

103.14

ARTICLE 6

103.15

CRIMINAL JUSTICE-RELATED JUDICIAL PROVISIONS

103.16 Section 1. Minnesota Statutes 2024, section 388.23, subdivision 1, is amended to read:

103.17 Subdivision 1. **Authority.** (a) The county attorney, or any deputy or assistant county
103.18 attorney whom the county attorney authorizes in writing, has the authority to subpoena and
103.19 require the production of:

103.20 (1) any records of:

103.21 (i) telephone companies, cellular phone companies, paging companies, and subscribers
103.22 of private computer networks including Internet service providers or computer bulletin
103.23 board systems;

103.24 (ii) electric companies, gas companies, and water utilities;

103.25 (iii) chemical suppliers;

103.26 (iv) hotels and motels;

103.27 (v) pawn shops;

103.28 (vi) airlines, buses, taxis, and other entities engaged in the business of transporting
103.29 people; and

104.1 (vii) freight companies, warehousing companies, self-service storage facilities, package
104.2 delivery companies, and other entities engaged in the businesses of transport, storage, or
104.3 delivery; and;

104.4 (2) records of the existence of safe deposit box account numbers and customer savings
104.5 and checking account numbers maintained by financial institutions and safe deposit
104.6 companies;

104.7 (3) insurance records relating to the monetary payment or settlement of claims;

104.8 (4) the banking, credit card, and financial records of a subject of an identity theft
104.9 investigation or a vulnerable adult, whether held in the name of the vulnerable adult or a
104.10 third party, including but not limited to safe deposit, loan and account applications and
104.11 agreements, signature cards, statements, checks, transfers, account authorizations, safe
104.12 deposit access records and documentation of fraud, and;

104.13 (5) wage and employment records of an applicant or recipient of public assistance who
104.14 is the subject of a welfare fraud investigation relating to eligibility information for public
104.15 assistance programs; and

104.16 (6) any of the following records of an employer or other person or business entity who
104.17 is the subject of a wage theft investigation:

104.18 (i) accounting and financial records such as books, registers, payrolls, banking records,
104.19 credit card records, securities records, and records of money transfers;

104.20 (ii) records required to be kept pursuant to section 177.30, paragraph (a); and

104.21 (iii) other records that in any way relate to wages or other income paid, hours worked,
104.22 and other conditions of employment of any employee or of work performed by persons
104.23 identified as independent contractors, and records of any payments to contractors, and
104.24 records of workers' compensation insurance.

104.25 (b) Subpoenas may only be issued for records that are relevant to an ongoing legitimate
104.26 law enforcement investigation. Administrative subpoenas may only be issued in welfare
104.27 fraud and identity theft cases if there is probable cause to believe a crime has been committed.

104.28 (c) This ~~provision~~ subdivision applies only to the records of business entities and does
104.29 not extend to private individuals or their dwellings.

104.30 (d) As used in this subdivision, "business entity" has the meaning given in section
104.31 308B.005.

105.1 **EFFECTIVE DATE.** This section is effective August 1, 2025, and applies to crimes
105.2 committed on or after that date.

105.3 Sec. 2. Minnesota Statutes 2024, section 590.01, is amended to read:

105.4 **590.01 AVAILABILITY, CONDITIONS.**

105.5 Subdivision 1. **Petition.** Except at a time when direct appellate relief is available, a
105.6 person convicted of a crime; or who received a stay of adjudication who claims that:

105.7 (1) the conviction or stay of adjudication obtained, or the sentence or other disposition
105.8 made, violated the person's rights under the Constitution or laws of the United States or of
105.9 the state; or

105.10 (2) scientific evidence not available at trial, obtained pursuant to a motion granted under
105.11 subdivision 1a, establishes the petitioner's actual innocence;

105.12 may commence a proceeding to secure relief by filing a petition in the district court in the
105.13 county in which the conviction or stay of adjudication was had to vacate and set aside the
105.14 judgment and to discharge the petitioner or to resentence the petitioner or grant a new trial
105.15 or correct the sentence or make other disposition as may be appropriate. A petition for
105.16 postconviction relief after a direct appeal has been completed may not be based on grounds
105.17 that could have been raised on direct appeal of the conviction, stay of adjudication, or
105.18 sentence. Nothing contained herein shall prevent the supreme court or the court of appeals,
105.19 upon application by a party, from granting a stay of a case on appeal for the purpose of
105.20 allowing an appellant to apply to the district court for an evidentiary hearing under the
105.21 provisions of this chapter. The proceeding shall conform with sections 590.01 to 590.06.

105.22 Subd. 1a. **Motion for fingerprint or forensic testing not available at trial.** (a) A person
105.23 convicted of a crime, or who received a stay of adjudication, may make a motion for the
105.24 performance of fingerprint or forensic DNA testing to demonstrate the person's actual
105.25 innocence if:

105.26 (1) the testing is to be performed on evidence secured in relation to the trial which
105.27 resulted in the conviction or plea; and

105.28 (2) the evidence was not subject to the testing because either the technology for the
105.29 testing was not available at the time of the trial or the testing was not available as evidence
105.30 at the time of the trial.

106.1 The motion shall be filed before the district court that entered the judgment of conviction
106.2 or stay of adjudication. Reasonable notice of the motion shall be served on the prosecuting
106.3 attorney who represented the state at trial.

106.4 (b) A person who makes a motion under paragraph (a) must present a prima facie case
106.5 that:

106.6 (1) identity was an issue in the trial; and

106.7 (2) the evidence to be tested has been subject to a chain of custody sufficient to establish
106.8 that it has not been substituted, tampered with, replaced, or altered in any material aspect.

106.9 (c) The court shall order that the testing be performed if:

106.10 (1) a prima facie case has been established under paragraph (b);

106.11 (2) the testing has the scientific potential to produce new, noncumulative evidence
106.12 materially relevant to the defendant's assertion of actual innocence; and

106.13 (3) the testing requested employs a scientific method generally accepted within the
106.14 relevant scientific community. The court shall impose reasonable conditions on the testing
106.15 designed to protect the state's interests in the integrity of the evidence and the testing process.

106.16 Subd. 2. **Remedy.** This remedy takes the place of any other common law, statutory or
106.17 other remedies which may have been available for challenging the validity of a stay of
106.18 adjudication, conviction, sentence, or other disposition and must be used exclusively in
106.19 place of them unless it is inadequate or ineffective to test the legality of the stay of
106.20 adjudication, conviction, sentence or other disposition.

106.21 Subd. 3. **Application for relief.** A person who has been convicted or received a stay of
106.22 adjudication and sentenced for a crime committed before May 1, 1980, may institute a
106.23 proceeding applying for relief under this chapter upon the ground that a significant change
106.24 in substantive or procedural law has occurred which, in the interest of justice, should be
106.25 applied retrospectively, including resentencing under subsequently enacted law.

106.26 No petition seeking resentencing shall be granted unless the court makes specific findings
106.27 of fact that release of the petitioner prior to the time the petitioner would be released under

106.28 the sentence currently being served does not present a danger to the public and is not
106.29 incompatible with the welfare of society.

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

107.1 (1) the entry of judgment of conviction, stay of adjudication, or sentence if no direct
107.2 appeal is filed; or

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

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

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

107.8 (2) the petitioner alleges the existence of newly discovered evidence, including scientific
107.9 evidence, that provides facts necessary to sustain one or more legally cognizable claims for
107.10 postconviction relief, if such evidence could not have been ascertained by the exercise of
107.11 due diligence by the petitioner or petitioner's attorney within the two-year time period for
107.12 filing a postconviction petition, is not cumulative to evidence presented at trial, and is not
107.13 for impeachment purposes;

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

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

107.19 (5) the petitioner establishes to the satisfaction of the court that the petition is not frivolous
107.20 and is in the interests of justice.

107.21 (c) Any petition invoking an exception provided in paragraph (b) must be filed within
107.22 two years of the date the claim arises.

107.23 Sec. 3. Minnesota Statutes 2024, section 595.02, subdivision 1, is amended to read:

107.24 Subdivision 1. **Competency of witnesses.** Every person of sufficient understanding,
107.25 including a party, may testify in any action or proceeding, civil or criminal, in court or
107.26 before any person who has authority to receive evidence, except as provided in this
107.27 subdivision:

107.28 (a) A husband cannot be examined for or against his wife without her consent, nor a
107.29 wife for or against her husband without his consent, nor can either, during the marriage or
107.30 afterwards, without the consent of the other, be examined as to any communication made

H1354-3

15.27 Sec. 12. Minnesota Statutes 2024, section 595.02, subdivision 1, is amended to read:

15.28 Subdivision 1. **Competency of witnesses.** Every person of sufficient understanding,
15.29 including a party, may testify in any action or proceeding, civil or criminal, in court or
15.30 before any person who has authority to receive evidence, except as provided in this
15.31 subdivision:

15.32 (a) A husband cannot be examined for or against his wife without her consent, nor a
15.33 wife for or against her husband without his consent, nor can either, during the marriage or
16.1 afterwards, without the consent of the other, be examined as to any communication made

107.31 by one to the other during the marriage. This exception does not apply to a civil action or
107.32 proceeding by one against the other, nor to a criminal action or proceeding for a crime
108.1 committed by one against the other or against a child of either or against a child under the
108.2 care of either spouse, nor to a criminal action or proceeding in which one is charged with
108.3 homicide or an attempt to commit homicide and the date of the marriage of the defendant
108.4 is subsequent to the date of the offense, nor to an action or proceeding for nonsupport,
108.5 neglect, dependency, or termination of parental rights.

108.6 (b) An attorney cannot, without the consent of the attorney's client, be examined as to
108.7 any communication made by the client to the attorney or the attorney's advice given thereon
108.8 in the course of professional duty; nor can any employee of the attorney be examined as to
108.9 the communication or advice, without the client's consent.

108.10 (c) A member of the clergy or other minister of any religion shall not, without the consent
108.11 of the party making the confession, be allowed to disclose a confession made to the member
108.12 of the clergy or other minister in a professional character, in the course of discipline enjoined
108.13 by the rules or practice of the religious body to which the member of the clergy or other
108.14 minister belongs; nor shall a member of the clergy or other minister of any religion be
108.15 examined as to any communication made to the member of the clergy or other minister by
108.16 any person seeking religious or spiritual advice, aid, or comfort or advice given thereon in
108.17 the course of the member of the clergy's or other minister's professional character, without
108.18 the consent of the person.

108.19 (d) A licensed physician or surgeon, dentist, or chiropractor shall not, without the consent
108.20 of the patient, be allowed to disclose any information or any opinion based thereon which
108.21 the professional acquired in attending the patient in a professional capacity, and which was
108.22 necessary to enable the professional to act in that capacity; after the decease of the patient,
108.23 in an action to recover insurance benefits, where the insurance has been in existence two
108.24 years or more, the beneficiaries shall be deemed to be the personal representatives of the
108.25 deceased person for the purpose of waiving this privilege, and no oral or written waiver of
108.26 the privilege shall have any binding force or effect except when made upon the trial or
108.27 examination where the evidence is offered or received.

108.28 (e) A public officer shall not be allowed to disclose communications made to the officer
108.29 in official confidence when the public interest would suffer by the disclosure.

108.30 (f) Persons of unsound mind and persons intoxicated at the time of their production for
108.31 examination are not competent witnesses if they lack capacity to remember or to relate
108.32 truthfully facts respecting which they are examined.

108.33 (g) A registered nurse, psychologist, consulting psychologist, or licensed social worker
108.34 engaged in a psychological or social assessment or treatment of an individual at the
109.1 individual's request shall not, without the consent of the professional's client, be allowed to
109.2 disclose any information or opinion based thereon which the professional has acquired in
109.3 attending the client in a professional capacity, and which was necessary to enable the

16.2 by one to the other during the marriage. This exception does not apply to a civil action or
16.3 proceeding by one against the other, nor to a criminal action or proceeding for a crime
16.4 committed by one against the other or against a child of either or against a child under the
16.5 care of either spouse, nor to a criminal action or proceeding in which one is charged with
16.6 homicide or an attempt to commit homicide and the date of the marriage of the defendant
16.7 is subsequent to the date of the offense, nor to an action or proceeding for nonsupport,
16.8 neglect, dependency, or termination of parental rights.

16.9 (b) An attorney cannot, without the consent of the attorney's client, be examined as to
16.10 any communication made by the client to the attorney or the attorney's advice given thereon
16.11 in the course of professional duty; nor can any employee of the attorney be examined as to
16.12 the communication or advice, without the client's consent.

16.13 (c) A member of the clergy or other minister of any religion shall not, without the consent
16.14 of the party making the confession, be allowed to disclose a confession made to the member
16.15 of the clergy or other minister in a professional character, in the course of discipline enjoined
16.16 by the rules or practice of the religious body to which the member of the clergy or other
16.17 minister belongs; nor shall a member of the clergy or other minister of any religion be
16.18 examined as to any communication made to the member of the clergy or other minister by
16.19 any person seeking religious or spiritual advice, aid, or comfort or advice given thereon in
16.20 the course of the member of the clergy's or other minister's professional character, without
16.21 the consent of the person.

16.22 (d) A licensed physician or surgeon, dentist, or chiropractor shall not, without the consent
16.23 of the patient, be allowed to disclose any information or any opinion based thereon which
16.24 the professional acquired in attending the patient in a professional capacity, and which was
16.25 necessary to enable the professional to act in that capacity; after the decease of the patient,
16.26 in an action to recover insurance benefits, where the insurance has been in existence two
16.27 years or more, the beneficiaries shall be deemed to be the personal representatives of the
16.28 deceased person for the purpose of waiving this privilege, and no oral or written waiver of
16.29 the privilege shall have any binding force or effect except when made upon the trial or
16.30 examination where the evidence is offered or received.

16.31 (e) A public officer shall not be allowed to disclose communications made to the officer
16.32 in official confidence when the public interest would suffer by the disclosure.

17.1 (f) Persons of unsound mind and persons intoxicated at the time of their production for
17.2 examination are not competent witnesses if they lack capacity to remember or to relate
17.3 truthfully facts respecting which they are examined.

17.4 (g) A registered nurse, psychologist, consulting psychologist, or licensed social worker
17.5 engaged in a psychological or social assessment or treatment of an individual at the
17.6 individual's request shall not, without the consent of the professional's client, be allowed to
17.7 disclose any information or opinion based thereon which the professional has acquired in
17.8 attending the client in a professional capacity, and which was necessary to enable the

109.4 professional to act in that capacity. Nothing in this clause exempts licensed social workers
109.5 from compliance with the provisions of section 626.557 and chapter 260E.

109.6 (h) An interpreter for a person disabled in communication shall not, without the consent
109.7 of the person, be allowed to disclose any communication if the communication would, if
109.8 the interpreter were not present, be privileged. For purposes of this section, a "person disabled
109.9 in communication" means a person who, because of a hearing, speech or other communication
109.10 disorder, or because of the inability to speak or comprehend the English language, is unable
109.11 to understand the proceedings in which the person is required to participate. The presence
109.12 of an interpreter as an aid to communication does not destroy an otherwise existing privilege.

109.13 (i) Licensed chemical dependency counselors shall not disclose information or an opinion
109.14 based on the information which they acquire from persons consulting them in their
109.15 professional capacities, and which was necessary to enable them to act in that capacity,
109.16 except that they may do so:

109.17 (1) when informed consent has been obtained in writing, except in those circumstances
109.18 in which not to do so would violate the law or would result in clear and imminent danger
109.19 to the client or others;

109.20 (2) when the communications reveal the contemplation or ongoing commission of a
109.21 crime; or

109.22 (3) when the consulting person waives the privilege by bringing suit or filing charges
109.23 against the licensed professional whom that person consulted.

109.24 (j) A parent or the parent's minor child may not be examined as to any communication
109.25 made in confidence by the minor to the minor's parent. A communication is confidential if
109.26 made out of the presence of persons not members of the child's immediate family living in
109.27 the same household. This exception may be waived by express consent to disclosure by a
109.28 parent entitled to claim the privilege or by the child who made the communication or by
109.29 failure of the child or parent to object when the contents of a communication are demanded.
109.30 This exception does not apply to a civil action or proceeding by one spouse against the other
109.31 or by a parent or child against the other, nor to a proceeding to commit either the child or
109.32 parent to whom the communication was made or to place the person or property or either
109.33 under the control of another because of an alleged mental or physical condition, nor to a
109.34 criminal action or proceeding in which the parent is charged with a crime committed against
110.1 the person or property of the communicating child, the parent's spouse, or a child of either
110.2 the parent or the parent's spouse, or in which a child is charged with a crime or act of
110.3 delinquency committed against the person or property of a parent or a child of a parent, nor
110.4 to an action or proceeding for termination of parental rights, nor any other action or
110.5 proceeding on a petition alleging child abuse, child neglect, abandonment or nonsupport
110.6 by a parent.

110.7 (k) Sexual assault counselors may not be allowed to disclose any opinion or information
110.8 received from or about the victim without the consent of the victim. However, a counselor

17.9 professional to act in that capacity. Nothing in this clause exempts licensed social workers
17.10 from compliance with the provisions of section 626.557 and chapter 260E.

17.11 (h) An interpreter for a person disabled in communication shall not, without the consent
17.12 of the person, be allowed to disclose any communication if the communication would, if
17.13 the interpreter were not present, be privileged. For purposes of this section, a "person disabled
17.14 in communication" means a person who, because of a hearing, speech or other communication
17.15 disorder, or because of the inability to speak or comprehend the English language, is unable
17.16 to understand the proceedings in which the person is required to participate. The presence
17.17 of an interpreter as an aid to communication does not destroy an otherwise existing privilege.

17.18 (i) Licensed chemical dependency counselors shall not disclose information or an opinion
17.19 based on the information which they acquire from persons consulting them in their
17.20 professional capacities, and which was necessary to enable them to act in that capacity,
17.21 except that they may do so:

17.22 (1) when informed consent has been obtained in writing, except in those circumstances
17.23 in which not to do so would violate the law or would result in clear and imminent danger
17.24 to the client or others;

17.25 (2) when the communications reveal the contemplation or ongoing commission of a
17.26 crime; or

17.27 (3) when the consulting person waives the privilege by bringing suit or filing charges
17.28 against the licensed professional whom that person consulted.

17.29 (j) A parent or the parent's minor child may not be examined as to any communication
17.30 made in confidence by the minor to the minor's parent. A communication is confidential if
17.31 made out of the presence of persons not members of the child's immediate family living in
17.32 the same household. This exception may be waived by express consent to disclosure by a
17.33 parent entitled to claim the privilege or by the child who made the communication or by
17.34 failure of the child or parent to object when the contents of a communication are demanded.
18.1 This exception does not apply to a civil action or proceeding by one spouse against the other
18.2 or by a parent or child against the other, nor to a proceeding to commit either the child or
18.3 parent to whom the communication was made or to place the person or property or either
18.4 under the control of another because of an alleged mental or physical condition, nor to a
18.5 criminal action or proceeding in which the parent is charged with a crime committed against
18.6 the person or property of the communicating child, the parent's spouse, or a child of either
18.7 the parent or the parent's spouse, or in which a child is charged with a crime or act of
18.8 delinquency committed against the person or property of a parent or a child of a parent, nor
18.9 to an action or proceeding for termination of parental rights, nor any other action or
18.10 proceeding on a petition alleging child abuse, child neglect, abandonment or nonsupport
18.11 by a parent.

18.12 (k) Sexual assault counselors may not be allowed to disclose any opinion or information
18.13 received from or about the victim without the consent of the victim. However, a counselor

110.9 may be compelled to identify or disclose information in investigations or proceedings related
110.10 to neglect or termination of parental rights if the court determines good cause exists. In
110.11 determining whether to compel disclosure, the court shall weigh the public interest and need
110.12 for disclosure against the effect on the victim, the treatment relationship, and the treatment
110.13 services if disclosure occurs. Nothing in this clause exempts sexual assault counselors from
110.14 compliance with the provisions of section 626.557 and chapter 260E.

110.15 "Sexual assault counselor" for the purpose of this section means a person who has
110.16 undergone at least 40 hours of crisis counseling training and works under the direction of
110.17 a supervisor in a crisis center, whose primary purpose is to render advice, counseling, or
110.18 assistance to victims of sexual assault.

110.19 (l) A domestic abuse advocate ~~may~~ shall not, without the consent of the victim, be
110.20 ~~compelled~~ allowed to disclose any opinion or information received from or about the victim
110.21 ~~without the consent of the victim unless ordered by the court~~ which the advocate acquired
110.22 in attending the victim in a professional capacity. In determining whether to compel
110.23 disclosure, the court shall weigh the public interest and need for disclosure against the effect
110.24 on the victim, the relationship between the victim and domestic abuse advocate, and the
110.25 services if disclosure occurs. Nothing in this paragraph (1) exempts domestic abuse advocates
110.26 from compliance with the provisions of section 626.557 and chapter 260E, or (2) modifies
110.27 a prosecutor's obligation to disclose material and information to the defense when the
110.28 information is in the possession or control of members of the prosecution staff and of any
110.29 others who have participated in the investigation or evaluation of the case and who either
110.30 regularly report, or with reference to the particular case have reported, to the prosecutor's
110.31 office.

110.32 For the purposes of this section, "domestic abuse advocate" means an employee or
110.33 supervised volunteer from a community-based ~~battered women's shelter and~~ domestic abuse
110.34 program eligible to receive grants under section 611A.32; that provides information,
110.35 advocacy, crisis intervention, emergency shelter, or support to victims of domestic abuse
111.1 and who is not employed by or under the direct supervision of a law enforcement agency,
111.2 a prosecutor's office, or by a city, county, or state agency.

111.3 (m) A person cannot be examined as to any communication or document, including
111.4 work notes, made or used in the course of or because of mediation pursuant to an agreement
111.5 to mediate or a collaborative law process pursuant to an agreement to participate in
111.6 collaborative law. This does not apply to the parties in the dispute in an application to a
111.7 court by a party to have a mediated settlement agreement or a stipulated agreement resulting
111.8 from the collaborative law process set aside or reformed. A communication or document
111.9 otherwise not privileged does not become privileged because of this paragraph. This
111.10 paragraph is not intended to limit the privilege accorded to communication during mediation
111.11 or collaborative law by the common law.

111.12 (n) A child under ten years of age is a competent witness unless the court finds that the
111.13 child lacks the capacity to remember or to relate truthfully facts respecting which the child

18.14 may be compelled to identify or disclose information in investigations or proceedings related
18.15 to neglect or termination of parental rights if the court determines good cause exists. In
18.16 determining whether to compel disclosure, the court shall weigh the public interest and need
18.17 for disclosure against the effect on the victim, the treatment relationship, and the treatment
18.18 services if disclosure occurs. Nothing in this clause exempts sexual assault counselors from
18.19 compliance with the provisions of section 626.557 and chapter 260E.

18.20 "Sexual assault counselor" for the purpose of this section means a person who has
18.21 undergone at least 40 hours of crisis counseling training and works under the direction of
18.22 a supervisor in a crisis center, whose primary purpose is to render advice, counseling, or
18.23 assistance to victims of sexual assault.

18.24 (l) A domestic abuse advocate ~~may~~ shall not, without the consent of the victim, be
18.25 ~~compelled~~ allowed to disclose any opinion or information received from or about the victim
18.26 ~~without the consent of the victim unless ordered by the court~~ that the advocate acquired in
18.27 attending to the victim in a professional capacity. In determining whether to compel
18.28 disclosure, the court shall weigh the public interest and need for disclosure against the effect
18.29 on the victim, the relationship between the victim and domestic abuse advocate, and the
18.30 services if disclosure occurs. Nothing in this paragraph (1) exempts domestic abuse advocates
18.31 from compliance with the provisions of section 626.557 and chapter 260E, or (2) modifies
18.32 a prosecutor's obligation to disclose material and information to the defense when the
18.33 information is in the possession or control of members of the prosecution staff and of any
18.34 others who have participated in the investigation or evaluation of the case and who either
19.1 regularly report, or with reference to the particular case have reported, to the prosecutor's
19.2 office.

19.3 For the purposes of this section, "domestic abuse advocate" means an employee or
19.4 supervised volunteer from a community-based ~~battered women's shelter and~~ domestic abuse
19.5 program eligible to receive grants under section 611A.32; that provides information,
19.6 advocacy, crisis intervention, emergency shelter, or support to victims of domestic abuse
19.7 and who is not employed by or under the direct supervision of a law enforcement agency,
19.8 a prosecutor's office, or by a city, county, or state agency.

19.9 (m) A person cannot be examined as to any communication or document, including
19.10 work notes, made or used in the course of or because of mediation pursuant to an agreement
19.11 to mediate or a collaborative law process pursuant to an agreement to participate in
19.12 collaborative law. This does not apply to the parties in the dispute in an application to a
19.13 court by a party to have a mediated settlement agreement or a stipulated agreement resulting
19.14 from the collaborative law process set aside or reformed. A communication or document
19.15 otherwise not privileged does not become privileged because of this paragraph. This
19.16 paragraph is not intended to limit the privilege accorded to communication during mediation
19.17 or collaborative law by the common law.

19.18 (n) A child under ten years of age is a competent witness unless the court finds that the
19.19 child lacks the capacity to remember or to relate truthfully facts respecting which the child

111.14 is examined. A child describing any act or event may use language appropriate for a child
111.15 of that age.

111.16 (o) A communication assistant for a telecommunications relay system for persons who
111.17 have communication disabilities shall not, without the consent of the person making the
111.18 communication, be allowed to disclose communications made to the communication assistant
111.19 for the purpose of relaying.

111.20 **EFFECTIVE DATE.** This section is effective July 1, 2025.

111.21 Sec. 4. Minnesota Statutes 2024, section 609A.06, subdivision 3, is amended to read:

111.22 Subd. 3. **Eligibility; cannabis offense.** (a) A person is eligible for an expungement or
111.23 resentencing to a lesser offense if:

111.24 (1) the person was convicted of, or adjudication was stayed for, a violation of ~~any of the~~
111.25 ~~following~~ a first-, second-, third-, fourth-, or fifth-degree controlled substance crime involving
111.26 the sale or possession of marijuana or tetrahydrocannabinols;

111.27 (i) ~~section 152.021, subdivision 1, clause (6);~~

111.28 (ii) ~~section 152.021, subdivision 2, clause (6);~~

111.29 (iii) ~~section 152.022, subdivision 1, clause (5), or clause (7), item (iii);~~

111.30 (iv) ~~section 152.022, subdivision 2, clause (6);~~

111.31 (v) ~~section 152.023, subdivision 1, clause (5);~~

112.1 (vi) ~~section 152.023, subdivision 2, clause (5);~~

112.2 (vii) ~~section 152.024, subdivision (4); or~~

112.3 (viii) ~~section 152.025, subdivision 2, clause (1) under Minnesota Statutes 2023~~

112.4 ~~Supplement, section 152.021, 152.022, 152.023, 152.024, or 152.025, or a previous version~~
112.5 ~~of those or any other statutes criminalizing the possession, sale, transportation, or cultivation~~
112.6 ~~of marijuana or tetrahydrocannabinols;~~

112.7 (2) the offense did not involve a dangerous weapon, the intentional infliction of bodily
112.8 harm on another, an attempt to inflict bodily harm on another, or an act committed with the
112.9 intent to cause fear in another of immediate bodily harm or death;

112.10 (3) the act on which the charge was based would either be a lesser offense or no longer
112.11 be a crime after August 1, 2023; and

112.12 (4) the person did not appeal the conviction, any appeal was denied, or the deadline to
112.13 file an appeal has expired.

19.20 is examined. A child describing any act or event may use language appropriate for a child
19.21 of that age.

19.22 (o) A communication assistant for a telecommunications relay system for persons who
19.23 have communication disabilities shall not, without the consent of the person making the
19.24 communication, be allowed to disclose communications made to the communication assistant
19.25 for the purpose of relaying.

19.26 **EFFECTIVE DATE.** This section is effective July 1, 2025.

112.14 (b) A person is eligible for an expungement for any other offense charged along with
112.15 the underlying crime described in paragraph (a) if the charge was either dismissed or eligible
112.16 for expungement under section 609A.055.

112.17 (c) For purposes of this subdivision, a "lesser offense" means a nonfelony offense if the
112.18 person was charged with a felony.

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

112.20 Sec. 5. Minnesota Statutes 2024, section 609A.06, subdivision 7, is amended to read:

112.21 Subd. 7. **Review and determination.** (a) The Cannabis Expungement Board shall review
112.22 all available records to determine whether the conviction or stay of adjudication or charge
112.23 is eligible for an expungement or resentencing to a lesser offense. An expungement under
112.24 this section is presumed to be in the public interest unless there is clear and convincing
112.25 evidence that an expungement or resentencing to a lesser offense would create a risk to
112.26 public safety.

112.27 (b) If the Cannabis Expungement Board determines that an expungement is in the public
112.28 interest, the board shall determine whether a person's conviction should be vacated and
112.29 charges should be dismissed.

112.30 (c) If the Cannabis Expungement Board determines that an expungement is in the public
112.31 interest, the board shall determine whether the limitations under section 609A.03, subdivision
112.32 5a, apply.

113.1 (d) If the Cannabis Expungement Board determines that an expungement is in the public
113.2 interest, the board shall determine whether the limitations under section 609A.03, subdivision
113.3 7a, paragraph (b), clause (5), apply.

113.4 (e) If the Cannabis Expungement Board determines that an expungement is not in the
113.5 public interest, the board shall determine whether the person is eligible for resentencing to
113.6 a lesser offense.

113.7 (f) In making a determination under this subdivision, the Cannabis Expungement Board
113.8 shall consider:

113.9 (1) the nature and severity of the underlying crime, including but not limited to the total
113.10 amount of marijuana or tetrahydrocannabinols possessed by the person and whether the
113.11 offense involved a dangerous weapon, the intentional infliction of bodily harm on another,
113.12 an attempt to inflict bodily harm on another, or an act committed with the intent to cause
113.13 fear in another of immediate bodily harm or death;

113.14 (2) whether an expungement or resentencing the person a lesser offense would increase
113.15 the risk, if any, the person poses to other individuals or society;

113.16 (3) if the person is under sentence, whether an expungement or resentencing to a lesser
113.17 offense would result in the release of the person and whether release earlier than the date

113.18 that the person would be released under the sentence currently being served would present
113.19 a danger to the public or would be compatible with the welfare of society;

113.20 (4) aggravating or mitigating factors relating to the underlying crime, including the
113.21 person's level of participation and the context and circumstances of the underlying crime;

113.22 (5) statements from victims and law enforcement, if any;

113.23 (6) if an expungement or resentencing the person to a lesser offense is considered,
113.24 whether there is good cause to restore the person's right to possess firearms and ammunition;

113.25 (7) if an expungement is considered, whether an expunged record of a conviction or stay
113.26 of adjudication may be opened for purposes of a background check required under section
113.27 122A.18, subdivision 8; and

113.28 (8) whether the person was also charged with other offenses in addition to the underlying
113.29 crime, the disposition of those other charges, and other factors deemed relevant by the
113.30 Cannabis Expungement Board.

113.31 (g) In making a determination under this subdivision, the Cannabis Expungement Board
113.32 shall not consider the impact the expungement would have on the offender based on any
114.1 records held by the Department of Health; Department of Children, Youth, and Families;
114.2 or Department of Human Services.

114.3 (h) The affirmative vote of three members is required for action taken at any meeting.

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

114.5 Sec. 6. Minnesota Statutes 2024, section 609A.06, subdivision 10, is amended to read:

114.6 Subd. 10. **Notice to judicial branch and offenders.** (a) The Cannabis Expungement
114.7 Board shall identify any conviction or stay of adjudication or charge that qualifies for an
114.8 order of expungement or resentencing to a lesser offense and notify the judicial branch of:

114.9 (1) the name and date of birth of a person whose conviction or stay of adjudication is
114.10 eligible for an order of expungement or resentencing to a lesser offense;

114.11 (2) the court file number of the eligible conviction or stay of adjudication;

114.12 (3) whether the person is eligible for an expungement;

114.13 (4) if the person is eligible for an expungement, whether the person's conviction should
114.14 be vacated and charges should be dismissed;

114.15 (5) if the person is eligible for an expungement, whether there is good cause to restore
114.16 the offender's right to possess firearms and ammunition;

114.17 (6) if the person is eligible for an expungement, whether the limitations under section
114.18 609A.03, subdivision 7a, paragraph (b), clause (5), apply; ~~and~~

114.19 (7) if the person is eligible for an expungement, whether the expungement should also
114.20 apply to any other offenses charged in addition to the underlying crime; and

114.21 (8) if the person is eligible for resentencing to a lesser offense, the lesser sentence to be
114.22 imposed.

114.23 (b) The Cannabis Expungement Board shall make a reasonable and good faith effort to
114.24 notify any person whose conviction or stay of adjudication qualifies for an order of
114.25 expungement that the offense qualifies and notice is being sent to the judicial branch. Notice
114.26 sent pursuant to this paragraph shall inform the person that, following the order of
114.27 expungement, any records of an arrest, conviction, or incarceration should not appear on
114.28 any background check or study.

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

115.1 Sec. 7. Minnesota Statutes 2024, section 609A.06, subdivision 12, is amended to read:

115.2 Subd. 12. **Order of expungement.** (a) Upon receiving notice that an offense qualifies
115.3 for expungement, the court shall issue an order sealing all records relating to an arrest,
115.4 indictment or information, trial, verdict, or dismissal and discharge for an offense described
115.5 in subdivision 3, and any other offenses charged in addition to the underlying crime if
115.6 identified by the Cannabis Expungement Board as eligible for expungement. In addition,
115.7 the court shall order all records, including those pertaining to probation, incarceration, or
115.8 supervision, held by the Department of Corrections or local correctional officials sealed.
115.9 The courts shall not order the Department of Health; the Department of Children, Youth,
115.10 and Families; or the Department of Human Services to seal records under this section. If
115.11 the Cannabis Expungement Board determined that the person's conviction should be vacated
115.12 and charges should be dismissed, the order shall vacate and dismiss the charges.

115.13 (b) If the Cannabis Expungement Board determined that there is good cause to restore
115.14 the person's right to possess firearms and ammunition, the court shall issue an order pursuant
115.15 to section 609.165, subdivision 1d.

115.16 (c) If the Cannabis Expungement Board determined that an expunged record of a
115.17 conviction or stay of adjudication may not be opened for purposes of a background check
115.18 required under section 122A.18, subdivision 8, the court shall direct the order specifically
115.19 to the Professional Educator Licensing and Standards Board.

115.20 (d) The court administrator shall send a copy of an expungement order issued under this
115.21 section to each agency and jurisdiction whose records are affected by the terms of the order
115.22 and send a letter to the last known address of the person whose offense has been expunged
115.23 identifying each agency to which the order was sent.

115.24 (e) In consultation with the commissioner of human services, the court shall establish a
115.25 schedule on which it shall provide the commissioner of human services a list identifying
115.26 the name and court file number or, if no court file number is available, the citation number
115.27 of each record for a person who received an expungement under this section.

115.28 (f) Data on the person whose offense has been expunged in a letter sent under this
115.29 subdivision are private data on individuals as defined in section 13.02, subdivision 12.

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

115.31 Sec. 8. Minnesota Statutes 2024, section 611.24, subdivision 4, is amended to read:

115.32 Subd. 4. **Appeal by prosecuting attorney; attorney fees.** (a) When a prosecuting
115.33 attorney appeals to the court of appeals, in any criminal case, from any pretrial order of the
116.1 district court, reasonable attorney fees and costs incurred shall be allowed to the defendant
116.2 on the appeal which shall be paid by the governmental unit responsible for the prosecution
116.3 involved in accordance with paragraph (b).

116.4 (b) On or before January 15 of each year, the chief judge of the judicial district, after
116.5 consultation with city and county attorneys, the chief public defender, and members of the
116.6 private bar in the district, shall establish a reimbursement rate for attorney fees and costs
116.7 associated with representation of a defendant on appeal. The compensation to be paid to an
116.8 attorney for such service rendered to a defendant under this subdivision may not exceed
116.9 \$10,000, exclusive of reimbursement for expenses reasonably incurred, unless payment in
116.10 excess of that limit is certified by the chief judge of the district as necessary to provide fair
116.11 compensation for services of an unusual character or duration.