work, or attend school, or enters this state and
55.14 remains for 14 days or longer or for an aggregate period of time exceeding 30 days during
55.15 any calendar year; and

55.16 (3) ten years have not elapsed since the person was released from confinement or, if the
55.17 person was not confined, since the person was convicted of or adjudicated delinquent for
55.18 the offense that triggers registration, unless the person is subject to a longer registration
55.19 period under the laws of another state in which the person has been convicted or adjudicated,
55.20 or is subject to lifetime registration.

55.21 If a person described in this paragraph is subject to a longer registration period in another
55.22 state or is subject to lifetime registration, the person shall register for that time period
55.23 regardless of when the person was released from confinement, convicted, or adjudicated
55.24 delinquent.

55.25 (c) A person also shall register under this section if the person was committed pursuant
55.26 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter
55.27 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the
55.28 United States, regardless of whether the person was convicted of any offense.

55.29 (d) A person also shall register under this section if:

55.30 (1) the person was charged with or petitioned for a felony violation or attempt to violate
55.31 any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or
55.32 the United States, or the person was charged with or petitioned for a violation of any of the
56.1 offenses listed in paragraph (a), clause (2), or a similar law of another state or the United
56.2 States;

56.3 (2) the person was found not guilty by reason of mental illness or mental deficiency
56.4 after a trial for that offense, or found guilty but mentally ill after a trial for that offense, in
56.5 states with a guilty but mentally ill verdict; and

56.6 (3) the person was committed pursuant to a court commitment order under section
56.7 253B.18 or a similar law of another state or the United States.

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

37.10 to an offense or involving similar circumstances to an offense described in clause (1), (2),
37.11 or (3), and convicted of or adjudicated delinquent for that offense or another offense arising
37.12 out of the same set of circumstances.

37.13 (b) A person also shall register under this section if:

37.14 (1) the person was charged with or petitioned for an offense in another state similar to
37.15 an offense or involving similar circumstances to an offense described in paragraph (a),
37.16 clause (1), (2), or (3), and convicted of or adjudicated delinquent for that offense or another
37.17 offense arising out of the same set of circumstances;

37.18 (2) the person enters this state to reside, work, or attend school, or enters this state and
37.19 remains for 14 days or longer or for an aggregate period of time exceeding 30 days during
37.20 any calendar year; and

37.21 (3) ten years have not elapsed since the person was released from confinement or, if the
37.22 person was not confined, since the person was convicted of or adjudicated delinquent for
37.23 the offense that triggers registration, unless the person is subject to a longer registration
37.24 period under the laws of another state in which the person has been convicted or adjudicated,
37.25 or is subject to lifetime registration.

37.26 If a person described in this paragraph is subject to a longer registration period in another
37.27 state or is subject to lifetime registration, the person shall register for that time period
37.28 regardless of when the person was released from confinement, convicted, or adjudicated
37.29 delinquent.

37.30 (c) A person also shall register under this section if the person was committed pursuant
37.31 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter
38.1 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the
38.2 United States, regardless of whether the person was convicted of any offense.

38.3 (d) A person also shall register under this section if:

38.4 (1) the person was charged with or petitioned for a felony violation or attempt to violate
38.5 any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or
38.6 the United States, or the person was charged with or petitioned for a violation of any of the
38.7 offenses listed in paragraph (a), clause (2), or a similar law of another state or the United
38.8 States;

38.9 (2) the person was found not guilty by reason of mental illness or mental deficiency
38.10 after a trial for that offense, or found guilty but mentally ill after a trial for that offense, in
38.11 states with a guilty but mentally ill verdict; and

38.12 (3) the person was committed pursuant to a court commitment order under section
38.13 253B.18 or a similar law of another state or the United States.

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

- 56.9 Sec. 2. Minnesota Statutes 2022, section 299A.78, subdivision 1, is amended to read:
- 56.10 Subdivision 1. **Definitions.** For purposes of sections 299A.78 to 299A.795, the following
- 56.11 definitions apply:
- 56.12 (a) "Commissioner" means the commissioner of the Department of Public Safety.
- 56.13 (b) "Nongovernmental organizations" means nonprofit, nongovernmental organizations
- 56.14 that provide legal, social, or other community services.
- 56.15 ~~(c)~~ "Blackmail" has the meaning given in section 609.281, subdivision 2.
- 56.16 ~~(c)~~ "Debt bondage" has the meaning given in section 609.281, subdivision 3.
- 56.17 ~~(d)~~ "Forced or coerced labor or services" has the meaning given in section 609.281,
- 56.18 subdivision 4.
- 56.19 ~~(e)~~ "Labor trafficking" has the meaning given in section 609.281, subdivision 5.
- 56.20 ~~(f)~~ "Labor trafficking victim" has the meaning given in section 609.281, subdivision
- 56.21 6.
- 56.22 ~~(g)~~ "Sex trafficking" has the meaning given in section 609.321, subdivision 7a.
- 56.23 ~~(h)~~ "Sex trafficking victim" has the meaning given in section 609.321, subdivision
- 56.24 7b.
- 56.25 ~~(i)~~ "Trafficking" includes "labor trafficking" and "sex trafficking."
- 56.26 ~~(j)~~ "Trafficking victim" includes "labor trafficking victim" and "sex trafficking
- 56.27 victim."
- 56.28 **EFFECTIVE DATE.** This section is effective August 1, 2023.
- 57.1 Sec. 3. Minnesota Statutes 2022, section 299A.79, subdivision 3, is amended to read:
- 57.2 Subd. 3. **Public awareness initiative.** The public awareness initiative required in
- 57.3 subdivision 1 must address, at a minimum, the following subjects:
- 57.4 (1) the risks of becoming a trafficking victim;
- 57.5 (2) common recruitment techniques; use of debt bondage, ~~blackmail~~, forced or coerced
- 57.6 labor and or services, prostitution, and other coercive tactics; and risks of assault, criminal
- 57.7 sexual conduct, exposure to sexually transmitted diseases, and psychological harm;
- 57.8 (3) crime victims' rights; and
- 57.9 (4) reporting recruitment activities involved in trafficking.
- 57.10 **EFFECTIVE DATE.** This section is effective August 1, 2023.

57.11 Sec. 4. Minnesota Statutes 2022, section 609.02, subdivision 16, is amended to read:

57.12 Subd. 16. **Qualified domestic violence-related offense.** "Qualified domestic
57.13 violence-related offense" includes a violation of or an attempt to violate sections 518B.01,
57.14 subdivision 14 (violation of domestic abuse order for protection); 609.185 (first-degree
57.15 murder); 609.19 (second-degree murder); 609.195, paragraph (a) (third-degree murder);
57.16 609.20, clauses (1), (2), and (5) (first-degree manslaughter); 609.205, clauses (1) and (5)
57.17 (second-degree manslaughter); 609.221 (first-degree assault); 609.222 (second-degree
57.18 assault); 609.223 (third-degree assault); 609.2231 (fourth-degree assault); 609.224
57.19 (fifth-degree assault); 609.2242 (domestic assault); 609.2245 (female genital mutilation);
57.20 609.2247 (domestic assault by strangulation); 609.25 (kidnapping); 609.255 (false
57.21 imprisonment); 609.342 (first-degree criminal sexual conduct); 609.343 (second-degree
57.22 criminal sexual conduct); 609.344 (third-degree criminal sexual conduct); 609.345
57.23 (fourth-degree criminal sexual conduct); 609.3458 (sexual extortion); 609.377 (malicious
57.24 punishment of a child); 609.582, subdivision 1, clause (c) (burglary in the first degree);
57.25 609.713 (terroristic threats); 609.748, subdivision 6 (violation of harassment restraining
57.26 order); 609.749 (harassment or stalking); 609.78, subdivision 2 (interference with an
57.27 emergency call); 617.261 (nonconsensual dissemination of private sexual images); and
57.28 629.75 (violation of domestic abuse no contact order); and similar laws of other states, the
57.29 United States, the District of Columbia, tribal lands, and United States territories.

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

58.1 Sec. 5. Minnesota Statutes 2022, section 609.05, is amended by adding a subdivision to
58.2 read:

58.3 Subd. 2a. **Exception.** (a) A person may not be held criminally liable for a violation of
58.4 section 609.185, paragraph (a), clause (3), committed by another unless the person
58.5 intentionally aided, advised, hired, counseled, or conspired with or otherwise procured the
58.6 other with the intent to cause the death of a human being.

58.7 (b) A person may not be held criminally liable for a violation of section 609.19,
58.8 subdivision 2, clause (1), committed by another unless the person was a major participant
58.9 in the underlying felony and acted with extreme indifference to human life.

S2909-3

100.23 Sec. 6. Minnesota Statutes 2022, section 609.05, is amended by adding a subdivision to
100.24 read:

100.25 Subd. 2a. **Exception.** (a) A person may not be held criminally liable for a violation of
100.26 section 609.185, paragraph (a), clause (3), for a death caused by another unless the person
100.27 intentionally aided, advised, hired, counseled, or conspired with or otherwise procured the
100.28 other with the intent to cause the death of a human being.

100.29 (b) A person may not be held criminally liable for a violation of section 609.19,
100.30 subdivision 2, clause (1), for a death caused by another unless the person was a major
100.31 participant in the underlying felony and acted with extreme indifference to human life.

100.32 (c) A "major participant" under paragraph (b) is one who:

101.1 (1) used a deadly weapon during the commission of the underlying felony or provided
101.2 a deadly weapon to another participant where it was reasonably foreseeable that the weapon
101.3 would be used in the underlying felony;

101.4 (2) was not present at the time of the commission of the underlying felony but coerced
101.5 a participant to undertake actions in furtherance of the underlying felony that proximately

58.10 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
58.11 committed on or after that date.

101.6 caused the death, and where it was reasonably foreseeable that such actions would cause
101.7 death or great bodily harm; or

101.8 (3) impeded another person from preventing the death either by physical action or by
101.9 threat of physical action when it was reasonably foreseeable that death or great bodily harm
101.10 would result.

101.11 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
101.12 committed on or after that date.

71.30 Sec. 33. Minnesota Statutes 2022, section 609.11, subdivision 8, is amended to read:

71.31 Subd. 8. **Motion by prosecutor; dangerous weapons cases.** (a) Except as otherwise
71.32 provided in paragraphs paragraph (b) and (c), prior to the time of sentencing, the prosecutor
71.33 may file a motion to have the defendant sentenced without regard to the mandatory minimum
72.1 sentences sentence established by this section in subdivision 4. The motion shall be
72.2 accompanied by a statement on the record of the reasons for it. When presented with the
72.3 motion, or on its own motion, the court may sentence the defendant without regard to the
72.4 mandatory minimum sentences sentence established by this section in subdivision 4 if the
72.5 court finds substantial and compelling reasons to do so. A sentence imposed under this
72.6 subdivision is a departure from the Sentencing Guidelines.

72.7 (b) The court may not, on its own motion or the prosecutor's motion, sentence a defendant
72.8 without regard to the mandatory minimum sentences sentence established by this section
72.9 in subdivision 4 if the defendant previously has been convicted of an offense listed in
72.10 subdivision 9 in which the defendant used or possessed a firearm or other dangerous weapon.

72.11 (c) The court may not, on its own motion or the prosecutor's motion, sentence a defendant
72.12 without regard to the mandatory minimum sentences established by subdivision 5, if the
72.13 defendant was convicted of a crime under section 152.021, subdivision 1, or 152.022,
72.14 subdivision 1, and the person or an accomplice possessed on their person or within immediate
72.15 reach, or used, whether by brandishing, displaying, threatening with, or otherwise employing,
72.16 a firearm.

72.17 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
72.18 committed on or after that date.

72.19 Sec. 34. Minnesota Statutes 2022, section 609.11, is amended by adding a subdivision to
72.20 read:

72.21 Subd. 8a. **Motion by prosecutor; firearms cases.** (a) Except as otherwise provided in
72.22 paragraphs (c) and (d), prior to the time of sentencing, the prosecutor may file a motion to
72.23 have the defendant sentenced without regard to the mandatory minimum sentence established
72.24 in subdivision 5 for a case in which the basis for the mandatory sentence is that the
72.25 defendant's accomplice had a firearm in possession at the time of the offense. The motion
72.26 may be made only if the defendant was unaware that the accomplice possessed the firearm.

58.12 Sec. 6. Minnesota Statutes 2022, section 609.2231, subdivision 1, is amended to read:

58.13 Subdivision 1. **Peace officers.** (a) As used in this subdivision, "peace officer" means a
58.14 person who is licensed under section 626.845, subdivision 1, and effecting a lawful arrest
58.15 or executing any other duty imposed by law.

58.16 (b) Whoever physically assaults a peace officer is guilty of a gross misdemeanor. A
58.17 person who commits a second or subsequent violation is guilty of a felony and may be
58.18 sentenced to imprisonment for not more than two years or to payment of a fine of not more
58.19 than \$4,000, or both.

58.20 (c) Whoever commits either of the following acts against a peace officer is guilty of a
58.21 felony and may be sentenced to imprisonment for not more than three years or to payment
58.22 of a fine of not more than \$6,000, or both: (1) physically assaults the officer if the assault
58.23 inflicts demonstrable bodily harm; or (2) intentionally throws or otherwise transfers bodily
58.24 fluids or feces at or onto the officer.

58.25 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to violations
58.26 committed on or after that date.

72.27 No motion to sentence a defendant without regard to the mandatory sentence applicable in
72.28 subdivision 5 may be made or granted for any other reason or in any other situation.

72.29 (b) The motion under paragraph (a) shall be accompanied by a statement on the record
72.30 of the reasons for the motion. When presented with the motion, or on its own motion, the
72.31 court may sentence the defendant without regard to the mandatory minimum sentence
72.32 established in subdivision 5 if the court finds that the criteria in paragraph (a) have been
72.33 met and there are substantial and compelling reasons to do so. A sentence imposed under
72.34 this subdivision is a departure from the Sentencing Guidelines.

73.1 (c) The court may not, on its own motion or the prosecutor's motion, sentence a defendant
73.2 described in paragraph (a) without regard to the mandatory minimum sentence established
73.3 in subdivision 5 if the defendant previously had been convicted of an offense listed in
73.4 subdivision 9 in which the defendant used or possessed a firearm or other dangerous weapon.

73.5 (d) The court may not, on its own motion or the prosecutor's motion, sentence a defendant
73.6 described in paragraph (a) without regard to the mandatory minimum sentence established
73.7 by subdivision 5 if the defendant was convicted of a crime under section 152.021, subdivision
73.8 1, or 152.022, subdivision 1, and the person or an accomplice possessed on their person or
73.9 within immediate reach, or used, whether by brandishing, displaying, threatening with, or
73.10 otherwise employing, a firearm.

73.11 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
73.12 committed on or after that date.

58.27 Sec. 7. Minnesota Statutes 2022, section 609.2231, subdivision 4, is amended to read:

58.28 Subd. 4. **Assaults motivated by bias.** (a) Whoever assaults another in whole or in
58.29 substantial part because of the victim's or another's actual or perceived race, color, ethnicity,
58.30 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national
58.31 origin, or disability as defined in section 363A.03, ~~age, or national origin~~ or because of the
58.32 victim's actual or perceived association with another person or group of a certain actual or
59.1 perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity,
59.2 gender expression, age, national origin, or disability as defined in section 363A.03, may be
59.3 sentenced to imprisonment for not more than one year or to payment of a fine of not more
59.4 than \$3,000, or both.

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

59.9 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
59.10 committed on or after that date.

59.11 Sec. 8. Minnesota Statutes 2022, section 609.2233, is amended to read:

59.12 **609.2233 FELONY ASSAULT MOTIVATED BY BIAS; INCREASED**
59.13 **STATUTORY MAXIMUM SENTENCE.**

59.14 A person who violates section 609.221, 609.222, or 609.223 in whole or in substantial
59.15 part because of the victim's or another person's actual or perceived race, color, ethnicity,
59.16 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national
59.17 origin, or disability as defined in section 363A.03, ~~age, or national origin~~ or because of the
59.18 victim's actual or perceived association with another person or group of a certain actual or
59.19 perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity,
59.20 gender expression, age, national origin, or disability as defined in section 363A.03, is subject
59.21 to a statutory maximum penalty of 25 percent longer than the maximum penalty otherwise
59.22 applicable.

59.23 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
59.24 committed on or after that date.

73.13 Sec. 35. Minnesota Statutes 2022, section 609.2231, subdivision 4, is amended to read:

73.14 Subd. 4. **Assaults motivated by bias.** (a) Whoever assaults another in whole or in
73.15 substantial part because of the victim's or another's actual or perceived race, color, ethnicity,
73.16 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national
73.17 origin, or disability as defined in section 363A.03, ~~age, or national origin~~ or because of the
73.18 victim's actual or perceived association with another person or group of a certain actual or
73.19 perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity,
73.20 gender expression, age, national origin, or disability as defined in section 363A.03, may be
73.21 sentenced to imprisonment for not more than one year or to payment of a fine of not more
73.22 than \$3,000, or both.

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

73.27 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
73.28 committed on or after that date.

74.1 Sec. 36. Minnesota Statutes 2022, section 609.2233, is amended to read:

74.2 **609.2233 FELONY ASSAULT MOTIVATED BY BIAS; INCREASED**
74.3 **STATUTORY MAXIMUM SENTENCE.**

74.4 A person who violates section 609.221, 609.222, or 609.223 in whole or in substantial
74.5 part because of the victim's or another person's actual or perceived race, color, ethnicity,
74.6 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national
74.7 origin, or disability as defined in section 363A.03, ~~age, or national origin~~ or because of the
74.8 victim's actual or perceived association with another person or group of a certain actual or
74.9 perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity,
74.10 gender expression, age, national origin, or disability as defined in section 363A.03, is subject
74.11 to a statutory maximum penalty of 25 percent longer than the maximum penalty otherwise
74.12 applicable.

74.13 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
74.14 committed on or after that date.

S1267-1

50.1 Sec. 14. **[609.247] CARJACKING.**

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

50.4 (b) "Carjacking" means taking a motor vehicle from the person or in the presence of
50.5 another while having knowledge of not being entitled to the motor vehicle and using or

59.25 Sec. 9. Minnesota Statutes 2022, section 609.25, subdivision 2, is amended to read:

59.26 Subd. 2. **Sentence.** Whoever violates subdivision 1 may be sentenced as follows:

59.27 (1) if the victim is released in a safe place without great bodily harm, to imprisonment
59.28 for not more than 20 years or to payment of a fine of not more than \$35,000, or both; or

59.29 (2) if the victim is not released in a safe place, or if the victim suffers great bodily harm
59.30 during the course of the kidnapping, or if the person kidnapped is under the age of 16; to
59.31 imprisonment for not more than 40 years or to payment of a fine of not more than \$50,000,
59.32 or both if:

60.1 (i) the victim is not released in a safe place;

60.2 (ii) the victim suffers great bodily harm during the course of the kidnapping; or

60.3 (iii) the person kidnapped is under the age of 16.

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

60.5 Sec. 10. Minnesota Statutes 2022, section 609.269, is amended to read:

60.6 **609.269 EXCEPTION.**

60.7 Sections 609.2661 to 609.268 do not apply to ~~any act described in section 145.412:~~ a
60.8 person providing reproductive health care offered, arranged, or furnished:

50.6 threatening the imminent use of force against any person to overcome the person's resistance
50.7 or powers of resistance to, or to compel acquiescence in, the taking of the motor vehicle.

50.8 (c) "Motor vehicle" has the meaning given in section 609.52, subdivision 1, clause (10).

50.9 Subd. 2. **First degree.** Whoever, while committing a carjacking, is armed with a
50.10 dangerous weapon or any article used or fashioned in a manner to lead the victim to
50.11 reasonably believe it to be a dangerous weapon, or inflicts bodily harm upon another, is
50.12 guilty of carjacking in the first degree and may be sentenced to imprisonment for not more
50.13 than 20 years or to payment of a fine of not more than \$35,000, or both.

50.14 Subd. 3. **Second degree.** Whoever, while committing a carjacking, implies, by word or
50.15 act, possession of a dangerous weapon, is guilty of carjacking in the second degree and may
50.16 be sentenced to imprisonment for not more than 15 years or to payment of a fine of not
50.17 more than \$30,000, or both.

50.18 Subd. 4. **Third degree.** Whoever commits carjacking under any other circumstances is
50.19 guilty of carjacking in the third degree and may be sentenced to imprisonment for not more
50.20 than ten years or to payment of a fine of not more than \$20,000, or both.

50.21 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
50.22 committed on or after that date.

60.9 (1) for the purpose of terminating a pregnancy; and

60.10 (2) with the consent of the pregnant individual or the pregnant individual's representative,
60.11 except in a medical emergency in which consent cannot be obtained.

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

60.13 Sec. 11. Minnesota Statutes 2022, section 609.281, subdivision 3, is amended to read:

60.14 Subd. 3. **Debt bondage.** "Debt bondage" means the status or condition of a debtor arising
60.15 from a pledge by the debtor of the debtor's personal occurs when a person provides labor
60.16 or services or those of any kind to pay a real or alleged debt of a the person under the debtor's
60.17 control as a security for debt or another, if the value of those the labor or services as
60.18 reasonably assessed is not applied toward the liquidation of the debt or the length and nature
60.19 of those the labor or services are not respectively limited and defined.

60.20 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
60.21 committed on or after that date.

60.22 Sec. 12. Minnesota Statutes 2022, section 609.281, subdivision 4, is amended to read:

60.23 Subd. 4. **Forced or coerced labor or services.** "Forced or coerced labor or services"
60.24 means labor or services of any kind that are performed or provided by another person and
60.25 are obtained or maintained through an actor's:

60.26 (1) threat, either implicit or explicit, scheme, plan, or pattern, or other action or statement
60.27 intended to cause a person to believe that, if the person did not perform or provide the labor
60.28 or services, that person or another person would suffer bodily harm or physical restraint;
60.29 sexual contact, as defined in section 609.341, subdivision 11, paragraph (b); or bodily,
60.30 psychological, economic, or reputational harm;

61.1 (2) physically restraining or threatening to physically restrain sexual contact, as defined
61.2 in section 609.341, subdivision 11, paragraph (b), with a person;

61.3 (3) physical restraint of a person;

61.4 (4) infliction of bodily, psychological, economic, or reputational harm;

61.5 ~~(3)~~ (5) abuse or threatened abuse of the legal process, including the use or threatened
61.6 use of a law or legal process, whether administrative, civil, or criminal; or

61.7 (4) knowingly destroying, concealing, removing, confiscating, or possessing (6)
61.8 destruction, concealment, removal, confiscation, withholding, or possession of any actual
61.9 or purported passport or other immigration document, or any other actual or purported
61.10 government identification document, of another person; or

61.11 (5) use of blackmail;

61.12 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
61.13 committed on or after that date.

61.14 Sec. 13. Minnesota Statutes 2022, section 609.281, subdivision 5, is amended to read:

61.15 Subd. 5. **Labor trafficking.** "Labor trafficking" means:

61.16 (1) the recruitment, transportation, transfer, harboring, enticement, provision, obtaining,
61.17 or receipt of a person by any means, for the purpose in furtherance of:

61.18 (i) debt bondage or;

61.19 (ii) forced or coerced labor or services;

61.20 (iii) slavery or practices similar to slavery; or

61.21 (iv) the removal of organs through the use of coercion or intimidation; or

61.22 (2) receiving profit or anything of value, knowing or having reason to know it is derived
61.23 from an act described in clause (1).

61.24 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
61.25 committed on or after that date.

61.26 Sec. 14. Minnesota Statutes 2022, section 609.282, subdivision 1, is amended to read:

61.27 Subdivision 1. ~~Individuals under age 18~~ **Labor trafficking resulting in death.** Whoever
61.28 knowingly engages in the labor trafficking of an individual who is under the age of 18 is
61.29 guilty of a crime and may be sentenced to imprisonment for not more than 20 25 years or
62.1 to payment of a fine of not more than \$40,000, or both if the labor trafficking victim dies
62.2 and the death arose out of and in the course of the labor trafficking or the labor and services
62.3 related to the labor trafficking.

62.4 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
62.5 committed on or after that date.

62.6 Sec. 15. Minnesota Statutes 2022, section 609.282, is amended by adding a subdivision
62.7 to read:

62.8 Subd. 1a. **Individuals under age 18; extended period of time; great bodily**
62.9 **harm.** Whoever knowingly engages in the labor trafficking of an individual is guilty of a
62.10 crime and may be sentenced to imprisonment for not more than 20 years or to a payment
62.11 of a fine of not more than \$40,000, or both if any of the following circumstances exist:

62.12 (1) the labor trafficking victim is under the age of 18;

62.13 (2) the labor trafficking occurs over an extended period of time; or

62.14 (3) the labor trafficking victim suffers great bodily harm and the great bodily harm arose
62.15 out of and in the course of the labor trafficking or the labor and services related to the labor
62.16 trafficking.

62.17 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
62.18 committed on or after that date.

62.19 Sec. 16. Minnesota Statutes 2022, section 609.321, is amended by adding a subdivision
62.20 to read:

62.21 Subd. 15. **Debt bondage.** "Debt bondage" has the meaning given in section 609.281,
62.22 subdivision 3.

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

62.24 Sec. 17. Minnesota Statutes 2022, section 609.321, is amended by adding a subdivision
62.25 to read:

62.26 Subd. 16. **Forced or coerced labor or services.** "Forced or coerced labor or services"
62.27 has the meaning given in section 609.281, subdivision 4.

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

63.1 Sec. 18. Minnesota Statutes 2022, section 609.321, is amended by adding a subdivision
63.2 to read:

63.3 Subd. 17. **Labor trafficking.** "Labor trafficking" has the meaning given in section
63.4 609.281, subdivision 5.

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

63.6 Sec. 19. Minnesota Statutes 2022, section 609.321, is amended by adding a subdivision
63.7 to read:

63.8 Subd. 18. **Labor trafficking victim.** "Labor trafficking victim" has the meaning given
63.9 in section 609.281, subdivision 6.

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

63.11 Sec. 20. Minnesota Statutes 2022, section 609.321, is amended by adding a subdivision
63.12 to read:

63.13 Subd. 19. **Trafficking.** "Trafficking" includes labor trafficking and sex trafficking.

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

63.15 Sec. 21. Minnesota Statutes 2022, section 609.321, is amended by adding a subdivision
63.16 to read:

63.17 Subd. 20. **Trafficking victim.** "Trafficking victim" includes a labor trafficking victim
63.18 and a sex trafficking victim.

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

63.20 Sec. 22. Minnesota Statutes 2022, section 609.322, subdivision 1, is amended to read:

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

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

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

63.27 (3) receives profit, knowing or having reason to know that it is derived from the
63.28 prostitution, or the promotion of the prostitution, of an individual under the age of 18 years;
63.29 or

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

64.2 (b) Whoever violates paragraph (a) or subdivision 1a may be sentenced to imprisonment
64.3 for not more than 30 years or to payment of a fine of not more than \$60,000, or both, if one
64.4 or more of the following aggravating factors are present:

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

64.6 (2) the offense involved a sex trafficking victim who suffered bodily harm during the
64.7 commission of the offense;

64.8 (3) the time period that a sex trafficking victim was held in debt bondage or forced or
64.9 coerced labor or services exceeded 180 days; or

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

64.11 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
64.12 committed on or after that date.

64.13 Sec. 23. Minnesota Statutes 2022, section 609.52, subdivision 3, is amended to read:

64.14 Subd. 3. **Sentence.** Whoever commits theft may be sentenced as follows:

64.15 (1) to imprisonment for not more than 20 years or to payment of a fine of not more than
64.16 \$100,000, or both, if the property is a firearm, or the value of the property or services stolen

S2909-3

75.10 Sec. 38. Minnesota Statutes 2022, section 609.52, subdivision 3, is amended to read:

75.11 Subd. 3. **Sentence.** Whoever commits theft may be sentenced as follows:

75.12 (1) to imprisonment for not more than 20 years or to payment of a fine of not more than
75.13 \$100,000, or both, if the property is a firearm, or the value of the property or services stolen

64.17 is more than \$35,000 and the conviction is for a violation of subdivision 2, clause (3), (4),
64.18 (15), (16), or (19), or section 609.2335, subdivision 1, clause (1) or (2), item (i); or

64.19 (2) to imprisonment for not more than ten years or to payment of a fine of not more than
64.20 \$20,000, or both, if the value of the property or services stolen exceeds \$5,000, or if the
64.21 property stolen was an article representing a trade secret, an explosive or incendiary device,
64.22 or a controlled substance listed in Schedule I or II pursuant to section 152.02 with the
64.23 exception of marijuana; or

64.24 (3) to imprisonment for not more than five years or to payment of a fine of not more
64.25 than \$10,000, or both, if any of the following circumstances exist:

64.26 (a) the value of the property or services stolen is more than \$1,000 but not more than
64.27 \$5,000; or

64.28 (b) the property stolen was a controlled substance listed in Schedule III, IV, or V pursuant
64.29 to section 152.02; or

64.30 (c) the value of the property or services stolen is more than \$500 but not more than
64.31 \$1,000 and the person has been convicted within the preceding five years for an offense
65.1 under this section, section 256.98; 268.182; 609.24; 609.245; 609.522; 609.53; 609.582,
65.2 subdivision 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another state,
65.3 the United States, or a foreign jurisdiction, in conformity with any of those sections, and
65.4 the person received a felony or gross misdemeanor sentence for the offense, or a sentence
65.5 that was stayed under section 609.135 if the offense to which a plea was entered would
65.6 allow imposition of a felony or gross misdemeanor sentence; or

65.7 (d) the value of the property or services stolen is not more than \$1,000, and any of the
65.8 following circumstances exist:

65.9 (i) the property is taken from the person of another or from a corpse, or grave or coffin
65.10 containing a corpse; or

65.11 (ii) the property is a record of a court or officer, or a writing, instrument or record kept,
65.12 filed or deposited according to law with or in the keeping of any public officer or office; or

65.13 (iii) the property is taken from a burning, abandoned, or vacant building or upon its
65.14 removal therefrom, or from an area of destruction caused by civil disaster, riot, bombing,
65.15 or the proximity of battle; or

65.16 (iv) the property consists of public funds belonging to the state or to any political
65.17 subdivision or agency thereof; or

65.18 (v) the property stolen is a motor vehicle; or

65.19 (4) to imprisonment for not more than one year or to payment of a fine of not more than
65.20 \$3,000, or both, if the value of the property or services stolen is more than \$500 but not
65.21 more than \$1,000; or

75.14 is more than \$35,000 and the conviction is for a violation of subdivision 2, clause (3), (4),
75.15 (15), (16), or (19), or section 609.2335, subdivision 1, clause (1) or (2), item (i); or

75.16 (2) to imprisonment for not more than ten years or to payment of a fine of not more than
75.17 \$20,000, or both, if the value of the property or services stolen exceeds \$5,000, or if the
75.18 property stolen was an article representing a trade secret, an explosive or incendiary device,
75.19 or a controlled substance listed in Schedule I or II pursuant to section 152.02 with the
75.20 exception of marijuana; or

75.21 (3) to imprisonment for not more than five years or to payment of a fine of not more
75.22 than \$10,000, or both, if any of the following circumstances exist:

75.23 (a) the value of the property or services stolen is more than \$1,000 but not more than
75.24 \$5,000; or

75.25 (b) the property stolen was a controlled substance listed in Schedule III, IV, or V pursuant
75.26 to section 152.02; or

75.27 (c) the value of the property or services stolen is more than \$500 but not more than
75.28 \$1,000 and the person has been convicted within the preceding five years for an offense
75.29 under this section, section 256.98; 268.182; 609.24; 609.245; 609.522; 609.53; 609.582,
75.30 subdivision 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another state,
75.31 the United States, or a foreign jurisdiction, in conformity with any of those sections, and
75.32 the person received a felony or gross misdemeanor sentence for the offense, or a sentence
76.1 that was stayed under section 609.135 if the offense to which a plea was entered would
76.2 allow imposition of a felony or gross misdemeanor sentence; or

76.3 (d) the value of the property or services stolen is not more than \$1,000, and any of the
76.4 following circumstances exist:

76.5 (i) the property is taken from the person of another or from a corpse, or grave or coffin
76.6 containing a corpse; or

76.7 (ii) the property is a record of a court or officer, or a writing, instrument or record kept,
76.8 filed or deposited according to law with or in the keeping of any public officer or office; or

76.9 (iii) the property is taken from a burning, abandoned, or vacant building or upon its
76.10 removal therefrom, or from an area of destruction caused by civil disaster, riot, bombing,
76.11 or the proximity of battle; or

76.12 (iv) the property consists of public funds belonging to the state or to any political
76.13 subdivision or agency thereof; or

76.14 (v) the property stolen is a motor vehicle; or

76.15 (4) to imprisonment for not more than one year or to payment of a fine of not more than
76.16 \$3,000, or both, if the value of the property or services stolen is more than \$500 but not
76.17 more than \$1,000; or

65.22 (5) in all other cases where the value of the property or services stolen is \$500 or less,
65.23 to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000,
65.24 or both, provided, however, in any prosecution under subdivision 2, clauses (1), (2), (3),
65.25 (4), (13), and (19), the value of the money or property or services received by the defendant
65.26 in violation of any one or more of the above provisions within any six-month period may
65.27 be aggregated and the defendant charged accordingly in applying the provisions of this
65.28 subdivision; provided that when two or more offenses are committed by the same person
65.29 in two or more counties, the accused may be prosecuted in any county in which one of the
65.30 offenses was committed for all of the offenses aggregated under this paragraph.

65.31 EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes
65.32 committed on or after that date.

66.1 Sec. 24. [609.522] ORGANIZED RETAIL THEFT.

66.2 Subdivision 1. Definitions. (a) As used in this section, the terms in this subdivision have
66.3 the meanings given.

66.4 (b) "Article surveillance system" means any electronic device or other security device
66.5 that is designed to detect or prevent the unauthorized removal of retail merchandise from
66.6 a retailer.

66.7 (c) "Retailer" means a person or entity that sells retail merchandise.

66.8 (d) "Retail merchandise" means all forms of tangible property, without limitation, held
66.9 out for sale by a retailer.

66.10 (e) "Value" means the retail market value at the time of the theft or, if the retail market
66.11 value cannot be ascertained, the cost of replacement of the property within a reasonable
66.12 time after the theft.

66.13 Subd. 2. Organized retail theft. (a) Whoever steals or fraudulently obtains retail
66.14 merchandise from a retailer commits organized retail theft and may be sentenced as provided
66.15 in subdivision 3 if the actor:

66.16 (1) resells or intends to resell the retail merchandise;

66.17 (2) advertises or displays any item of the retail merchandise for sale;

66.18 (3) returns any item of the retail merchandise to a retailer for anything of value; or

66.19 (4) steals retail merchandise within five years of a conviction under this section.

76.18 (5) in all other cases where the value of the property or services stolen is \$500 or less,
76.19 to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000,
76.20 or both, provided, however, in any prosecution under subdivision 2, clauses (1), (2), (3),
76.21 (4), (13), and (19), the value of the money or property or services received by the defendant
76.22 in violation of any one or more of the above provisions within any six-month period may
76.23 be aggregated and the defendant charged accordingly in applying the provisions of this
76.24 subdivision; provided that when two or more offenses are committed by the same person
76.25 in two or more counties, the accused may be prosecuted in any county in which one of the
76.26 offenses was committed for all of the offenses aggregated under this paragraph.

76.27 EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes
76.28 committed on or after that date.

76.29 Sec. 39. [609.522] ORGANIZED RETAIL THEFT.

76.30 Subdivision 1. Definitions. (a) As used in this section, the terms in this subdivision have
76.31 the meanings given.

77.1 (b) "Article surveillance system" means any electronic device or other security device
77.2 that is designed to detect or prevent the unauthorized removal of retail merchandise from
77.3 a retailer.

77.4 (c) "Organized retail theft enterprise" means an ongoing criminal enterprise having retail
77.5 theft as one of its goals in which two or more individuals participate. The term does not
77.6 require that the same individuals participate in each offense.

77.7 (d) "Retailer" means a person or entity that sells retail merchandise.

77.8 (e) "Retail merchandise" means all forms of tangible property, without limitation, held
77.9 out for sale by a retailer.

77.10 (f) "Value" means the retail market value at the time of the theft or, if the retail market
77.11 value cannot be ascertained, the cost of replacement of the property within a reasonable
77.12 time after the theft.

77.13 Subd. 2. Organized retail theft. (a) Whoever, while acting as a participant in an
77.14 organized retail theft enterprise, steals or fraudulently obtains retail merchandise from a
77.15 retailer commits organized retail theft and may be sentenced as provided in subdivision 3
77.16 if the actor:

77.17 (1)(i) resells or intends to resell the retail merchandise;

77.18 (ii) advertises or displays any item of the retail merchandise for sale;

77.19 (iii) returns any item of the retail merchandise to a retailer for anything of value; or

77.20 (iv) steals retail merchandise within five years of a conviction under this section; and

66.20 (b) Whoever receives, purchases, or possesses retail merchandise knowing or having
66.21 reason to know the retail merchandise was stolen from a retailer and with the intent to resell
66.22 that merchandise may be sentenced as provided in subdivision 3.

66.23 (c) Whoever possesses any device, gear, or instrument designed to assist in shoplifting
66.24 or defeating an electronic article surveillance system with intent to use the same to shoplift
66.25 and thereby commit theft may be sentenced pursuant to subdivision 3, clause (3).

66.26 Subd. 3. **Sentence.** Whoever commits organized retail theft may be sentenced as follows:

66.27 (1) to imprisonment for not more than 15 years or to payment of a fine of not more than
66.28 \$35,000, or both, if the value of the property stolen exceeds \$5,000;

66.29 (2) to imprisonment for not more than seven years or to payment of a fine of not more
66.30 than \$14,000, or both, if either of the following circumstances exist:

66.31 (i) the value of the property stolen is more than \$1,000 but not more than \$5,000; or

67.1 (ii) the person commits the offense within ten years of the first of two or more convictions
67.2 under this section;

67.3 (3) to imprisonment for not more than two years or to payment of a fine of not more
67.4 than \$5,000, or both, if either of the following circumstances exist:

67.5 (i) the value of the property stolen is more than \$500 but not more than \$1,000; or

67.6 (ii) the person commits the offense within ten years of a previous conviction under this
67.7 section; or

67.8 (4) to imprisonment of not more than one year or to payment of a fine of not more than
67.9 \$3,000, or both, if the value of the property stolen is \$500 or less.

67.10 Subd. 4. **Aggregation.** The value of the retail merchandise received by the defendant
67.11 in violation of this section within any six-month period may be aggregated and the defendant
67.12 charged accordingly in applying the provisions of this subdivision, provided that when two
67.13 or more offenses are committed by the same person in two or more counties, the accused
67.14 may be prosecuted in any county in which one of the offenses was committed for all of the
67.15 offenses aggregated under this paragraph.

77.21 (2) has, while acting as a participant in an organized retail theft enterprise, committed
77.22 an act described in clause (1) or in paragraph (b), or a combination of the two, on at least
77.23 two occasions in the preceding six months.

77.24 (b) Whoever, while acting as a participant in an organized retail theft enterprise, receives,
77.25 purchases, or possesses retail merchandise knowing or having reason to know the retail
77.26 merchandise was stolen from a retailer and with the intent to resell that merchandise may
77.27 be sentenced as provided in subdivision 3 if the person has, while acting as a participant in
77.28 an organized retail theft enterprise, committed an act described in this paragraph or an act
77.29 described in paragraph (a), clause (1), or a combination of the two, on at least two occasions
77.30 in the preceding six months.

77.31 Subd. 3. **Sentence.** Whoever commits organized retail theft may be sentenced as follows:

78.1 (1) to imprisonment for not more than 15 years or to payment of a fine of not more than
78.2 \$35,000, or both, if the value of the property stolen exceeds \$5,000;

78.3 (2) to imprisonment for not more than seven years or to payment of a fine of not more
78.4 than \$14,000, or both, if either of the following circumstances exist:

78.5 (i) the value of the property stolen is more than \$1,000 but not more than \$5,000; or

78.6 (ii) the value of the property is more than \$500 but not more than \$1,000 and the person
78.7 commits the offense within ten years of the first of two or more convictions under this
78.8 section;

78.9 (3) to imprisonment for not more than two years or to payment of a fine of not more
78.10 than \$5,000, or both, if either of the following circumstances exist:

78.11 (i) the value of the property stolen is more than \$500 but not more than \$1,000; or

78.12 (ii) the value of the property is \$500 or less and the person commits the offense within
78.13 ten years of a previous conviction under this section; or

78.14 (4) to imprisonment of not more than one year or to payment of a fine of not more than
78.15 \$3,000, or both, if the value of the property stolen is \$500 or less.

78.16 Subd. 4. **Aggregation.** The value of the retail merchandise received by the defendant
78.17 in violation of this section within any six-month period may be aggregated and the defendant
78.18 charged accordingly in applying the provisions of this subdivision; provided that when two
78.19 or more offenses are committed by the same person in two or more counties, the accused
78.20 may be prosecuted in any county in which one of the offenses was committed for all of the
78.21 offenses aggregated under this paragraph.

67.16 Subd. 5. **Enhanced penalty.** If a violation of this section creates a reasonably foreseeable
67.17 risk of bodily harm to another, the penalties described in subdivision 3 are enhanced as
67.18 follows:

67.19 (1) if the penalty is a gross misdemeanor, the person is guilty of a felony and may be
67.20 sentenced to imprisonment for not more than three years or to payment of a fine of not more
67.21 than \$5,000, or both; and

67.22 (2) if the penalty is a felony, the statutory maximum sentence for the offense is 50 percent
67.23 longer than for the underlying crime.

67.24 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
67.25 committed on or after that date.

67.26 Sec. 25. Minnesota Statutes 2022, section 609.582, subdivision 3, is amended to read:

67.27 Subd. 3. **Burglary in the third degree.** (a) Except as otherwise provided in this section,
67.28 whoever enters a building without consent and with intent to steal or commit any felony or
67.29 gross misdemeanor while in the building, or enters a building without consent and steals or
67.30 commits a felony or gross misdemeanor while in the building, either directly or as an
67.31 accomplice, commits burglary in the third degree and may be sentenced to imprisonment
67.32 for not more than five years or to payment of a fine of not more than \$10,000, or both.

68.1 (b) Whoever enters a building that is open to the public, other than a building identified
68.2 in subdivision 2, paragraph (b), with intent to steal while in the building, or enters a building
68.3 that is open to the public, other than a building identified in subdivision 2, paragraph (b),
68.4 and steals while in the building, either directly or as an accomplice, commits burglary in
68.5 the third degree and may be sentenced to imprisonment for not more than five years or to
68.6 payment of a fine of not more than \$10,000, or both, if:

68.7 (1) the person enters the building within one year after being told to leave the building
68.8 and not return; and

68.9 (2) the person has been convicted within the preceding five years for an offense under
68.10 this section, section 256.98, 268.182, 609.24, 609.245, 609.52, 609.522, 609.53, 609.625,
68.11 609.63, 609.631, or 609.821, or a statute from another state, the United States, or a foreign
68.12 jurisdiction, in conformity with any of those sections, and the person received a felony
68.13 sentence for the offense or a sentence that was stayed under section 609.135 if the offense
68.14 to which a plea was entered would allow imposition of a felony sentence.

68.15 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
68.16 committed on or after that date.

68.17 Sec. 26. Minnesota Statutes 2022, section 609.582, subdivision 4, is amended to read:

68.18 Subd. 4. **Burglary in the fourth degree.** (a) Whoever enters a building without consent
68.19 and with intent to commit a misdemeanor other than to steal, or enters a building without
68.20 consent and commits a misdemeanor other than to steal while in the building, either directly

78.22 Subd. 5. **Enhanced penalty.** If a violation of this section creates a reasonably foreseeable
78.23 risk of bodily harm to another, the penalties described in subdivision 3 are enhanced as
78.24 follows:

78.25 (1) if the penalty is a gross misdemeanor, the person is guilty of a felony and may be
78.26 sentenced to imprisonment for not more than three years or to payment of a fine of not more
78.27 than \$5,000, or both; and

78.28 (2) if the penalty is a felony, the statutory maximum sentence for the offense is 50 percent
78.29 longer than for the underlying crime.

78.30 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
78.31 committed on or after that date.

81.4 Sec. 42. Minnesota Statutes 2022, section 609.582, subdivision 3, is amended to read:

81.5 Subd. 3. **Burglary in the third degree.** (a) Except as otherwise provided in this section,
81.6 whoever enters a building without consent and with intent to steal or commit any felony or
81.7 gross misdemeanor while in the building, or enters a building without consent and steals or
81.8 commits a felony or gross misdemeanor while in the building, either directly or as an
81.9 accomplice, commits burglary in the third degree and may be sentenced to imprisonment
81.10 for not more than five years or to payment of a fine of not more than \$10,000, or both.

81.11 (b) Whoever enters a building that is open to the public, other than a building identified
81.12 in subdivision 2, paragraph (b), with intent to steal while in the building, or enters a building
81.13 that is open to the public, other than a building identified in subdivision 2, paragraph (b),
81.14 and steals while in the building, either directly or as an accomplice, commits burglary in
81.15 the third degree and may be sentenced to imprisonment for not more than five years or to
81.16 payment of a fine of not more than \$10,000, or both, if:

81.17 (1) the person enters the building within one year after being told to leave the building
81.18 and not return; and

81.19 (2) the person has been convicted within the preceding five years for an offense under
81.20 this section, section 256.98, 268.182, 609.24, 609.245, 609.52, 609.522, 609.53, 609.625,
81.21 609.63, 609.631, or 609.821, or a statute from another state, the United States, or a foreign
81.22 jurisdiction, in conformity with any of those sections, and the person received a felony
81.23 sentence for the offense or a sentence that was stayed under section 609.135 if the offense
81.24 to which a plea was entered would allow imposition of a felony sentence.

81.25 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
81.26 committed on or after that date.

81.27 Sec. 43. Minnesota Statutes 2022, section 609.582, subdivision 4, is amended to read:

81.28 Subd. 4. **Burglary in the fourth degree.** (a) Whoever enters a building without consent
81.29 and with intent to commit a misdemeanor other than to steal, or enters a building without
81.30 consent and commits a misdemeanor other than to steal while in the building, either directly

68.21 or as an accomplice, commits burglary in the fourth degree and may be sentenced to
68.22 imprisonment for not more than one year or to payment of a fine of not more than \$3,000,
68.23 or both.

68.24 (b) Whoever enters a building that is open to the public, other than a building identified
68.25 in subdivision 2, paragraph (b), with intent to steal while in the building, or enters a building
68.26 that is open to the public, other than a building identified in subdivision 2, paragraph (b),
68.27 and steals while in the building, either directly or as an accomplice, commits burglary in
68.28 the fourth degree and may be sentenced to imprisonment for not more than one year or to
68.29 payment of a fine of not more than \$3,000, or both, if the person enters the building within
68.30 one year after being told to leave the building and not return.

68.31 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
68.32 committed on or after that date.

69.1 Sec. 27. Minnesota Statutes 2022, section 609.595, subdivision 1a, is amended to read:

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

69.8 (1) was committed in whole or in substantial part because of the property owner's or
69.9 another's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation,
69.10 gender identity, gender expression, age, national origin, or disability as defined in section
69.11 363A.03;

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

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

69.20 (b) In any prosecution under paragraph (a), the value of property damaged by the
69.21 defendant in violation of that paragraph within any six-month period may be aggregated
69.22 and the defendant charged accordingly in applying this section. When two or more offenses
69.23 are committed by the same person in two or more counties, the accused may be prosecuted
69.24 in any county in which one of the offenses was committed for all of the offenses aggregated
69.25 under this paragraph.

81.31 or as an accomplice, commits burglary in the fourth degree and may be sentenced to
82.1 imprisonment for not more than one year or to payment of a fine of not more than \$3,000,
82.2 or both.

82.3 (b) Whoever enters a building that is open to the public, other than a building identified
82.4 in subdivision 2, paragraph (b), with intent to steal while in the building, or enters a building
82.5 that is open to the public, other than a building identified in subdivision 2, paragraph (b),
82.6 and steals while in the building, either directly or as an accomplice, commits burglary in
82.7 the fourth degree and may be sentenced to imprisonment for not more than one year or to
82.8 payment of a fine of not more than \$3,000, or both, if the person enters the building within
82.9 one year after being told to leave the building and not return.

82.10 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
82.11 committed on or after that date.

82.12 Sec. 44. Minnesota Statutes 2022, section 609.595, subdivision 1a, is amended to read:

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

82.19 (1) was committed in whole or in substantial part because of the property owner's or
82.20 another's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation,
82.21 gender identity, gender expression, age, national origin, or disability as defined in section
82.22 363A.03;

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

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

82.31 (b) In any prosecution under paragraph (a), the value of property damaged by the
82.32 defendant in violation of that paragraph within any six-month period may be aggregated
82.33 and the defendant charged accordingly in applying this section. When two or more offenses
83.1 are committed by the same person in two or more counties, the accused may be prosecuted
83.2 in any county in which one of the offenses was committed for all of the offenses aggregated
83.3 under this paragraph.

69.26 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
69.27 committed on or after that date.

69.28 Sec. 28. Minnesota Statutes 2022, section 609.595, subdivision 2, is amended to read:

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

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

70.9 (1) was committed in whole or in substantial part because of the property owner's or
70.10 another's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation,
70.11 gender identity, gender expression, age, national origin, or disability as defined in section
70.12 363A.03;

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

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

70.21 (c) In any prosecution under paragraph (a), clause (1), the value of property damaged
70.22 by the defendant in violation of that paragraph within any six-month period may be
70.23 aggregated and the defendant charged accordingly in applying this section. When two or
70.24 more offenses are committed by the same person in two or more counties, the accused may
70.25 be prosecuted in any county in which one of the offenses was committed for all of the
70.26 offenses aggregated under this paragraph.

70.27 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
70.28 committed on or after that date.

83.4 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
83.5 committed on or after that date.

83.6 Sec. 45. Minnesota Statutes 2022, section 609.595, subdivision 2, is amended to read:

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

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

83.20 (1) was committed in whole or in substantial part because of the property owner's or
83.21 another's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation,
83.22 gender identity, gender expression, age, national origin, or disability as defined in section
83.23 363A.03;

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

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

83.32 (c) In any prosecution under paragraph (a), clause (1), the value of property damaged
83.33 by the defendant in violation of that paragraph within any six-month period may be
84.1 aggregated and the defendant charged accordingly in applying this section. When two or
84.2 more offenses are committed by the same person in two or more counties, the accused may
84.3 be prosecuted in any county in which one of the offenses was committed for all of the
84.4 offenses aggregated under this paragraph.

84.5 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
84.6 committed on or after that date.

70.29 Sec. 29. Minnesota Statutes 2022, section 609.66, subdivision 1f, is amended to read:

70.30 Subd. 1f. **Gross misdemeanor; transferring firearm without background check.** (a)
70.31 A person, other than a federally licensed firearms dealer, who transfers a pistol or
70.32 semiautomatic military-style assault weapon to another without complying with the transfer
70.33 requirements of section 624.7132, is guilty of a gross misdemeanor if the transferee possesses
71.1 or uses the weapon within one year after the transfer in furtherance of a felony crime of
71.2 violence, and if:

71.3 (1) the transferee was prohibited from possessing the weapon under section 624.713 at
71.4 the time of the transfer; or

71.5 (2) it was reasonably foreseeable at the time of the transfer that the transferee was likely
71.6 to use or possess the weapon in furtherance of a felony crime of violence.

71.7 (b) It is an affirmative defense to a charge under paragraph (a), clause (1), if the person
71.8 produces either a copy of the transferee's permit to carry or permit to purchase that the
71.9 transferee presented at the time of transfer pursuant to section 624.7134, subdivision 4. A
71.10 transferor may only be required to produce documents maintained pursuant to this paragraph
71.11 if a court orders production of the documents as part of a criminal investigation involving
71.12 the transferred firearm.

71.13 Sec. 30. Minnesota Statutes 2022, section 609.67, subdivision 1, is amended to read:

71.14 Subdivision 1. **Definitions.** (a) "Machine gun" means any firearm designed to discharge,
71.15 or capable of discharging automatically more than once by a single function of the trigger.

71.16 (b) "Shotgun" means a weapon designed, redesigned, made or remade which is intended
71.17 to be fired from the shoulder and uses the energy of the explosive in a fixed shotgun shell
71.18 to fire through a smooth bore either a number of ball shot or a single projectile for each
71.19 single pull of the trigger.

71.20 (c) "Short-barreled shotgun" means a shotgun having one or more barrels less than 18
71.21 inches in length and any weapon made from a shotgun if such weapon as modified has an
71.22 overall length less than 26 inches.

71.23 (d) "Trigger activator" means:

71.24 (1) a removable manual or power driven trigger activating device constructed and
71.25 designed so that, when attached to a firearm, the rate at which the trigger may be pulled
71.26 increases and the rate of fire of the firearm increases to that of a machine gun; or

71.27 (2) a device that allows a semiautomatic firearm to shoot more than one shot with a
71.28 single pull of the trigger or by harnessing the recoil of energy of the semiautomatic firearm
71.29 to which it is affixed so that the trigger resets and continues firing without additional physical
71.30 manipulation of the trigger.

71.31 (e) "Machine gun conversion kit" means any part or combination of parts designed and
71.32 intended for use in converting a weapon into a machine gun, and any combination of parts
72.1 from which a machine gun can be assembled, but does not include a spare or replacement
72.2 part for a machine gun that is possessed lawfully under section 609.67, subdivision 3.

72.3 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to offenses
72.4 that occur on or after that date.

72.5 Sec. 31. Minnesota Statutes 2022, section 609.67, subdivision 2, is amended to read:

72.6 Subd. 2. **Acts prohibited.** (a) Except as otherwise provided herein, whoever owns,
72.7 possesses, or operates a machine gun, or any trigger activator or machine gun conversion
72.8 kit, or a short-barreled shotgun may be sentenced to imprisonment for not more than five
72.9 20 years or to payment of a fine of not more than ~~\$10,000~~ \$35,000, or both.

72.10 (b) Except as otherwise provided herein, whoever owns, possesses, or operates a
72.11 short-barreled shotgun may be sentenced to imprisonment for not more than five years or
72.12 to payment of a fine of not more than \$10,000, or both.

72.13 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to offenses
72.14 that occur on or after that date.

72.15 Sec. 32. Minnesota Statutes 2022, section 609.746, subdivision 1, is amended to read:

72.16 Subdivision 1. **Surreptitious intrusion; observation device.** (a) A person is guilty of
72.17 a gross misdemeanor who:

72.18 (1) enters upon another's property;

72.19 (2) surreptitiously gazes, stares, or peeps in the window or any other aperture of a house
72.20 or place of dwelling of another; and

72.21 (3) does so with intent to intrude upon or interfere with the privacy of a member of the
72.22 household.

72.23 (b) A person is guilty of a gross misdemeanor who:

72.24 (1) enters upon another's property;

72.25 (2) surreptitiously installs or uses any device for observing, photographing, recording,
72.26 amplifying, or broadcasting sounds or events through the window or any other aperture of
72.27 a house or place of dwelling of another; and

72.28 (3) does so with intent to intrude upon or interfere with the privacy of a member of the
72.29 household.

72.30 (c) A person is guilty of a gross misdemeanor who:

S1267-1

50.23 Sec. 15. Minnesota Statutes 2022, section 609.746, subdivision 1, is amended to read:

50.24 Subdivision 1. **Surreptitious intrusion; observation device.** (a) A person is guilty of
50.25 a gross misdemeanor who:

50.26 (1) enters upon another's property;

50.27 (2) surreptitiously gazes, stares, or peeps in the window or any other aperture of a house
50.28 or place of dwelling of another; and

50.29 (3) does so with intent to intrude upon or interfere with the privacy of a member of the
50.30 household.

50.31 (b) A person is guilty of a gross misdemeanor who:

51.1 (1) enters upon another's property;

51.2 (2) surreptitiously installs or uses any device for observing, photographing, recording,
51.3 amplifying, or broadcasting sounds or events through the window or any other aperture of
51.4 a house or place of dwelling of another; and

51.5 (3) does so with intent to intrude upon or interfere with the privacy of a member of the
51.6 household.

51.7 (c) A person is guilty of a gross misdemeanor who:

73.1 (1) surreptitiously gazes, stares, or peeps in the window or other aperture of a sleeping
73.2 room in a hotel, as defined in section 327.70, subdivision 3, a tanning booth, or other place
73.3 where a reasonable person would have an expectation of privacy and has exposed or is
73.4 likely to expose their intimate parts, as defined in section 609.341, subdivision 5, or the
73.5 clothing covering the immediate area of the intimate parts; and

73.6 (2) does so with intent to intrude upon or interfere with the privacy of the occupant.

73.7 (d) A person is guilty of a gross misdemeanor who:

73.8 (1) surreptitiously installs or uses any device for observing, photographing, recording,
73.9 amplifying, or broadcasting sounds or events through the window or other aperture of a
73.10 sleeping room in a hotel, as defined in section 327.70, subdivision 3, a tanning booth, or
73.11 other place where a reasonable person would have an expectation of privacy and has exposed
73.12 or is likely to expose their intimate parts, as defined in section 609.341, subdivision 5, or
73.13 the clothing covering the immediate area of the intimate parts; and

73.14 (2) does so with intent to intrude upon or interfere with the privacy of the occupant.

73.15 (e) A person is guilty of a gross misdemeanor who:

73.16 (1) uses any device for photographing, recording, or broadcasting an image of an
73.17 individual in a house or place of dwelling; a sleeping room of a hotel as defined in section
73.18 327.70, subdivision 3; a tanning booth; a bathroom; a locker room; a changing room; an
73.19 indoor shower facility; or any place where a reasonable person would have an expectation
73.20 of privacy; and

73.21 (2) does so with the intent to photograph, record, or broadcast an image of the individual's
73.22 intimate parts, as defined in section 609.341, subdivision 5, without the consent of the
73.23 individual.

73.24 (f) A person is guilty of a misdemeanor who:

73.25 (1) surreptitiously installs or uses any device for observing, photographing, recording,
73.26 or broadcasting an image of an individual's intimate parts, as defined in section 609.341,
73.27 subdivision 5, or the clothing covering the immediate area of the intimate parts;

73.28 (2) observes, photographs, or records the image under or around the individual's clothing;
73.29 and

73.30 (3) does so with intent to intrude upon or interfere with the privacy of the individual.

73.31 (g) A person is guilty of a felony and may be sentenced to imprisonment for not more
73.32 than two years or to payment of a fine of not more than \$5,000, or both, if the person:

74.1 (1) violates ~~this subdivision~~ paragraph (a), (b), (c), (d), or (e) after a previous conviction
74.2 under this subdivision or section 609.749; or

51.8 (1) surreptitiously gazes, stares, or peeps in the window or other aperture of a sleeping
51.9 room in a hotel, as defined in section 327.70, subdivision 3, a tanning booth, or other place
51.10 where a reasonable person would have an expectation of privacy and has exposed or is
51.11 likely to expose their intimate parts, as defined in section 609.341, subdivision 5, or the
51.12 clothing covering the immediate area of the intimate parts; and

51.13 (2) does so with intent to intrude upon or interfere with the privacy of the occupant.

51.14 (d) A person is guilty of a gross misdemeanor who:

51.15 (1) surreptitiously installs or uses any device for observing, photographing, recording,
51.16 amplifying, or broadcasting sounds or events through the window or other aperture of a
51.17 sleeping room in a hotel, as defined in section 327.70, subdivision 3, a tanning booth, or
51.18 other place where a reasonable person would have an expectation of privacy and has exposed
51.19 or is likely to expose their intimate parts, as defined in section 609.341, subdivision 5, or
51.20 the clothing covering the immediate area of the intimate parts; and

51.21 (2) does so with intent to intrude upon or interfere with the privacy of the occupant.

51.22 (e) A person is guilty of a gross misdemeanor who:

51.23 (1) uses any device for photographing, recording, or broadcasting an image of an
51.24 individual in a house or place of dwelling; a sleeping room of a hotel as defined in section
51.25 327.70, subdivision 3; a tanning booth; a bathroom; a locker room; a changing room; an
51.26 indoor shower facility; or any place where a reasonable person would have an expectation
51.27 of privacy; and

51.28 (2) does so with the intent to photograph, record, or broadcast an image of the individual's
51.29 intimate parts, as defined in section 609.341, subdivision 5, without the consent of the
51.30 individual.

51.31 (f) A person is guilty of a misdemeanor who:

52.1 (1) surreptitiously installs or uses any device for observing, photographing, recording,
52.2 or broadcasting an image of an individual's intimate parts, as defined in section 609.341,
52.3 subdivision 5, or the clothing covering the immediate area of the intimate parts;

52.4 (2) observes, photographs, or records the image under or around the individual's clothing;
52.5 and

52.6 (3) does so with intent to intrude upon or interfere with the privacy of the individual.

52.7 (g) A person is guilty of a felony and may be sentenced to imprisonment for not more
52.8 than two years or to payment of a fine of not more than \$5,000, or both, if the person:

52.9 (1) violates ~~this subdivision~~ paragraph (a), (b), (c), (d), or (e) after a previous conviction
52.10 under this subdivision or section 609.749; or

74.3 (2) violates ~~this subdivision~~ paragraph (a), (b), (c), (d), or (e) against a minor under the
74.4 age of 18, knowing or having reason to know that the minor is present.

74.5 ~~(h)~~ (h) A person is guilty of a felony and may be sentenced to imprisonment for not more
74.6 than four years or to payment of a fine of not more than \$5,000, or both, if: (1) the person
74.7 violates paragraph (b) ~~or~~ (d), ~~or~~ (e) against a minor victim under the age of 18; (2) the
74.8 person is more than 36 months older than the minor victim; (3) the person knows or has
74.9 reason to know that the minor victim is present; and (4) the violation is committed with
74.10 sexual intent.

74.11 (i) A person is guilty of a gross misdemeanor if the person:

74.12 (1) violates paragraph (f) after a previous conviction under this subdivision or section
74.13 609.749; or

74.14 (2) violates paragraph (f) against a minor under the age of 18, knowing or having reason
74.15 to know that the victim is a minor.

74.16 (j) A person is guilty of a felony if the person violates paragraph (f) after two or more
74.17 convictions under this subdivision or section 609.749.

74.18 ~~(g) Paragraphs (k) Paragraph (b) and~~ (d) ~~do~~ or (e) does not apply to law enforcement
74.19 officers or corrections investigators, or to those acting under their direction, while engaged
74.20 in the performance of their lawful duties. Paragraphs (c) ~~and~~ (d), ~~and~~ (e) do not apply to
74.21 conduct in: (1) a medical facility; or (2) a commercial establishment if the owner of the
74.22 establishment has posted conspicuous signs warning that the premises are under surveillance
74.23 by the owner or the owner's employees.

74.24 EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes
74.25 committed on or after that date.

74.26 Sec. 33. Minnesota Statutes 2022, section 609.749, subdivision 3, is amended to read:

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

74.30 (1) commits any offense described in subdivision 2 in whole or in substantial part because
74.31 of the victim's or another's actual or perceived race, color, ethnicity, religion, sex, gender,
74.32 sexual orientation, gender identity, gender expression, age, national origin, or disability as
75.1 defined in section 363A.03, ~~age, or national origin~~ or because of the victim's actual or
75.2 perceived association with another person or group of a certain actual or perceived race,
75.3 color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression,
75.4 age, national origin, or disability as defined in section 363A.03;

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

52.11 (2) violates ~~this subdivision~~ paragraph (a), (b), (c), (d), or (e) against a minor under the
52.12 age of 18, knowing or having reason to know that the minor is present.

52.13 ~~(h)~~ (h) A person is guilty of a felony and may be sentenced to imprisonment for not more
52.14 than four years or to payment of a fine of not more than \$5,000, or both, if: (1) the person
52.15 violates paragraph (b) ~~or~~ (d), ~~or~~ (e) against a minor victim under the age of 18; (2) the
52.16 person is more than 36 months older than the minor victim; (3) the person knows or has
52.17 reason to know that the minor victim is present; and (4) the violation is committed with
52.18 sexual intent.

52.19 (i) A person is guilty of a gross misdemeanor if the person:

52.20 (1) violates paragraph (f) after a previous conviction under this subdivision or section
52.21 609.749; or

52.22 (2) violates paragraph (f) against a minor under the age of 18, knowing or having reason
52.23 to know that the victim is a minor.

52.24 (j) A person is guilty of a felony if the person violates paragraph (f) after two or more
52.25 convictions under this subdivision or section 609.749.

52.26 ~~(g) Paragraphs (k) Paragraph (b) and~~ (d) ~~do~~ or (e) does not apply to law enforcement
52.27 officers or corrections investigators, or to those acting under their direction, while engaged
52.28 in the performance of their lawful duties. Paragraphs (c) ~~and~~ (d), ~~and~~ (e) do not apply to
52.29 conduct in: (1) a medical facility; or (2) a commercial establishment if the owner of the
52.30 establishment has posted conspicuous signs warning that the premises are under surveillance
52.31 by the owner or the owner's employees.

53.1 EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes
53.2 committed on or after that date.

S2909-3

84.7 Sec. 46. Minnesota Statutes 2022, section 609.749, subdivision 3, is amended to read:

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

84.11 (1) commits any offense described in subdivision 2 in whole or in substantial part because
84.12 of the victim's or another's actual or perceived race, color, ethnicity, religion, sex, gender,
84.13 sexual orientation, gender identity, gender expression, age, national origin, or disability as
84.14 defined in section 363A.03, ~~age, or national origin~~ or because of the victim's actual or
84.15 perceived association with another person or group of a certain actual or perceived race,
84.16 color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression,
84.17 age, national origin, or disability as defined in section 363A.03;

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

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

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

75.13 (5) commits any offense described in subdivision 2 against a victim under the age of
75.14 18, if the actor is more than 36 months older than the victim.

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

75.20 EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes
75.21 committed on or after that date.

75.22 Sec. 34. [609.771] USE OF DEEP FAKE TECHNOLOGY TO INFLUENCE AN
75.23 ELECTION.

75.24 Subdivision 1. Definitions. (a) As used in this section, the following terms have the
75.25 meanings given.

75.26 (b) "Candidate" means an individual who seeks nomination or election to a federal,
75.27 statewide, legislative, judicial, or local office including special districts, school districts,
75.28 towns, home rule charter and statutory cities, and counties.

75.29 (c) "Deep fake" means any video recording, motion-picture film, sound recording,
75.30 electronic image, or photograph, or any technological representation of speech or conduct
75.31 substantially derivative thereof:

76.1 (1) which appears to authentically depict any speech or conduct of an individual who
76.2 did not in fact engage in such speech or conduct; and

76.3 (2) the production of which was substantially dependent upon technical means, rather
76.4 than the ability of another individual to physically or verbally impersonate such individual.

76.5 (d) "Depicted individual" means an individual in a deep fake who appears to be engaging
76.6 in speech or conduct in which the individual did not engage.

76.7 Subd. 2. Use of deep fake to influence an election; violation. A person who disseminates
76.8 a deep fake or enters into a contract or other agreement to disseminate a deep fake is guilty

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

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

84.26 (5) commits any offense described in subdivision 2 against a victim under the age of
84.27 18, if the actor is more than 36 months older than the victim.

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

85.1 EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes
85.2 committed on or after that date.

S1267-1

53.3 Sec. 16. [609.771] USE OF DEEP FAKE TECHNOLOGY TO INFLUENCE AN
53.4 ELECTION.

53.5 Subdivision 1. Definitions. (a) As used in this section, the following terms have the
53.6 meanings given.

53.7 (b) "Candidate" means an individual who seeks nomination or election to a federal,
53.8 statewide, legislative, judicial, or local office including special districts, school districts,
53.9 towns, home rule charter and statutory cities, and counties.

53.10 (c) "Deep fake" means any video recording, motion-picture film, sound recording,
53.11 electronic image, or photograph, or any technological representation of speech or conduct
53.12 substantially derivative thereof:

53.13 (1) that is so realistic that a reasonable person would believe it depicts speech or conduct
53.14 of an individual who did not in fact engage in such speech or conduct; and

53.15 (2) the production of which was substantially dependent upon technical means, rather
53.16 than the ability of another individual to physically or verbally impersonate such individual.

53.17 (d) "Depicted individual" means an individual in a deep fake who appears to be engaging
53.18 in speech or conduct in which the individual did not engage.

53.19 Subd. 2. Use of deep fake to influence an election; violation. A person who disseminates
53.20 a deep fake or enters into a contract or other agreement to disseminate a deep fake is guilty

76.9 of a crime and may be sentenced as provided in subdivision 3 if the person knows or
76.10 reasonably should know that the item being disseminated is a deep fake and dissemination:

76.11 (1) takes place within 90 days before an election;

76.12 (2) is made without the consent of the depicted individual; and

76.13 (3) is made with the intent to injure a candidate or influence the result of an election.

76.14 **Subd. 3. Use of deep fake to influence an election; penalty.** A person convicted of
76.15 violating subdivision 2 may be sentenced as follows:

76.16 (1) if the person commits the violation within five years of one or more prior convictions
76.17 under this section, to imprisonment for not more than five years or to payment of a fine of
76.18 not more than \$10,000, or both;

76.19 (2) if the person commits the violation with the intent to cause violence or bodily harm,
76.20 to imprisonment for not more than one year or to payment of a fine of not more than \$3,000,
76.21 or both; or

76.22 (3) in other cases, to imprisonment for not more than 90 days or to payment of a fine of
76.23 not more than \$1,000, or both.

76.24 **Subd. 4. Injunctive relief.** A cause of action for injunctive relief may be maintained
76.25 against any person who is reasonably believed to be about to violate or who is in the course
76.26 of violating this section by:

76.27 (1) the attorney general;

76.28 (2) a county attorney or city attorney;

76.29 (3) the depicted individual; or

76.30 (4) a candidate for nomination or election to a public office who is injured or likely to
76.31 be injured by dissemination.

77.1 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
77.2 committed on or after that date.

53.21 of a crime and may be sentenced as provided in subdivision 3 if the person knows or
53.22 reasonably should know that the item being disseminated is a deep fake and dissemination:

53.23 (1) takes place within 90 days before an election;

53.24 (2) is made without the consent of the depicted individual; and

53.25 (3) is made with the intent to injure a candidate or influence the result of an election.

53.26 **Subd. 3. Use of deep fake to influence an election; penalty.** A person convicted of
53.27 violating subdivision 2 may be sentenced as follows:

53.28 (1) if the person commits the violation within five years of one or more prior convictions
53.29 under this section, to imprisonment for not more than five years or to payment of a fine of
53.30 not more than \$10,000, or both;

54.1 (2) if the person commits the violation with the intent to cause violence or bodily harm,
54.2 to imprisonment for not more than one year or to payment of a fine of not more than \$3,000,
54.3 or both; or

54.4 (3) in other cases, to imprisonment for not more than 90 days or to payment of a fine of
54.5 not more than \$1,000, or both.

54.6 **Subd. 4. Injunctive relief.** A cause of action for injunctive relief may be maintained
54.7 against any person who is reasonably believed to be about to violate or who is in the course
54.8 of violating this section by:

54.9 (1) the attorney general;

54.10 (2) a county attorney or city attorney;

54.11 (3) the depicted individual; or

54.12 (4) a candidate for nomination or election to a public office who is injured or likely to
54.13 be injured by dissemination.

54.14 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
54.15 committed on or after that date.

54.16 **Sec. 17. Minnesota Statutes 2022, section 609.78, subdivision 2a, is amended to read:**

54.17 **Subd. 2a. Felony offense; reporting fictitious emergency resulting in serious**
54.18 **injury.** Whoever violates subdivision 2, clause (2), is guilty of a felony and may be sentenced
54.19 as follows:

54.20 (1) to imprisonment for not more than ten years or to payment of a fine of not more than
54.21 \$20,000, or both, if the call triggers an emergency response and, as a result of the response,
54.22 someone suffers great bodily harm or death; or

77.3 Sec. 35. [617.262] NONCONSENSUAL DISSEMINATION OF A DEEP FAKE
77.4 DEPICTING INTIMATE PARTS OR SEXUAL ACTS.

77.5 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have
77.6 the meanings given.

77.7 (b) "Deep fake" means any video recording, motion-picture film, sound recording,
77.8 electronic image, or photograph, or any technological representation of speech or conduct
77.9 substantially derivative thereof:

77.10 (1) which appears to authentically depict any speech or conduct of an individual who
77.11 did not in fact engage in such speech or conduct; and

77.12 (2) the production of which was substantially dependent upon technical means, rather
77.13 than the ability of another individual to physically or verbally impersonate such individual.

77.14 (c) "Depicted individual" means an individual in a deep fake who appears to be engaging
77.15 in speech or conduct in which the individual did not engage.

77.16 (d) "Dissemination" means distribution to one or more persons, other than the person
77.17 depicted in the deep fake, or publication by any publicly available medium.

77.18 (e) "Harass" means an act that would cause a substantial adverse effect on the safety,
77.19 security, or privacy of a reasonable person.

77.20 (f) "Intimate parts" means the genitals, pubic area, or anus of an individual, or if the
77.21 individual is female, a partially or fully exposed nipple.

77.22 (g) "Personal information" means any identifier that permits communication or in-person
77.23 contact with a person, including:

77.24 (1) a person's first and last name, first initial and last name, first name and last initial,
77.25 or nickname;

77.26 (2) a person's home, school, or work address;

77.27 (3) a person's telephone number, email address, or social media account information; or

77.28 (4) a person's geolocation data.

77.29 (h) "Sexual act" means either sexual contact or sexual penetration.

54.23 (2) to imprisonment of not more than three years or to payment of a fine of not more
54.24 than \$10,000, or both, if the call triggers an emergency response and as a result of the
54.25 response, someone suffers substantial bodily harm.

54.26 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
54.27 committed on or after that date.

58.26 Sec. 21. [617.262] NONCONSENSUAL DISSEMINATION OF A DEEP FAKE
58.27 DEPICTING INTIMATE PARTS OR SEXUAL ACTS.

58.28 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have
58.29 the meanings given.

59.1 (b) "Deep fake" means any video recording, motion-picture film, sound recording,
59.2 electronic image, or photograph, or any technological representation of speech or conduct
59.3 substantially derivative thereof:

59.4 (1) that is so realistic that a reasonable person would believe it depicts speech or conduct
59.5 of an individual; and

59.6 (2) the production of which was substantially dependent upon technical means, rather
59.7 than the ability of another individual to physically or verbally impersonate such individual.

59.8 (c) "Depicted individual" means an individual in a deep fake who appears to be engaging
59.9 in speech or conduct in which the individual did not engage.

59.10 (d) "Dissemination" means distribution to one or more persons, other than the person
59.11 depicted in the deep fake, or publication by any publicly available medium.

59.12 (e) "Harass" means an act that would cause a substantial adverse effect on the safety,
59.13 security, or privacy of a reasonable person.

59.14 (f) "Intimate parts" means the genitals, pubic area, or anus of an individual, or if the
59.15 individual is female, a partially or fully exposed nipple.

59.16 (g) "Personal information" means any identifier that permits communication or in-person
59.17 contact with a person, including:

59.18 (1) a person's first and last name, first initial and last name, first name and last initial,
59.19 or nickname;

59.20 (2) a person's home, school, or work address;

59.21 (3) a person's telephone number, email address, or social media account information; or

59.22 (4) a person's geolocation data.

59.23 (h) "Sexual act" means either sexual contact or sexual penetration.

78.1 (i) "Sexual contact" means the intentional touching of intimate parts or intentional
78.2 touching with seminal fluid or sperm onto another person's body.

78.3 (j) "Sexual penetration" means any of the following acts:

78.4 (1) sexual intercourse, cunnilingus, fellatio, or anal intercourse; or

78.5 (2) any intrusion, however slight, into the genital or anal openings of an individual by
78.6 another's body part or an object used by another for this purpose.

78.7 (k) "Social media" means any electronic medium, including an interactive computer
78.8 service, telephone network, or data network, that allows users to create, share, and view
78.9 user-generated content.

78.10 Subd. 2. **Crime.** It is a crime to intentionally disseminate a deep fake when:

78.11 (1) the actor knows or reasonably should know that the depicted individual does not
78.12 consent to the dissemination;

78.13 (2) the deep fake realistically depicts any of the following:

78.14 (i) the intimate parts of another individual presented as the intimate parts of the depicted
78.15 individual;

78.16 (ii) artificially generated intimate parts presented as the intimate parts of the depicted
78.17 individual; or

78.18 (iii) the depicted individual engaging in a sexual act; and

78.19 (3) the depicted individual is identifiable:

78.20 (i) from the deep fake itself, by the depicted individual or by another person; or

78.21 (ii) from the personal information displayed in connection with the deep fake.

78.22 Subd. 3. **Penalties.** (a) Except as provided in paragraph (b), whoever violates subdivision
78.23 2 is guilty of a gross misdemeanor.

78.24 (b) Whoever violates subdivision 2 may be sentenced to imprisonment for not more than
78.25 three years or to payment of a fine of \$5,000, or both, if one of the following factors is
78.26 present:

78.27 (1) the depicted person suffers financial loss due to the dissemination of the deep fake;

78.28 (2) the actor disseminates the deep fake with intent to profit from the dissemination;

78.29 (3) the actor maintains an Internet website, online service, online application, or mobile
78.30 application for the purpose of disseminating the deep fake;

79.1 (4) the actor posts the deep fake on a website;

59.24 (i) "Sexual contact" means the intentional touching of intimate parts or intentional
59.25 touching with seminal fluid or sperm onto another person's body.

59.26 (j) "Sexual penetration" means any of the following acts:

59.27 (1) sexual intercourse, cunnilingus, fellatio, or anal intercourse; or

59.28 (2) any intrusion, however slight, into the genital or anal openings of an individual by
59.29 another's body part or an object used by another for this purpose.

60.1 (k) "Social media" means any electronic medium, including an interactive computer
60.2 service, telephone network, or data network, that allows users to create, share, and view
60.3 user-generated content.

60.4 Subd. 2. **Crime.** It is a crime to intentionally disseminate a deep fake when:

60.5 (1) the actor knows that the depicted individual does not consent to the dissemination;

60.6 (2) the deep fake realistically depicts any of the following:

60.7 (i) the intimate parts of another individual presented as the intimate parts of the depicted
60.8 individual;

60.9 (ii) artificially generated intimate parts presented as the intimate parts of the depicted
60.10 individual; or

60.11 (iii) the depicted individual engaging in a sexual act; and

60.12 (3) the depicted individual is identifiable:

60.13 (i) from the deep fake itself, by the depicted individual or by another person; or

60.14 (ii) from the personal information displayed in connection with the deep fake.

60.15 Subd. 3. **Penalties.** (a) Except as provided in paragraph (b), whoever violates subdivision
60.16 2 is guilty of a gross misdemeanor.

60.17 (b) Whoever violates subdivision 2 may be sentenced to imprisonment for not more than
60.18 three years or to payment of a fine of \$5,000, or both, if one of the following factors is
60.19 present:

60.20 (1) the depicted person suffers financial loss due to the dissemination of the deep fake;

60.21 (2) the actor disseminates the deep fake with intent to profit from the dissemination;

60.22 (3) the actor maintains an Internet website, online service, online application, or mobile
60.23 application for the purpose of disseminating the deep fake;

60.24 (4) the actor posts the deep fake on a website;

79.2 (5) the actor disseminates the deep fake with intent to harass the depicted person;

79.3 (6) the actor obtained the deep fake by committing a violation of section 609.52, 609.746,
79.4 609.89, or 609.891; or

79.5 (7) the actor has previously been convicted under this chapter.

79.6 Subd. 4. **No defense.** It is not a defense to a prosecution under this section that the person
79.7 consented to the creation or possession of the deep fake.

79.8 Subd. 5. **Venue.** Notwithstanding anything to the contrary in section 627.01, an offense
79.9 committed under this section may be prosecuted in:

79.10 (1) the county where the offense occurred;

79.11 (2) the county of residence of the actor or victim or in the jurisdiction of the victim's
79.12 designated address if the victim participates in the address confidentiality program established
79.13 by chapter 5B; or

79.14 (3) only if the venue cannot be located in the counties specified under clause (1) or (2),
79.15 the county where any deep fake is produced, reproduced, found, stored, received, or possessed
79.16 in violation of this section.

79.17 Subd. 6. **Exemptions.** Subdivision 2 does not apply when:

79.18 (1) the dissemination is made for the purpose of a criminal investigation or prosecution
79.19 that is otherwise lawful;

79.20 (2) the dissemination is for the purpose of, or in connection with, the reporting of unlawful
79.21 conduct;

79.22 (3) the dissemination is made in the course of seeking or receiving medical or mental
79.23 health treatment, and the image is protected from further dissemination;

79.24 (4) the deep fake was obtained in a commercial setting for the purpose of the legal sale
79.25 of goods or services, including the creation of artistic products for sale or display, and the
79.26 depicted individual knew, or should have known, that a deep fake would be created and
79.27 disseminated;

79.28 (5) the deep fake relates to a matter of public interest and dissemination serves a lawful
79.29 public purpose;

79.30 (6) the dissemination is for legitimate scientific research or educational purposes; or

80.1 (7) the dissemination is made for legal proceedings and is consistent with common
80.2 practice in civil proceedings necessary for the proper functioning of the criminal justice
80.3 system, or protected by court order which prohibits any further dissemination.

60.25 (5) the actor disseminates the deep fake with intent to harass the depicted person;

60.26 (6) the actor obtained the deep fake by committing a violation of section 609.52, 609.746,
60.27 609.89, or 609.891; or

60.28 (7) the actor has previously been convicted under this chapter.

60.29 Subd. 4. **Venue.** Notwithstanding anything to the contrary in section 627.01, an offense
60.30 committed under this section may be prosecuted in:

61.1 (1) the county where the offense occurred;

61.2 (2) the county of residence of the actor or victim or in the jurisdiction of the victim's
61.3 designated address if the victim participates in the address confidentiality program established
61.4 by chapter 5B; or

61.5 (3) only if venue cannot be located in the counties specified under clause (1) or (2), the
61.6 county where any deep fake is produced, reproduced, found, stored, received, or possessed
61.7 in violation of this section.

61.8 Subd. 5. **Exemptions.** Subdivision 2 does not apply when:

61.9 (1) the dissemination is made for the purpose of a criminal investigation or prosecution
61.10 that is otherwise lawful;

61.11 (2) the dissemination is for the purpose of, or in connection with, the reporting of unlawful
61.12 conduct;

61.13 (3) the dissemination is made in the course of seeking or receiving medical or mental
61.14 health treatment, and the image is protected from further dissemination;

61.15 (4) the deep fake was obtained in a commercial setting for the purpose of the legal sale
61.16 of goods or services, including the creation of artistic products for sale or display, and the
61.17 depicted individual knew, or should have known, that a deep fake would be created and
61.18 disseminated;

61.19 (5) the deep fake relates to a matter of public interest and dissemination serves a lawful
61.20 public purpose;

61.21 (6) the dissemination is for legitimate scientific research or educational purposes;

61.22 (7) the dissemination is made for legal proceedings and is consistent with common
61.23 practice in civil proceedings necessary for the proper functioning of the criminal justice
61.24 system, or protected by court order which prohibits any further dissemination;

61.25 (8) the dissemination involves parody, satire, commentary, or criticism; or

80.4 Subd. 7. **Immunity.** Nothing in this section shall be construed to impose liability upon
80.5 the following entities solely as a result of content or information provided by another person:

80.6 (1) an interactive computer service as defined in United States Code, title 47, section
80.7 230, paragraph (f), clause (2);

80.8 (2) a provider of public mobile services or private radio services; or

80.9 (3) a telecommunications network or broadband provider.

80.10 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
80.11 committed on or after that date.

61.26 (9) the dissemination involves works of political or newsworthy value.

61.27 Subd. 6. **Immunity.** Nothing in this section shall be construed to impose liability upon
61.28 the following entities solely as a result of content or information provided by another person:

61.29 (1) an interactive computer service as defined in United States Code, title 47, section
61.30 230, paragraph (f), clause (2);

61.31 (2) a provider of public mobile services or private radio services; or

62.1 (3) a telecommunications network or broadband provider.

62.2 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
62.3 committed on or after that date.

58.3 Sec. 19. Minnesota Statutes 2022, section 617.22, is amended to read:

58.4 **617.22 CONCEALING BIRTH.**

58.5 ~~Every~~ Any person who shall endeavor attempts to conceal the birth of a child by any
58.6 disposition of its dead body, whether when the child died before or after its birth, shall be
58.7 guilty of a misdemeanor. Every person who, having been convicted of endeavoring to
58.8 conceal the stillbirth of any issue, or the death of any issue under the age of two years, shall
58.9 subsequent to that conviction, endeavor to conceal any subsequent birth or death, shall be
58.10 punished by imprisonment for not more than five years. This section does not apply to the
58.11 disposition of remains resulting from an abortion or miscarriage.

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

58.13 Sec. 20. Minnesota Statutes 2022, section 617.26, is amended to read:

58.14 **617.26 MAILING AND CARRYING OBSCENE MATTER.**

58.15 Every person who shall deposit or cause to be deposited in any post office in the state,
58.16 or place in charge of any express company or other common carrier or person for
58.17 transportation, any of the articles or things specified in section 617.201 or 617.241, or any
58.18 circular, book, pamphlet, advertisement or notice relating thereto, with the intent of having
58.19 the same conveyed by mail, express, or in any other manner; or who shall knowingly or
58.20 willfully receive the same with intent to carry or convey it, or shall knowingly carry or
58.21 convey the same by express, or in any other manner except by United States mail, shall be
58.22 guilty of a misdemeanor. The provisions of this section and section 617.201 shall not be
58.23 construed to apply to an article or instrument used by physicians lawfully practicing, or by
58.24 their direction or prescription, for the cure or prevention of disease.

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

80.12 Sec. 36. Minnesota Statutes 2022, section 624.714, subdivision 3, is amended to read:

80.13 Subd. 3. **Form and contents of application.** (a) Applications for permits to carry must
80.14 be an official, standardized application form, adopted under section 624.7151, and must set
80.15 forth in writing only the following information:

80.16 (1) the applicant's name, residence, telephone number, if any, and driver's license number
80.17 or state identification card number;

80.18 (2) the applicant's sex, date of birth, height, weight, and color of eyes and hair, and
80.19 distinguishing physical characteristics, if any;

80.20 (3) the township or statutory city or home rule charter city, and county, of all Minnesota
80.21 residences of the applicant in the last five years, though not including specific addresses;

80.22 (4) the township or city, county, and state of all non-Minnesota residences of the applicant
80.23 in the last five years, though not including specific addresses;

80.24 (5) a statement that the applicant authorizes the release to the sheriff of commitment
80.25 information about the applicant maintained by the commissioner of human services or any
80.26 similar agency or department of another state where the applicant has resided, to the extent
80.27 that the information relates to the applicant's eligibility to possess a firearm; and

80.28 (6) a statement by the applicant that, to the best of the applicant's knowledge and belief,
80.29 the applicant is not prohibited by law from possessing a firearm.

81.1 (b) The statement under paragraph (a), clause (5), must comply with any applicable
81.2 requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect
81.3 to consent to disclosure of alcohol or drug abuse patient records.

81.4 (c) An applicant must submit to the sheriff an application packet consisting only of the
81.5 following items:

81.6 (1) a completed application form, signed and dated by the applicant;

81.7 (2) an accurate photocopy of the certificate described in subdivision 2a, paragraph (c),
81.8 that is submitted as the applicant's evidence of training in the safe use of a pistol; and

81.9 (3) an accurate photocopy of the applicant's current driver's license, state identification
81.10 card, or the photo page of the applicant's passport.

81.11 (d) In addition to the other application materials, a person who is otherwise ineligible
81.12 for a permit due to a criminal conviction but who has obtained a pardon or expungement
81.13 setting aside the conviction, sealing the conviction, or otherwise restoring applicable rights,
81.14 must submit a copy of the relevant order.

81.15 (e) Applications ~~must~~ may be submitted in person or electronically.

81.16 (f) The sheriff may charge a new application processing fee in an amount not to exceed
81.17 the actual and reasonable direct cost of processing the application or \$100, whichever is

81.18 less. Of this amount, \$10 must be submitted to the commissioner and deposited into the
81.19 general fund.

81.20 (g) This subdivision prescribes the complete and exclusive set of items an applicant is
81.21 required to submit in order to apply for a new or renewal permit to carry. The applicant
81.22 must not be asked or required to submit, voluntarily or involuntarily, any information, fees,
81.23 or documentation beyond that specifically required by this subdivision. This paragraph does
81.24 not apply to alternate training evidence accepted by the sheriff under subdivision 2a,
81.25 paragraph (d).

81.26 (h) Forms for new and renewal applications must be available at all sheriffs' offices and
81.27 the commissioner must make the forms available on the Internet.

81.28 (i) Application forms must clearly display a notice that a permit, if granted, is void and
81.29 must be immediately returned to the sheriff if the permit holder is or becomes prohibited
81.30 by law from possessing a firearm. The notice must list the applicable state criminal offenses
81.31 and civil categories that prohibit a person from possessing a firearm.

82.1 (j) Upon receipt of an application packet and any required fee, the sheriff must provide
82.2 a signed receipt indicating the date of submission.

82.3 Sec. 37. Minnesota Statutes 2022, section 624.7141, subdivision 1, is amended to read:

82.4 Subdivision 1. **Transfer prohibited.** A person is guilty of a ~~gross misdemeanor~~ felony
82.5 who intentionally transfers a pistol or semiautomatic military-style assault weapon to another
82.6 if the person knows or has reason to know that the transferee:

82.7 (1) has been denied a permit to carry under section 624.714 because the transferee is
82.8 not eligible under section 624.713 to possess a pistol or semiautomatic military-style assault
82.9 weapon;

82.10 (2) has been found ineligible to possess a pistol or semiautomatic military-style assault
82.11 weapon by a chief of police or sheriff as a result of an application for a transferee permit
82.12 or a transfer report; or

82.13 (3) is disqualified under section 624.713 from possessing a pistol or semiautomatic
82.14 military-style assault weapon.

82.15 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
82.16 committed on or after that date.

82.17 Sec. 38. Minnesota Statutes 2022, section 628.26, is amended to read:

82.18 **628.26 LIMITATIONS.**

82.19 (a) Indictments or complaints for any crime resulting in the death of the victim may be
82.20 found or made at any time after the death of the person killed.

62.4 Sec. 22. Minnesota Statutes 2022, section 628.26, is amended to read:

62.5 **628.26 LIMITATIONS.**

62.6 (a) Indictments or complaints for any crime resulting in the death of the victim may be
62.7 found or made at any time after the death of the person killed.

82.21 (b) Indictments or complaints for a violation of section 609.25 may be found or made
82.22 at any time after the commission of the offense.

82.23 (c) Indictments or complaints for violation of section 609.282 may be found or made at
82.24 any time after the commission of the offense if the victim was under the age of 18 at the
82.25 time of the offense.

82.26 (d) Indictments or complaints for violation of section 609.282 where the victim was 18
82.27 years of age or older at the time of the offense, or 609.42, subdivision 1, clause (1) or (2),
82.28 shall be found or made and filed in the proper court within six years after the commission
82.29 of the offense.

82.30 (e) Indictments or complaints for violation of sections 609.322, 609.342 to 609.345, and
82.31 609.3458 may be found or made at any time after the commission of the offense.

83.1 (f) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision
83.2 2, paragraph (a), clause (3), item (iii), shall be found or made and filed in the proper court
83.3 within six years after the commission of the offense.

83.4 (g) Indictments or complaints for violation of section 609.2335, 609.52, subdivision 2,
83.5 paragraph (a), clause (3), items (i) and (ii), (4), (15), or (16), 609.631, or 609.821, where
83.6 the value of the property or services stolen is more than \$35,000, or for violation of section
83.7 609.527 where the offense involves eight or more direct victims or the total combined loss
83.8 to the direct and indirect victims is more than \$35,000, shall be found or made and filed in
83.9 the proper court within five years after the commission of the offense.

83.10 (h) Except for violations relating to false material statements, representations or
83.11 omissions, indictments or complaints for violations of section 609.671 shall be found or
83.12 made and filed in the proper court within five years after the commission of the offense.

83.13 (i) Indictments or complaints for violation of sections 609.561 to 609.563, shall be found
83.14 or made and filed in the proper court within five years after the commission of the offense.

83.15 (j) Indictments or complaints for violation of section 609.746 shall be found or made
83.16 and filed in the proper court within the later of three years after the commission of the
83.17 offense or three years after the offense was reported to law enforcement authorities.

83.18 ~~(j)~~ (k) In all other cases, indictments or complaints shall be found or made and filed in
83.19 the proper court within three years after the commission of the offense.

83.20 ~~(k)~~ (l) The limitations periods contained in this section shall exclude any period of time
83.21 during which the defendant was not an inhabitant of or usually resident within this state.

83.22 ~~(l)~~ (m) The limitations periods contained in this section for an offense shall not include
83.23 any period during which the alleged offender participated under a written agreement in a
83.24 pretrial diversion program relating to that offense.

62.8 (b) Indictments or complaints for a violation of section 609.25 may be found or made
62.9 at any time after the commission of the offense.

62.10 (c) Indictments or complaints for violation of section 609.282 may be found or made at
62.11 any time after the commission of the offense if the victim was under the age of 18 at the
62.12 time of the offense.

62.13 (d) Indictments or complaints for violation of section 609.282 where the victim was 18
62.14 years of age or older at the time of the offense, or 609.42, subdivision 1, clause (1) or (2),
62.15 shall be found or made and filed in the proper court within six years after the commission
62.16 of the offense.

62.17 (e) Indictments or complaints for violation of sections 609.322, 609.342 to 609.345, and
62.18 609.3458 may be found or made at any time after the commission of the offense.

62.19 (f) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision
62.20 2, paragraph (a), clause (3), item (iii), shall be found or made and filed in the proper court
62.21 within six years after the commission of the offense.

62.22 (g) Indictments or complaints for violation of section 609.2335, 609.52, subdivision 2,
62.23 paragraph (a), clause (3), items (i) and (ii), (4), (15), or (16), 609.631, or 609.821, where
62.24 the value of the property or services stolen is more than \$35,000, or for violation of section
62.25 609.527 where the offense involves eight or more direct victims or the total combined loss
62.26 to the direct and indirect victims is more than \$35,000, shall be found or made and filed in
62.27 the proper court within five years after the commission of the offense.

62.28 (h) Except for violations relating to false material statements, representations or
62.29 omissions, indictments or complaints for violations of section 609.671 shall be found or
62.30 made and filed in the proper court within five years after the commission of the offense.

62.31 (i) Indictments or complaints for violation of sections 609.561 to 609.563, shall be found
62.32 or made and filed in the proper court within five years after the commission of the offense.

63.1 (j) Indictments or complaints for violation of section 609.746 shall be found or made
63.2 and filed in the proper court within the later of three years after the commission of the
63.3 offense or three years after the offense was reported to law enforcement authorities.

63.4 ~~(j)~~ (k) In all other cases, indictments or complaints shall be found or made and filed in
63.5 the proper court within three years after the commission of the offense.

63.6 ~~(k)~~ (l) The limitations periods contained in this section shall exclude any period of time
63.7 during which the defendant was not an inhabitant of or usually resident within this state.

63.8 ~~(l)~~ (m) The limitations periods contained in this section for an offense shall not include
63.9 any period during which the alleged offender participated under a written agreement in a
63.10 pretrial diversion program relating to that offense.

83.25 ~~(m)~~ (n) The limitations periods contained in this section shall not include any period of
83.26 time during which physical evidence relating to the offense was undergoing DNA analysis,
83.27 as defined in section 299C.155, unless the defendant demonstrates that the prosecuting or
83.28 law enforcement agency purposefully delayed the DNA analysis process in order to gain
83.29 an unfair advantage.

83.30 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
83.31 committed on or after that date and to crimes committed before that date if the limitations
83.32 period for the crime did not expire before August 1, 2023.

124.19 Sec. 14. **LIABILITY FOR MURDER COMMITTED BY ANOTHER;**
124.20 **RETROACTIVE APPLICATION.**

124.21 Subdivision 1. **Purpose.** Any person convicted of a violation of Minnesota Statutes,
124.22 section 609.185, paragraph (a), clause (3), or 609.19, subdivision 2, clause (1), and in the
124.23 custody of the commissioner of corrections or under court supervision is entitled to petition
124.24 to have the person's conviction vacated pursuant to this section.

124.25 Subd. 2. **Notification.** (a) By October 1, 2023, the commissioner of corrections shall
124.26 notify individuals convicted for a violation of Minnesota Statutes, section 609.185, paragraph
124.27 (a), clause (3), or 609.19, subdivision 2, clause (1), of the right to file a preliminary
124.28 application for relief if:

124.29 (1) the person was convicted for a violation of Minnesota Statutes, section 609.185,
124.30 paragraph (a), clause (3), and did not actually cause the death of a human being or
124.31 intentionally aid, advise, hire, counsel, or conspire with or otherwise procure another with
124.32 the intent to cause the death of a human being; or

125.1 (2) the person was convicted for a violation of Minnesota Statutes, section 609.19,
125.2 subdivision 2, clause (1), and did not actually cause the death of a human being or was not
125.3 a major participant in the underlying felony who acted with extreme indifference to human
125.4 life.

63.11 ~~(m)~~ (n) The limitations periods contained in this section shall not include any period of
63.12 time during which physical evidence relating to the offense was undergoing DNA analysis,
63.13 as defined in section 299C.155, unless the defendant demonstrates that the prosecuting or
63.14 law enforcement agency purposefully delayed the DNA analysis process in order to gain
63.15 an unfair advantage.

63.16 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
63.17 committed on or after that date and to crimes committed before that date if the limitations
63.18 period for the crime did not expire before August 1, 2023.

S2909-3

103.18 Sec. 9. **LIABILITY FOR MURDER COMMITTED BY ANOTHER; RETROACTIVE**
103.19 **APPLICATION.**

103.20 Subdivision 1. **Purpose.** Any person is entitled to petition to have the person's conviction
103.21 vacated pursuant to this section if the person was:

103.22 (1) charged with aiding and abetting first-degree murder under Minnesota Statutes,
103.23 section 609.185, paragraph (a), clause (3), and thereafter convicted of a violation of
103.24 Minnesota Statutes, section 609.185, paragraph (a), clause (3); 609.19, subdivision 1, clause
103.25 (1); or 609.19, subdivision 2, clause (1); or

103.26 (2) charged with aiding and abetting second-degree unintentional murder under Minnesota
103.27 Statutes, section 609.19, subdivision 2, clause (1), and thereafter convicted of a violation
103.28 of Minnesota Statutes, section 609.185, paragraph (a), clause (3); 609.19, subdivision 1,
103.29 clause (1); or 609.19, subdivision 2, clause (1).

103.30 Subd. 2. **Notification.** (a) By December 1, 2023, the commissioner of corrections shall
103.31 notify individuals convicted for a violation of Minnesota Statutes, section 609.185, paragraph
104.1 (a), clause (3); 609.19, subdivision 1, clause (1); or 609.19, subdivision 2, clause (1), of the
104.2 right to file a preliminary application for relief if:

104.3 (1) the person was convicted for a violation of Minnesota Statutes, section 609.185,
104.4 paragraph (a), clause (3), and did not actually cause the death of a human being or
104.5 intentionally aid, advise, hire, counsel, or conspire with or otherwise procure another with
104.6 the intent to cause the death of a human being;

104.7 (2) the person was convicted for a violation of Minnesota Statutes, section 609.19,
104.8 subdivision 2, clause (1), and did not actually cause the death of a human being or was not
104.9 a major participant, as described in Minnesota Statutes, section 609.05, subdivision 2a,
104.10 paragraph (c), in the underlying felony who acted with extreme indifference to human life;
104.11 or

- 125.5 (b) The notice shall include the address of the Ramsey County District Court court
125.6 administration.
- 125.7 (c) The commissioner of corrections may coordinate with the judicial branch to establish
125.8 a standardized notification form.
- 125.9 **Subd. 3. Preliminary application.** (a) An applicant shall submit a preliminary application
125.10 to the Ramsey County District Court. The preliminary application must contain:
- 125.11 (1) the applicant's name and, if different, the name under which the person was convicted;
125.12 (2) the applicant's date of birth;
125.13 (3) the district court case number of the case for which the person is seeking relief;
125.14 (4) a statement as to whether the applicant was convicted following a trial or pursuant
125.15 to a plea;
125.16 (5) a statement as to whether the person filed a direct appeal from the conviction, a
125.17 petition for postconviction relief, or both;
125.18 (6) a brief statement, not to exceed 2,000 words, explaining why the applicant is entitled
125.19 to relief from a conviction for the death of a human being caused by another; and
- 125.20 (7) the name and address of any attorney representing the applicant.
- 125.21 (b) The preliminary application may contain:
- 125.22 (1) the name, date of birth, and district court case number of any other person charged
125.23 with, or convicted of, a crime arising from the same set of circumstances for which the
125.24 applicant was convicted; and
125.25 (2) a copy of a criminal complaint or indictment, or the relevant portions of a presentence
125.26 investigation or life imprisonment report, describing the facts of the case for which the
125.27 applicant was convicted.
- 125.28 (c) The judicial branch may establish a standardized preliminary application form, but
125.29 shall not reject a preliminary application for failure to use a standardized form.

- 104.12 (3) the person was charged with aiding and abetting first-degree murder under Minnesota
104.13 Statutes, section 609.185, paragraph (a), clause (3), or second-degree unintentional murder
104.14 under Minnesota Statutes, section 609.19, subdivision 2, clause (1), and thereafter convicted
104.15 for a violation of Minnesota Statutes, section 609.19, subdivision 1, clause (1), and did not
104.16 actually cause the death of a human being or was not a major participant, as described in
104.17 Minnesota Statutes, section 609.05, subdivision 2a, paragraph (c), in the underlying felony
104.18 who acted with extreme indifference to human life.
- 104.19 (b) The notice shall include the address of Ramsey County District Court administration.
- 104.20 (c) The commissioner of corrections may coordinate with the judicial branch to establish
104.21 a standardized notification form.
- 104.22 **Subd. 3. Preliminary application.** (a) An applicant shall submit a preliminary application
104.23 to the Ramsey County District Court. The preliminary application must contain:
- 104.24 (1) the applicant's name and, if different, the name under which the person was convicted;
104.25 (2) the applicant's date of birth;
104.26 (3) the district court case number of the case for which the person is seeking relief;
104.27 (4) a statement as to whether the applicant was convicted following a trial or pursuant
104.28 to a plea;
104.29 (5) a statement as to whether the person filed a direct appeal from the conviction, a
104.30 petition for postconviction relief, or both;
105.1 (6) a brief statement, not to exceed 3,000 words, explaining why the applicant is entitled
105.2 to relief under this section from a conviction for the death of a human being caused by
105.3 another; and
- 105.4 (7) the name and address of any attorney representing the applicant.
- 105.5 (b) The preliminary application may contain:
- 105.6 (1) the name, date of birth, and district court case number of any other person charged
105.7 with, or convicted of, a crime arising from the same set of circumstances for which the
105.8 applicant was convicted; and
105.9 (2) a copy of a criminal complaint or indictment, or the relevant portions of a presentence
105.10 investigation or life imprisonment report, describing the facts of the case for which the
105.11 applicant was convicted.
- 105.12 (c) The judicial branch may establish a standardized preliminary application form, but
105.13 shall not reject a preliminary application for failure to use a standardized form.

125.30 (d) Any person seeking relief under this section must submit a preliminary application
125.31 no later than October 1, 2024. Submission is complete upon mailing.

126.1 (e) Submission of a preliminary application shall be without costs or any fees charged
126.2 to the applicant.

126.3 Subd. 4. **Review of preliminary application.** (a) Upon receipt of a preliminary
126.4 application, the court administrator of the Ramsey County District Court shall immediately
126.5 direct attention of the filing thereof to the chief judge or judge acting on the chief judge's
126.6 behalf who shall promptly assign the matter to a judge in said district.

126.7 (b) The judicial branch may appoint a special master to review preliminary applications
126.8 and may assign additional staff as needed to assist in the review of preliminary applications.

126.9 (c) The reviewing judge shall determine whether, in the discretion of that judge, there
126.10 is a reasonable probability that the applicant is entitled to relief under this section.

126.11 (d) In making the determination under paragraph (c), the reviewing judge shall consider
126.12 the preliminary application and any materials submitted with the preliminary application
126.13 and may consider relevant records in the possession of the judicial branch.

126.14 (e) The court may summarily deny an application when the applicant is not in the custody
126.15 of the commissioner of corrections or under court supervision; the applicant was not
126.16 convicted of a violation of Minnesota Statutes, section 609.185, paragraph (a), clause (3),
126.17 or 609.19, subdivision 2, clause (1), before August 1, 2023; the issues raised in the application
126.18 are not relevant to the relief available under this section or have previously been decided
126.19 by the court of appeals or the supreme court in the same case; or the applicant has filed a
126.20 second or successive preliminary application.

126.21 (f) If the reviewing judge determines that there is a reasonable probability that the
126.22 applicant is entitled to relief, the judge shall send notice to the applicant and the applicant's
126.23 attorney, if any, and the prosecutorial office responsible for prosecuting the applicant. In
126.24 the event the applicant is without counsel, the reviewing judge shall send notice to the state
126.25 public defender and shall advise the applicant of such referral.

126.26 (g) If the reviewing judge determines that there is not a reasonable probability that the
126.27 applicant is entitled to relief, the judge shall send notice to the applicant and the applicant's
126.28 attorney, if any.

126.29 Subd. 5. **Petition for relief; hearing.** (a) Within 60 days of receipt of the notice sent
126.30 pursuant to subdivision 4, paragraph (f), the individual seeking relief shall file and serve a
126.31 petition to vacate the conviction. The petition shall contain the information identified in
126.32 subdivision 3, paragraph (a), and a statement of why the petitioner is entitled to relief. The
126.33 petition may contain any other relevant information including police reports, trial transcripts,

105.14 (d) Any person seeking relief under this section must submit a preliminary application
105.15 no later than October 1, 2025. Submission is complete upon mailing.

105.16 (e) Submission of a preliminary application shall be without costs or any fees charged
105.17 to the applicant.

105.18 Subd. 4. **Review of preliminary application.** (a) Upon receipt of a preliminary
105.19 application, the court administrator of the Ramsey County District Court shall immediately
105.20 direct attention of the filing thereof to the chief judge or judge acting on the chief judge's
105.21 behalf who shall promptly assign the matter to a judge in said district.

105.22 (b) The judicial branch may appoint a special master to review preliminary applications
105.23 and may assign additional staff as needed to assist in the review of preliminary applications.

105.24 (c) Within 90 days of the Ramsey County District Court receiving the preliminary
105.25 application, the reviewing judge shall determine whether, in the discretion of that judge,
105.26 there is a reasonable probability that the application is entitled to relief under this section.

105.27 (d) In making the determination under paragraph (c), the reviewing judge shall consider
105.28 the preliminary application and any materials submitted with the preliminary application
105.29 and may consider relevant records in the possession of the judicial branch.

105.30 (e) The court may summarily deny an application when the applicant was not convicted
105.31 of a violation of Minnesota Statutes, section 609.185, paragraph (a), clause (3); 609.19,
105.32 subdivision 1, clause (1); or 609.19, subdivision 2, clause (1), before August 1, 2023, or
106.1 the only issues raised in the application are not relevant to the relief available under this
106.2 section.

106.3 (f) If the reviewing judge determines that there is a reasonable probability that the
106.4 applicant is entitled to relief, the judge shall send notice to the applicant and the applicant's
106.5 attorney, if any, and the prosecutorial office responsible for prosecuting the applicant. In
106.6 the event the applicant is without counsel, the reviewing judge shall send notice to the state
106.7 public defender and shall advise the applicant of such referral.

106.8 (g) If the reviewing judge determines that there is not a reasonable probability that the
106.9 applicant is entitled to relief, the judge shall send notice to the applicant and the applicant's
106.10 attorney, if any. The notice must contain a brief statement explaining the reasons the
106.11 reviewing judge concluded that there is not a reasonable probability that the applicant is
106.12 entitled to relief.

106.13 Subd. 5. **Petition for relief; hearing.** (a) Unless extended for good cause, within 60
106.14 days of receipt of the notice sent pursuant to subdivision 4, paragraph (f), the individual
106.15 seeking relief shall file and serve a petition to vacate the conviction. The petition must be
106.16 filed in the district court of the judicial district in the county where the conviction took place
106.17 and must contain the information identified in subdivision 3, paragraph (a), and a statement

127.1 and plea transcripts involving the petitioner or any other person investigated for, charged
127.2 with, or convicted of a crime arising out of the same set of circumstances for which the
127.3 petitioner was convicted. The filing of the petition and any document subsequent thereto
127.4 and all proceedings thereon shall be without costs or any fees charged to the petitioner.

127.5 (b) A county attorney representing the prosecutorial office shall respond to the petition
127.6 by answer or motion within 30 days after the filing of the petition pursuant to paragraph
127.7 (a), unless extended for good cause. The response shall be filed with the court administrator
127.8 of the district court and served on the petitioner if unrepresented or on the petitioner's
127.9 attorney. The response may serve notice of the intent to support the petition or include a
127.10 statement explaining why the petitioner is not entitled to relief along with any supporting
127.11 documents. The filing of the response and any document subsequent thereto and all
127.12 proceedings thereon shall be without costs or any fees charged to the county attorney.

127.13 (c) Within 30 days of receipt of the response from the county attorney, the court shall:

127.14 (1) issue an order pursuant to subdivision 6 and schedule the matter for sentencing or
127.15 resentencing pursuant to subdivision 6, paragraph (e), if the county attorney indicates an
127.16 intent to support the petition;

127.17 (2) issue an order denying the petition if additional information or submissions establish
127.18 that there is not a reasonable probability that the applicant is entitled to relief under this
127.19 section; or

127.20 (3) schedule the matter for a hearing and issue any appropriate order regarding submission
127.21 of evidence or identification of witnesses.

127.22 (d) The hearing shall be held in open court and conducted pursuant to Minnesota Statutes,
127.23 section 590.04, except that the petitioner must be present at the hearing, unless excused
127.24 under Rules of Criminal Procedure, rule 26.03, subdivision 1, clause (3).

106.18 of why the petitioner is entitled to relief under this section. The petition may contain any
106.19 other relevant information, including police reports, trial transcripts, and plea transcripts
106.20 involving the petitioner or any other person investigated for, charged with, or convicted of
106.21 a crime arising out of the same set of circumstances for which the petitioner was convicted.
106.22 The filing of the petition and any document subsequent thereto and all proceedings thereon
106.23 shall be without costs or any fees charged to the petitioner.

106.24 (b) Upon receipt of the petition, the prosecutor shall make a good faith and reasonable
106.25 effort to notify any person determined to be a victim of the underlying offense that a petition
106.26 has been filed.

106.27 (c) A county attorney representing the prosecutorial office shall respond to the petition
106.28 by answer or motion within 45 days after the filing of the petition pursuant to paragraph
106.29 (a), unless extended for good cause. The response shall be filed with the court administrator
106.30 of the district court and served on the petitioner if unrepresented or on the petitioner's
106.31 attorney. The response may serve notice of the intent to support the petition or include a
106.32 statement explaining why the petitioner is not entitled to relief along with any supporting
106.33 documents. The filing of the response and any document subsequent thereto and all
106.34 proceedings thereon shall be without costs or any fees charged to the county attorney.

107.1 (d) The petitioner may file a reply to the response filed by the county attorney within
107.2 15 days after the petitioner receives the response, unless extended for good cause.

107.3 (e) Within 30 days of receipt of the reply from the petitioner or, if no reply is filed,
107.4 within 30 days of receipt of the response from the county attorney, the court shall:

107.5 (1) issue an order pursuant to subdivision 6 and schedule the matter for sentencing or
107.6 resentencing pursuant to subdivision 6, paragraph (e), if the county attorney indicates an
107.7 intent to support the petition;

107.8 (2) issue an order denying the petition without prejudice if additional information or
107.9 submissions establish that there is not a reasonable probability that the applicant is entitled
107.10 to relief under this section and a memorandum identifying the additional information or
107.11 submissions and explaining the reasons why the court concluded that there is not a reasonable
107.12 probability that the applicant is entitled to relief; or

107.13 (3) schedule the matter for a hearing and issue any appropriate order regarding submission
107.14 of evidence or identification of witnesses.

127.25 Subd. 6. **Determination; order; resentencing.** (a) A petitioner who was convicted of
127.26 a violation of Minnesota Statutes, section 609.185, paragraph (a), clause (3), is entitled to
127.27 relief if the petitioner:

127.28 (1) did not cause the death of a human being; and

127.29 (2) did not intentionally aid, advise, hire, counsel, or conspire with or otherwise procure
127.30 another with the intent to cause the death of a human being.

127.31 (b) A petitioner who was convicted of a violation of Minnesota Statutes, section 609.19,
127.32 subdivision 2, clause (1), is entitled to relief if the petitioner:

128.1 (1) did not cause the death of a human being; and

128.2 (2) was not a major participant in the underlying felony and did not act with extreme
128.3 indifference to human life.

128.4 (c) If the court determines that the petitioner does not qualify for relief, the court shall
128.5 issue an order denying the petition. If the court determines that the petitioner is entitled to
128.6 relief, the court shall issue an order vacating the conviction for a violation of Minnesota
128.7 Statutes, section 609.185, paragraph (a), clause (3), or 609.19, subdivision 2, clause (1),
128.8 and either:

128.9 (1) resentence the petitioner for any other offense for which the petitioner was convicted;
128.10 or

128.11 (2) enter a conviction and impose a sentence for any other predicate felony arising out
128.12 of the course of conduct that served as the factual basis for the conviction vacated by the
128.13 court.

128.14 (d) The court shall state in writing or on the record the reasons for its decision on the
128.15 petition.

128.16 (e) If the court intends to resentence a petitioner or impose a sentence on a petitioner,
128.17 the court must hold the hearing at a time that allows any victim an opportunity to submit a
128.18 statement consistent with Minnesota Statutes, section 611A.038. The prosecutor shall make
128.19 a good faith and reasonable effort to notify any person determined to be a victim of the
128.20 hearing and the right to submit or make a statement. A sentence imposed under this

107.15 (f) The hearing shall be held in open court and conducted pursuant to Minnesota Statutes,
107.16 section 590.04, except that the petitioner must be present at the hearing, unless excused
107.17 under Rules of Criminal Procedure, rule 26.03, subdivision 1, clause (3). The prosecutor
107.18 shall make a good faith and reasonable effort to notify any person determined to be a victim
107.19 of the hearing.

107.20 Subd. 6. **Determination; order; resentencing.** (a) A petitioner who was convicted of
107.21 a violation of Minnesota Statutes, section 609.185, paragraph (a), clause (3), is entitled to
107.22 relief if the petitioner shows by a preponderance of the evidence that the petitioner:

107.23 (1) did not cause the death of a human being; and

107.24 (2) did not intentionally aid, advise, hire, counsel, or conspire with or otherwise procure
107.25 another with the intent to cause the death of a human being.

107.26 (b) A petitioner who was convicted of a violation of Minnesota Statutes, section 609.19,
107.27 subdivision 2, clause (1), is entitled to relief if the petitioner shows by a preponderance of
107.28 the evidence that the petitioner:

107.29 (1) did not cause the death of a human being; and

107.30 (2) was not a major participant, as described in Minnesota Statutes, section 609.05,
107.31 subdivision 2a, paragraph (c), in the underlying felony and did not act with extreme
107.32 indifference to human life.

108.1 (c) A petitioner who was charged with aiding and abetting first-degree murder under
108.2 Minnesota Statutes, section 609.185, paragraph (a), clause (3), and thereafter convicted of
108.3 a violation of Minnesota Statutes, section 609.19, subdivision 1, clause (1), is entitled to
108.4 relief if the petitioner shows by a preponderance of the evidence that the petitioner:

108.5 (1) did not cause the death of a human being; and

108.6 (2) was not a major participant, as described in Minnesota Statutes, section 609.05,
108.7 subdivision 2a, paragraph (c), in the underlying felony and did not act with extreme
108.8 indifference to human life.

108.9 (d) A petitioner who was charged with aiding and abetting second-degree unintentional
108.10 murder under Minnesota Statutes, section 609.19, subdivision 2, clause (1), and thereafter
108.11 convicted of a violation of Minnesota Statutes, section 609.19, subdivision 1, clause (1), is
108.12 entitled to relief if the petitioner shows by a preponderance of the evidence that the petitioner:

108.13 (1) did not cause the death of a human being; and

128.21 subdivision shall not increase the petitioner's period of confinement or, if the petitioner was
128.22 -serving a stayed sentence, increase the period of supervision. A person resentenced under
128.23 this paragraph is entitled to credit for time served in connection with the vacated offense.
128.24 (f) Relief granted under this section shall not be treated as an exoneration for purposes
128.25 of the Incarceration and Exoneration Remedies Act.

128.26 EFFECTIVE DATE. This section is effective August 1, 2023.

108.14 (2) was not a major participant, as described in Minnesota Statutes, section 609.05,
108.15 subdivision 2a, paragraph (c), in the underlying felony and did not act with extreme
108.16 indifference to human life.
108.17 (e) If the court determines that the petitioner does not qualify for relief, the court shall
108.18 issue an order denying the petition. If the court determines that the petitioner is entitled to
108.19 relief, the court shall issue an order vacating the conviction for a violation of Minnesota
108.20 Statutes, section 609.185, paragraph (a), clause (3), or 609.19, subdivision 2, clause (1),
108.21 and either:
108.22 (1) resentence the petitioner for the most serious remaining offense for which the
108.23 petitioner was convicted; or
108.24 (2) enter a conviction and impose a sentence for the most serious predicate felony arising
108.25 out of the course of conduct that served as the factual basis for the conviction vacated by
108.26 the court.
108.27 (f) The new sentence announced by the court under this section must be for the most
108.28 serious predicate felony unless the most serious remaining offense for which the petitioner
108.29 was convicted is that offense or a more serious offense.
108.30 (g) The court shall state in writing or on the record the reasons for its decision on the
108.31 petition.
109.1 (h) If the court intends to resentence a petitioner or impose a sentence on a petitioner,
109.2 the court must hold the hearing at a time that allows any victim an opportunity to submit a
109.3 statement consistent with Minnesota Statutes, section 611A.038. The prosecutor shall make
109.4 a good faith and reasonable effort to notify any person determined to be a victim of the
109.5 hearing and the right to submit or make a statement. A sentence imposed under this
109.6 subdivision shall not increase the petitioner's period of confinement or, if the petitioner was
109.7 -serving a stayed sentence, increase the period of supervision. A person resentenced under
109.8 this paragraph is entitled to credit for time served in connection with the vacated offense.
109.9 (i) Relief granted under this section shall not be treated as an exoneration for purposes
109.10 of the Incarceration and Exoneration Remedies Act.
109.11 (j) Appeals from an order of the court issued under this subdivision may be made pursuant
109.12 to Minnesota Statutes, section 590.06.
109.13 EFFECTIVE DATE. This section is effective August 1, 2023.

84.1 Sec. 39. **REPEALER.**

84.2 Minnesota Statutes 2022, sections 609.281, subdivision 2; 609.293, subdivisions 1 and
84.3 5; 609.34; and 609.36, are repealed.

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

109.14 Sec. 10. **TASK FORCE ON AIDING AND ABETTING FELONY MURDER.**

109.15 (a) Laws 2021, First Special Session chapter 11, article 2, section 53, subdivisions 2, 3,
109.16 4, and 5, are revived and reenacted on the effective date of this section to expand the focus
109.17 of the task force's duties and work beyond the intersection of felony murder and aiding and
109.18 abetting liability for felony murder to more generally apply to the broader issues regarding
109.19 the state's felony murder doctrine and aiding and abetting liability schemes discussed in
109.20 "Task Force on Aiding and Abetting Felony Murder," Report to the Minnesota Legislature,
109.21 dated February 1, 2022, "The Task Force's recommendations," number 4.

109.22 (b) On or before January 15, 2024, the task force shall submit a report to the chairs and
109.23 ranking minority members of the house of representatives and senate committees and
109.24 divisions with jurisdiction over crime and sentencing on the findings and recommendations
109.25 of the task force.

109.26 (c) The task force expires January 16, 2024, or the day after submitting its report under
109.27 paragraph (b), whichever is earlier.

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

S1267-1

65.6 Sec. 27. **REPEALER.**

65.7 Minnesota Statutes 2022, sections 609.293, subdivisions 1 and 5; 609.34; 609.36; 617.20;
65.8 617.201; 617.202; 617.21; 617.28; and 617.29, are repealed.

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