

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2792

04/01/2019 Authored by Mariani
The bill was read for the first time and referred to the Committee on Ways and Means
04/23/2019 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act

1.2 relating to judiciary; modifying certain provisions relating to public safety; courts;

1.3 corrections; law enforcement; sexual offenders; controlled substances; DWI;

1.4 vehicle operations; pretrial release; offender sentencing, probation, and diversion;

1.5 firefighters; statewide emergency communication; predatory offenders; and

1.6 forfeiture; modifying ex-offender voting rights; enacting the Uniform Collateral

1.7 Consequences of Conviction Act; raising the age of marriage to 18; establishing

1.8 a cooperative private divorce program; requiring reports; providing for task forces;

1.9 providing for studies; providing for criminal penalties; appropriating money for

1.10 sentencing guidelines, public safety, courts, corrections, Peace Officer Standards

1.11 and Training (POST) Board, Private Detective Board, human services, health, civil

1.12 legal services, human rights, Guardian Ad Litem Board, Uniform Laws

1.13 Commission, Board on Judicial Standards, Board of Public Defense, Bureau of

1.14 Mediation Services, and Legislative Coordinating Commission; amending

1.15 Minnesota Statutes 2018, sections 13.599, by adding a subdivision; 13.6905, by

1.16 adding a subdivision; 13.851, by adding a subdivision; 15A.0815, subdivision 3;

1.17 62A.21, subdivision 2a; 84.7741, subdivision 13; 84.91, subdivision 1; 86B.331,

1.18 subdivision 1; 97A.221, subdivision 5; 97A.223, subdivision 6; 97A.225,

1.19 subdivision 10; 144.121, subdivision 1a, by adding a subdivision; 151.37,

1.20 subdivision 12; 152.021, subdivision 2a; 152.025, subdivisions 1, 2, 4; 152.0275;

1.21 152.18, subdivision 1; 152.21, subdivision 6; 152.32, subdivision 2; 169.92,

1.22 subdivision 4; 169.99, subdivision 1c, by adding a subdivision; 169A.03,

1.23 subdivision 18; 169A.37, subdivision 1; 169A.55, subdivision 2; 169A.60,

1.24 subdivisions 4, 5, 8; 169A.63, by adding a subdivision; 171.07, subdivision 1a;

1.25 171.16, subdivisions 2, 3; 171.18, subdivision 1; 171.20, subdivision 4; 171.26,

1.26 subdivision 1; 171.29, subdivision 1; 241.01, subdivision 3a; 241.025, subdivisions

1.27 1, 2; 241.75, subdivision 2; 242.192; 243.166, subdivisions 1a, 1b, 2, 4, 4a, 4b,

1.28 4c, 5, 6, 7, 7a, by adding a subdivision; 243.48, subdivision 1; 244.05, subdivisions

1.29 4, 5; 244.09, subdivisions 6, 8; 245C.22, by adding a subdivision; 245C.24, by

1.30 adding a subdivision; 257.56; 260B.176, by adding a subdivision; 299A.12,

1.31 subdivisions 1, 2, 3; 299A.13; 299A.14, subdivision 3; 299A.55, subdivisions 2,

1.32 4; 299A.681, subdivision 11; 299A.706; 299A.707, by adding a subdivision;

1.33 299C.091, subdivision 5; 299C.093; 299C.46, subdivision 3; 299F.857; 299N.01,

1.34 subdivisions 2, 3; 299N.02, subdivisions 1, 2, 3; 299N.03, subdivisions 4, 5, 6, by

1.35 adding a subdivision; 299N.04; 299N.05, subdivisions 1, 2, 5, 6, 7, 9; 299N.06;

1.36 340A.22, subdivision 4; 340A.304; 340A.417; 357.021, subdivisions 1a, 2, 6, 7,

1.37 by adding a subdivision; 363A.03, subdivision 43; 363A.35, subdivision 3;

1.38 363A.36, subdivisions 1, 4, by adding a subdivision; 363A.44, subdivision 1;

2.1 364.07; 403.02, by adding a subdivision; 403.03; 403.21, subdivision 7a; 403.36,
 2.2 subdivisions 1, 1b, 1c, 1d; 403.37, subdivision 12; 403.382, subdivisions 1, 8;
 2.3 446A.083, subdivision 2; 480.15, by adding a subdivision; 484.85; 517.02; 517.03,
 2.4 subdivision 1; 517.08, subdivisions 1a, 1b, by adding a subdivision; 518.191, by
 2.5 adding a subdivision; 518.195, by adding a subdivision; 518A.43, subdivision 1;
 2.6 590.01, subdivision 4; 590.11, subdivisions 1, 2, 5, 7; 609.101, subdivision 5;
 2.7 609.106, subdivision 2, by adding a subdivision; 609.115, by adding a subdivision;
 2.8 609.135, subdivisions 1a, 1c, 2, by adding a subdivision; 609.2112, subdivision
 2.9 1; 609.2113, subdivisions 1, 2, 3; 609.341, subdivisions 10, 11, 12, by adding
 2.10 subdivisions; 609.342, subdivision 1; 609.343, subdivision 1; 609.344, subdivision
 2.11 1; 609.345, subdivision 1; 609.3451, subdivision 1; 609.3455, subdivision 2;
 2.12 609.582, subdivisions 3, 4; 609.66, subdivision 1d; 609.749, subdivisions 1, 2, 3,
 2.13 5, 8; 609.762, subdivision 2; 609.856, subdivision 2; 609.895, subdivision 5;
 2.14 609.908, subdivision 3; 609A.02, by adding a subdivision; 609A.025; 609B.515;
 2.15 611.32, subdivision 2; 611.365, subdivisions 2, 3; 611.367; 611.368; 611A.039,
 2.16 subdivision 1; 617.246, subdivisions 2, 3, 4, 7, by adding a subdivision; 617.247,
 2.17 subdivisions 3, 4, 9, by adding a subdivision; 624.712, subdivision 5; 624.713,
 2.18 subdivision 1; 624.7131; 624.7132; 624.714, subdivisions 1b, 7a, 17; 624.7142,
 2.19 subdivision 6; 626.556, subdivision 2; 626.841; 626.93, subdivisions 3, 4; 628.26;
 2.20 629.53; 629.715, subdivision 2; 631.412; 634.20; 638.02, subdivision 3; 641.15,
 2.21 subdivision 3a; Laws 2009, chapter 59, article 3, section 4, subdivision 9, as
 2.22 amended; Laws 2017, chapter 95, article 1, section 11, subdivision 7; article 3,
 2.23 section 30; proposing coding for new law in Minnesota Statutes, chapters 3; 13;
 2.24 152; 171; 241; 243; 244; 260B; 299A; 340A; 518; 609; 611A; 624; 626; 638; 641;
 2.25 repealing Minnesota Statutes 2018, sections 152.027, subdivisions 3, 4; 169A.63;
 2.26 299A.12, subdivision 4; 299A.18; 401.13; 609.349; 609.531, subdivisions 1, 1a,
 2.27 4, 5, 5a, 6a, 7, 8; 609.5311; 609.5312; 609.5313; 609.5314; 609.5315; 609.5316;
 2.28 609.5317; 609.5318; 609.5319; 609.762, subdivisions 3, 4, 5, 6; 609.905,
 2.29 subdivision 3; 609B.050; 609B.100; 609B.101; 609B.102; 609B.103; 609B.104;
 2.30 609B.105; 609B.106; 609B.107; 609B.108; 609B.109; 609B.110; 609B.111;
 2.31 609B.112; 609B.113; 609B.120; 609B.121; 609B.122; 609B.123; 609B.124;
 2.32 609B.125; 609B.126; 609B.127; 609B.128; 609B.129; 609B.130; 609B.132;
 2.33 609B.133; 609B.134; 609B.135; 609B.136; 609B.139; 609B.140; 609B.141;
 2.34 609B.142; 609B.143; 609B.144; 609B.146; 609B.147; 609B.148; 609B.149;
 2.35 609B.1495; 609B.150; 609B.151; 609B.152; 609B.153; 609B.155; 609B.157;
 2.36 609B.158; 609B.159; 609B.160; 609B.161; 609B.162; 609B.164; 609B.1641;
 2.37 609B.1645; 609B.165; 609B.168; 609B.170; 609B.171; 609B.172; 609B.173;
 2.38 609B.174; 609B.175; 609B.176; 609B.177; 609B.179; 609B.180; 609B.181;
 2.39 609B.183; 609B.184; 609B.185; 609B.187; 609B.188; 609B.189; 609B.191;
 2.40 609B.192; 609B.193; 609B.194; 609B.195; 609B.200; 609B.201; 609B.203;
 2.41 609B.205; 609B.206; 609B.216; 609B.231; 609B.235; 609B.237; 609B.241;
 2.42 609B.245; 609B.255; 609B.262; 609B.263; 609B.265; 609B.271; 609B.273;
 2.43 609B.275; 609B.277; 609B.301; 609B.310; 609B.311; 609B.312; 609B.320;
 2.44 609B.321; 609B.330; 609B.331; 609B.332; 609B.333; 609B.340; 609B.341;
 2.45 609B.342; 609B.343; 609B.344; 609B.345; 609B.400; 609B.405; 609B.410;
 2.46 609B.415; 609B.425; 609B.430; 609B.435; 609B.445; 609B.450; 609B.455;
 2.47 609B.460; 609B.465; 609B.500; 609B.505; 609B.510; 609B.515; 609B.518;
 2.48 609B.520; 609B.525; 609B.530; 609B.535; 609B.540; 609B.545; 609B.600;
 2.49 609B.610; 609B.611; 609B.612; 609B.613; 609B.614; 609B.615; 609B.700;
 2.50 609B.710; 609B.720; 609B.721; 609B.722; 609B.723; 609B.724; 609B.725.

2.51 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

2.52 **ARTICLE 1**

2.53 **PUBLIC SAFETY APPROPRIATIONS**

2.54 Section 1. **APPROPRIATIONS.**

3.1 The sums shown in the columns marked "Appropriations" are appropriated to the agencies
 3.2 and for the purposes specified in this article. The appropriations are from the general fund,
 3.3 or another named fund, and are available for the fiscal years indicated for each purpose.
 3.4 The figures "2020" and "2021" used in this article mean that the appropriations listed under
 3.5 them are available for the fiscal year ending June 30, 2020, or June 30, 2021, respectively.
 3.6 "The first year" is fiscal year 2020. "The second year" is fiscal year 2021. "The biennium"
 3.7 is fiscal years 2020 and 2021. Appropriations for the fiscal year ending June 30, 2019, are
 3.8 effective the day following final enactment.

		<u>APPROPRIATIONS</u>	
		<u>Available for the Year</u>	
		<u>Ending June 30</u>	
		<u>2020</u>	<u>2021</u>
3.12	<u>2019</u>		
3.13	Sec. 2. <u>SENTENCING GUIDELINES</u>	<u>\$ 1,330,000</u>	<u>\$ 988,000</u>
3.14	<u>\$651,000 the first year and \$301,000 the</u>		
3.15	<u>second year are to establish early discharge</u>		
3.16	<u>targets. The base for this program is \$223,000</u>		
3.17	<u>beginning in fiscal year 2022.</u>		

3.18	Sec. 3. <u>PUBLIC SAFETY</u>		
3.19	<u>Subdivision 1. Total</u>		
3.20	<u>Appropriation</u>	<u>\$ 160,000</u>	<u>\$ 202,143,000</u>
			<u>\$ 201,171,000</u>

<u>Appropriations by Fund</u>			
	<u>2019</u>	<u>2020</u>	<u>2021</u>
3.23	<u>160,000</u>	<u>108,637,000</u>	<u>107,665,000</u>
3.24		<u>13,926,000</u>	<u>13,926,000</u>
3.25			
3.26		<u>103,000</u>	<u>103,000</u>
3.27		<u>73,000</u>	<u>73,000</u>
3.28		<u>2,429,000</u>	<u>2,429,000</u>
3.29		<u>77,650,000</u>	<u>77,650,000</u>

3.30 The amounts that may be spent for each
 3.31 purpose are specified in the following
 3.32 subdivisions.

3.33 Subd. 2. Deficiency
 3.34 \$160,000 in fiscal year 2019 is to pay systems
 3.35 costs related to license reinstatement fee

4.1 changes, driver diversion programs, and
 4.2 ignition interlock.

4.3 **Subd. 3. Emergency Management** 5,343,000 5,093,000

4.4 Appropriations by Fund

4.5 General 3,745,000 3,495,000

4.6 Environmental 73,000 73,000

4.7 Special Revenue

4.8 Fund 1,525,000 1,525,000

4.9 **(a) Hazmat and Chemical Assessment**

4.10 **Teams**

4.11 \$850,000 each year is from the fire safety
 4.12 account in the special revenue fund. These
 4.13 amounts must be used to fund the hazardous
 4.14 materials and chemical assessment teams. Of
 4.15 this amount, \$100,000 the first year is for
 4.16 cases for which there is no identified
 4.17 responsible party.

4.18 **(b) Supplemental Nonprofit Security Grants**

4.19 \$300,000 each year is for supplemental
 4.20 nonprofit security grants under this paragraph.

4.21 Nonprofit organizations whose applications
 4.22 for funding through the Federal Emergency
 4.23 Management Agency's nonprofit security grant
 4.24 program have been approved by the Division
 4.25 of Homeland Security and Emergency
 4.26 Management are eligible for grants under this
 4.27 paragraph. No additional application shall be
 4.28 required for grants under this paragraph, and
 4.29 an application for a grant from the federal
 4.30 program is also an application for funding
 4.31 from the state supplemental program.

4.32 Eligible organizations may receive grants of
 4.33 up to \$75,000, except that the total received
 4.34 by any individual from both the federal

5.1 nonprofit security grant program and the state
5.2 supplemental nonprofit security grant program
5.3 shall not exceed \$75,000. Grants shall be
5.4 awarded in an order consistent with the
5.5 ranking given to applicants for the federal
5.6 nonprofit security grant program. No grants
5.7 under the state supplemental nonprofit security
5.8 grant program shall be awarded until the
5.9 announcement of the recipients and the
5.10 amount of the grants awarded under the federal
5.11 nonprofit security grant program.

5.12 The commissioner may use up to one percent
5.13 of the appropriation received under this
5.14 paragraph to pay costs incurred by the
5.15 department in administering the supplemental
5.16 nonprofit security grant program. This
5.17 program shall have a base of \$150,000 in fiscal
5.18 year 2022 and \$0 in fiscal year 2023.

5.19 **(c) Emergency Responder Training; Autism**
5.20 **Spectrum Disorder**

5.21 \$250,000 the first year is for a grant or grants
5.22 to a person or entity to train emergency
5.23 responders and utilize applications for cell
5.24 phones and mobile electronic devices to
5.25 improve and de-escalate emergency
5.26 encounters and crisis situations with
5.27 individuals who have an autism spectrum
5.28 disorder or related disability, or other
5.29 nonvisible health issue, and to acquire these
5.30 applications. By February 15, 2023, the
5.31 commissioner shall report to the chairs and
5.32 ranking minority members of the senate and
5.33 house of representatives committees and
5.34 divisions having jurisdiction over criminal
5.35 justice policy and finance on how this

6.1 appropriation was spent and what results were
6.2 achieved.

6.3 **(d) Local Government Emergency**

6.4 **Management**

6.5 \$300,000 each year is for the director of the
6.6 Homeland Security and Emergency
6.7 Management Division (HSEM) to award
6.8 grants to emergency management departments
6.9 for planning and preparedness activities
6.10 including capital purchases.

6.11 A grant in the amount of \$20,000 shall be
6.12 awarded each fiscal year to each of the
6.13 following, subject to HSEM's final approval:

6.14 (1) 12 counties with two counties

6.15 recommended by each Homeland Security

6.16 Emergency Management Region;

6.17 (2) two tribal governments recommended by

6.18 the Indian Affairs Council; and

6.19 (3) one city of the first class chosen by HSEM.

6.20 Current local funding for emergency
6.21 management and preparedness activities may
6.22 not be supplanted by these additional state
6.23 funds. These appropriations are onetime.

6.24 **(e) Bomb Squad Reimbursements**

6.25 \$50,000 each year is for reimbursements to

6.26 local governments for bomb squad services.

6.27 **(f) School Safety Center**

6.28 \$250,000 each year is to hire two additional

6.29 school safety specialists in the school safety

6.30 center.

6.31 **(g) Emergency Response Teams**

7.1 \$675,000 each year is to maintain four
 7.2 emergency response teams: one under the
 7.3 jurisdiction of the St. Cloud Fire Department
 7.4 or a similarly located fire department if
 7.5 necessary; one under the jurisdiction of the
 7.6 Duluth Fire Department; one under the
 7.7 jurisdiction of the St. Paul Fire Department;
 7.8 and one under the jurisdiction of the Moorhead
 7.9 Fire Department. The commissioner must
 7.10 allocate the appropriation as follows:
 7.11 (1) \$225,000 each year to the St. Cloud Fire
 7.12 Department;
 7.13 (2) \$225,000 each year to the Duluth Fire
 7.14 Department;
 7.15 (3) \$125,000 each year to the St. Paul Fire
 7.16 Department; and
 7.17 (4) \$100,000 each year to the Moorhead Fire
 7.18 Department.
 7.19 These are onetime appropriations.

7.20 Subd. 4. **Criminal Apprehension** 63,229,000 62,974,000

7.21	<u>Appropriations by Fund</u>		
7.22	<u>General</u>	<u>60,793,000</u>	<u>60,538,000</u>
7.23	<u>State Government</u>		
7.24	<u>Special Revenue</u>	<u>7,000</u>	<u>7,000</u>
7.25	<u>Trunk Highway</u>	<u>2,429,000</u>	<u>2,429,000</u>

7.26 (a) **DWI Lab Analysis; Trunk Highway**
 7.27 **Fund**
 7.28 Notwithstanding Minnesota Statutes, section
 7.29 161.20, subdivision 3, \$2,429,000 each year
 7.30 is from the trunk highway fund for laboratory
 7.31 analysis related to driving-while-impaired
 7.32 cases.

7.33 (b) **FBI Cybersecurity Compliance**

8.1 \$1,501,000 the first year and \$1,325,000 the
 8.2 second year are for staff and technology costs
 8.3 to meet FBI cybersecurity requirements. The
 8.4 base for fiscal year 2022 and thereafter is
 8.5 \$1,175,000.

8.6 **(c) Automated Fingerprint Identification**
 8.7 **System**

8.8 \$1,500,000 each year is to replace the current
 8.9 automated fingerprint identification system
 8.10 with a new leased technology system.

8.11 **(d) Equipment**

8.12 \$50,000 the first year is for information and
 8.13 technology to receive and store data related
 8.14 to complaints made against an employed peace
 8.15 officer.

8.16 **(e) Base Adjustment**

8.17 To account for the base adjustments provided
 8.18 in Laws 2018, chapter 211, article 21, section
 8.19 1, paragraph (a), the general fund base is
 8.20 increased by \$131,000 in fiscal years 2022
 8.21 and 2023.

8.22 **Subd. 5. Fire Marshal** 6,622,000 6,622,000

8.23 Appropriations by Fund

8.24 <u>Special Revenue</u>	<u>6,622,000</u>	<u>6,622,000</u>	
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8.25 The special revenue fund appropriation is from
 8.26 the fire safety account in the special revenue
 8.27 fund and is for activities under Minnesota
 8.28 Statutes, section 299F.012.

8.29 **Inspections.** \$300,000 each year is for
 8.30 inspection of nursing homes and boarding care
 8.31 facilities.

8.32 **Subd. 6. Firefighter Training and Education**
 8.33 **Board** 5,015,000 5,015,000

9.1 Appropriations by Fund
 9.2 Special Revenue 5,015,000 5,015,000

9.3 The special revenue fund appropriation is from
 9.4 the fire safety account in the special revenue
 9.5 fund and is for activities under Minnesota
 9.6 Statutes, section 299F.012.

9.7 **(a) Firefighter Training and Education**
 9.8 \$4,265,000 each year is for firefighter training
 9.9 and education.

9.10 **(b) Task Force 1**
 9.11 \$500,000 each year is for the Minnesota Task
 9.12 Force 1.

9.13 **(c) Air Rescue**
 9.14 \$250,000 each year is for the Minnesota Air
 9.15 Rescue Team.

9.16 **(d) Unappropriated Revenue**
 9.17 Any additional unappropriated money
 9.18 collected in fiscal year 2019 is appropriated
 9.19 to the commissioner of public safety for the
 9.20 purposes of Minnesota Statutes, section
 9.21 299F.012. The commissioner may transfer
 9.22 appropriations and base amounts between
 9.23 activities in this subdivision.

9.24 **Subd. 7. Alcohol and Gambling Enforcement** 2,929,000 2,927,000

9.25 Appropriations by Fund
 9.26 General 2,165,000 2,163,000
 9.27 Special Revenue 764,000 764,000

9.28 \$694,000 each year is from the alcohol
 9.29 enforcement account in the special revenue
 9.30 fund. Of this appropriation, \$500,000 each
 9.31 year shall be transferred to the general fund.

10.1 \$70,000 each year is from the lawful gambling
 10.2 regulation account in the special revenue fund.

10.3 \$175,000 the first year and \$165,000 the
 10.4 second year are for costs related to
 10.5 enforcement of laws regulating out-of-state
 10.6 direct wine shippers.

10.7 To account for the base adjustments provided
 10.8 in Laws 2018, chapter 211, article 21, section
 10.9 1, paragraph (a), the general fund base is
 10.10 increased by \$8,000 in fiscal years 2022 and
 10.11 2023.

10.12	<u>Subd. 8. Office of Justice Programs</u>	<u>41,730,000</u>	<u>41,365,000</u>
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10.13 Appropriations by Fund

10.14	<u>General</u>	<u>41,634,000</u>	<u>41,269,000</u>
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10.15 State Government

10.16	<u>Special Revenue</u>	<u>96,000</u>	<u>96,000</u>
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10.17 To account for the base adjustments provided
 10.18 in Laws 2018, chapter 211, article 21, section
 10.19 1, paragraph (a), the general fund base is
 10.20 increased by \$2,000 in fiscal years 2022 and
 10.21 2023.

10.22 (a) **Administration Costs**

10.23 Up to 2.5 percent of the grant funds
 10.24 appropriated in this subdivision may be used
 10.25 by the commissioner to administer the grant
 10.26 program.

10.27 (b) **Indigenous Women Task Force**

10.28 \$105,000 the first year and \$45,000 the second
 10.29 year are to convene a task force on the causes
 10.30 and extent of victimization of indigenous
 10.31 women and girls and strategies to reduce
 10.32 violence. A report on policies and
 10.33 recommendations to reduce and end violence
 10.34 against indigenous women and girls is due to

11.1 the legislature on December 15, 2020. These
11.2 are onetime appropriations.

11.3 **(c) Domestic Abuse Prevention Grants**

11.4 \$200,000 each year is for a grant to a domestic
11.5 abuse prevention program that provides
11.6 interdisciplinary, trauma-informed treatment
11.7 and evidence-informed intervention for
11.8 veterans and current or former service
11.9 members and their families affected by
11.10 domestic violence. The grantee must offer a
11.11 combination of services for perpetrators of
11.12 domestic violence and their families, including
11.13 individual and group therapy, evaluation and
11.14 research of programming, and short- and
11.15 long-term case management services to ensure
11.16 stabilization and increase their overall mental
11.17 health functioning and well-being. These
11.18 appropriations are onetime.

11.19 **(d) Criminal Sexual Conduct Statutory**
11.20 **Reform Working Group**

11.21 \$20,000 the first year and \$14,000 the second
11.22 year are to convene, administer, and
11.23 implement the criminal sexual conduct
11.24 statutory reform working group.

11.25 **(e) Legal Representation for Children**

11.26 \$150,000 each year is for a grant to an
11.27 organization that provides legal representation
11.28 for children in need of protection or services
11.29 and children in out-of-home placement. The
11.30 grant is contingent upon a match in an equal
11.31 amount from nonstate funds. The match may
11.32 be in kind, including the value of volunteer
11.33 attorney time, or in cash, or a combination of
11.34 the two. These appropriations are onetime.

12.1 **(f) Youth Intervention Programs**

12.2 \$500,000 each year is for youth intervention
12.3 programs under Minnesota Statutes, section
12.4 299A.73. One-half of the money is for
12.5 community-based youth intervention programs
12.6 that work with African American and African
12.7 immigrant youth.

12.8 These appropriations are onetime.

12.9 **(g) Domestic Abuse Transformation**

12.10 **Programs**

12.11 \$783,000 each year is for grants to domestic
12.12 abuse transformation programs that
12.13 demonstrate meaningful and effective
12.14 programming to reduce and eliminate domestic
12.15 abuse within intimate partner relationships.
12.16 The requirements for grant recipients shall be
12.17 developed by the Office of Justice Programs
12.18 in consultation with stakeholders impacted by
12.19 domestic abuse and working to end domestic
12.20 abuse. The base in fiscal year 2022 is \$0.

12.21 **(h) Peace Officer Community Policing**

12.22 **Excellence Report Database**

12.23 (1) \$200,000 the first year is for a grant to a
12.24 qualified community-based research
12.25 organization to develop a system to classify
12.26 and report peace officer discipline by category,
12.27 severity, type, demographic data of those
12.28 involved in the incident, and any other factor
12.29 determined to be appropriate by the Peace
12.30 Officers Standards and Training Board. As
12.31 part of the system, the grant recipient must
12.32 develop and incorporate:

12.33 (i) a protocol to assign a unique identifier for
12.34 each peace officer;

- 13.1 (ii) safeguards to protect personal identifying
13.2 information of peace officers; and
- 13.3 (iii) guidelines for data retention and user audit
13.4 trails.
- 13.5 (2) The grant recipient, in consultation with
13.6 the stakeholder group identified in clause (3),
13.7 may recommend changes on how to adapt the
13.8 system under clause (1) to collect additional
13.9 policing data that corresponds with peace
13.10 officer interactions with the public generally
13.11 and suspects, arrests, and victims specifically.
- 13.12 (3) In developing the system described in
13.13 clause (1), the grant recipient shall consult
13.14 with:
- 13.15 (i) the superintendent of the Bureau of
13.16 Criminal Apprehension;
- 13.17 (ii) the Peace Officer Standards and Training
13.18 Board;
- 13.19 (iii) the Minnesota Police and Peace Officers
13.20 Association;
- 13.21 (iv) the Minnesota Sheriff's Association;
- 13.22 (v) the Minnesota Chiefs of Police
13.23 Association; and
- 13.24 (vi) six community members appointed by the
13.25 commissioner of public safety, of which:
- 13.26 (A) at least two members must be from
13.27 communities represented by boards established
13.28 under section 257.0768;
- 13.29 (B) at least two members must be mental
13.30 health advocates; and
- 13.31 (C) at least two members must be advocates
13.32 for domestic abuse victims.

14.1 (4) The grant recipient and citizens must be
 14.2 permitted ongoing direct access to the data
 14.3 maintained in the system. Access to the data
 14.4 under this clause must be strictly regulated
 14.5 and monitored to ensure compliance with the
 14.6 data privacy classifications assigned to the
 14.7 data.

14.8 **(i) Sex Trafficking Investigations**

14.9 **Coordinator**

14.10 \$100,000 each year is for a statewide Sex
 14.11 Trafficking Investigations Coordinator.

14.12 **(j) Cannabis Task Force**

14.13 \$100,000 the first year is to provide support
 14.14 staff, office space, and administrative services
 14.15 for the Cannabis Task Force.

14.16 **(k) Safe and Secure Storage of Firearms**

14.17 \$100,000 each year is for grants to local or
 14.18 state law enforcement agencies to support the
 14.19 safe and secure storage of firearms.

14.20 **(l) Community Policing Database**

14.21 **Maintenance**

14.22 \$50,000 the second year is for the Bureau of
 14.23 Criminal Apprehension to maintain the
 14.24 community policing database. Any unused
 14.25 amount remaining in the account on June 1 is
 14.26 for a grant to a community-based research
 14.27 organization to maintain and update software
 14.28 to monitor peace officer discipline.

14.29 **Subd. 9. Emergency Communication Networks** 77,750,000 77,750,000

14.30 Appropriations by Fund

14.31 General 100,000 100,000

14.32 Special Revenue 77,650,000 77,650,000

- 15.1 This appropriation is from the state
15.2 government special revenue fund for 911
15.3 emergency telecommunications services.
- 15.4 This appropriation includes funds for
15.5 information technology project services and
15.6 support subject to the provisions of Minnesota
15.7 Statutes, section 16E.0466. Any ongoing
15.8 information technology costs will be
15.9 incorporated into the service level agreement
15.10 and will be paid to the Office of MN.IT
15.11 Services by the Department of Public Safety
15.12 under the rates and mechanism specified in
15.13 that agreement.
- 15.14 **(a) Public Safety Answering Points**
- 15.15 \$13,664,000 each year is to be distributed as
15.16 provided in Minnesota Statutes, section
15.17 403.113, subdivision 2.
- 15.18 **(b) Medical Resource Communication Centers**
- 15.19 \$683,000 each year is for grants to the
15.20 Minnesota Emergency Medical Services
15.21 Regulatory Board for the Metro East and
15.22 Metro West Medical Resource
15.23 Communication Centers that were in operation
15.24 before January 1, 2000.
- 15.25 **(c) Medical Resource Control Centers**
- 15.26 \$100,000 the first year and \$100,000 the
15.27 second year are appropriated from the general
15.28 fund to the commissioner of public safety for
15.29 grants to the Minnesota Emergency Medical
15.30 Services Regulatory Board for the East Metro
15.31 and West Metro Medical Resource Control
15.32 Centers that were in operation before January
15.33 1, 2000. These appropriations are onetime.
- 15.34 **(d) ARMER Debt Service**

16.1 \$23,261,000 each year is transferred to the
16.2 commissioner of management and budget to
16.3 pay debt service on revenue bonds issued
16.4 under Minnesota Statutes, section 403.275.

16.5 Any portion of this appropriation not needed
16.6 to pay debt service in a fiscal year may be used
16.7 by the commissioner of public safety to pay
16.8 cash for any of the capital improvements for
16.9 which bond proceeds were appropriated by
16.10 Laws 2005, chapter 136, article 1, section 9,
16.11 subdivision 8; or Laws 2007, chapter 54,
16.12 article 1, section 10, subdivision 8.

16.13 **(e) ARMER State Backbone Operating**
16.14 **Costs**

16.15 \$9,675,000 each year is transferred to the
16.16 commissioner of transportation for costs of
16.17 maintaining and operating the statewide radio
16.18 system backbone.

16.19 **(f) ARMER Improvements**

16.20 \$1,000,000 each year is to the Statewide
16.21 Emergency Communications Board for
16.22 improvements to those elements of the
16.23 statewide public safety radio and
16.24 communication system that support mutual
16.25 aid communications and emergency medical
16.26 services or provide interim enhancement of
16.27 public safety communication interoperability
16.28 in those areas of the state where the statewide
16.29 public safety radio and communication system
16.30 is not yet implemented, and grants to local
16.31 units of government to further the strategic
16.32 goals set forth by the Statewide Emergency
16.33 Communications Board strategic plan.

17.1 **(g) Telephone Cardiopulmonary**

17.2 **Resuscitation Program**

17.3 \$50,000 the first year is appropriated from the
 17.4 general fund for grants to reimburse public
 17.5 safety answering points for the cost of 911
 17.6 telecommunicator cardiopulmonary
 17.7 resuscitation training. This is a onetime
 17.8 appropriation.

17.9 **Subd. 10. Traffic Safety** 200,000 100,000

17.10 \$200,000 the first year and \$100,000 the
 17.11 second year are for a study to report on the
 17.12 use of screening tests that measure the level
 17.13 of marijuana or tetrahydrocannabinols in the
 17.14 blood of a person stopped or arrested for
 17.15 driving while impaired.

17.16 **Sec. 4. PEACE OFFICER STANDARDS AND**
 17.17 **TRAINING (POST) BOARD**

17.18 **Subdivision 1. Total**
 17.19 **Appropriation** **\$ 500,000** **\$ 10,563,000** **\$ 10,316,000**

17.20 The amounts that may be spent for each
 17.21 purpose are specified in the following
 17.22 subdivisions.

17.23 **Subd. 2. Deficiency**

17.24 \$500,000 in fiscal year 2019 is from the
 17.25 general fund to pay for a projected deficiency
 17.26 in operating expenses.

17.27 **Subd. 3. Peace Officer Training Reimbursements**

17.28 \$2,859,000 each year is for reimbursements
 17.29 to local governments for peace officer training
 17.30 costs.

17.31 **Subd. 4. Peace Officer Training Assistance**

17.32 (a) \$6,000,000 the first year is from the
 17.33 general fund to the Peace Officer Standards

18.1 and Training Board for grants to support and
18.2 strengthen law enforcement training and
18.3 implement best practices. After January 2,
18.4 2021, these funds may only be used to
18.5 reimburse training expenses for peace officers
18.6 who are employed by law enforcement
18.7 agencies that the superintendent of the Bureau
18.8 of Criminal Apprehension has certified are:

18.9 (1) compliant with the Federal Bureau of
18.10 Investigation's National Incident-Based Report
18.11 System (NIBRS), which requires recording
18.12 the age, sex, and race of the arrestee and the
18.13 relationship of the arrestee and victim if this
18.14 information is known to the officer;

18.15 (2) in compliance with the peace officer
18.16 discipline reporting requirements established
18.17 in Minnesota Statutes, section 626.8435;

18.18 (3) in compliance with the Bureau of Criminal
18.19 Apprehension's use of force data collection
18.20 policy to include reporting whether the
18.21 incident was officer generated or in response
18.22 to a call for assistance; and

18.23 (4) in compliance with the report required by
18.24 Minnesota Statutes, sections 299C.22,
18.25 subdivision 2, and 626.553, subdivision 2.
18.26 This report includes the Federal Bureau of
18.27 Investigation's use of force data collection and
18.28 whether the incident was officer generated or
18.29 in response to a request for service.

18.30 The base for this activity is \$6,000,000 in
18.31 fiscal years 2020, 2021, 2022, and 2023 and
18.32 \$0 in fiscal year 2024 and thereafter.

18.33 (b) The superintendent of the Bureau of
18.34 Criminal Apprehension may grant up to one

19.1 additional year for an agency to become
 19.2 substantially compliant with NIBRS if the
 19.3 agency establishes good cause for delayed
 19.4 compliance.

19.5 (c) The superintendent of the Bureau of
 19.6 Criminal Apprehension shall modify the
 19.7 Supplemental Reporting System on the agency
 19.8 submissions page to provide fields for
 19.9 agencies to report the data required under
 19.10 paragraph (a), clause (3).

19.11 **Subd. 5. De-escalation Training**

19.12 \$100,000 each year is for training state and
 19.13 local community safety personnel in the use
 19.14 of crisis de-escalation techniques. When
 19.15 selecting a service provider for this training,
 19.16 the board may consult with any postsecondary
 19.17 institution, any state or local government
 19.18 official, or any nongovernment authority the
 19.19 board determines to be relevant. Among any
 19.20 other criteria the board may establish, the
 19.21 training provider must have a demonstrated
 19.22 understanding of the transitions and challenges
 19.23 that veterans may experience during their
 19.24 re-entry into society following combat service.

19.25 The board must ensure that training
 19.26 opportunities provided are reasonably
 19.27 distributed statewide.

19.28 **Subd. 6. Peace Officer Excellence Task Force**

19.29 \$250,000 the first year is to provide support
 19.30 staff, office space, and administrative services
 19.31 for the Peace Officer Excellence Task Force.

19.32 **Sec. 5. PRIVATE DETECTIVE BOARD** **\$** **277,000** **\$** **277,000**

19.33 **Sec. 6. CORRECTIONS**

19.34 **Subdivision 1. Total Appropriation** **\$** **633,129,000** **\$** **655,572,000**

20.1 The amounts that may be spent for each
 20.2 purpose are specified in the following
 20.3 subdivisions.

20.4 **Subd. 2. Correctional Institutions** 460,026,000 475,654,000

20.5 **(a) Base Adjustment**

20.6 To account for the base adjustments provided
 20.7 in Laws 2018, chapter 211, article 21, section
 20.8 1, paragraph (a), the base is increased by
 20.9 \$2,342,000 in fiscal year 2022 and \$2,342,000
 20.10 in fiscal year 2023.

20.11 **(b) Prison Population**

20.12 To account for projected prison population
 20.13 changes, the base is increased by \$1,910,000
 20.14 in fiscal year 2022 and \$3,641,000 in fiscal
 20.15 year 2023.

20.16 **(c) Facility Staff Positions**

20.17 \$2,518,000 the first year and \$5,980,000 the
 20.18 second year are to add up to 110 full-time
 20.19 equivalent positions for correctional officers
 20.20 and six full-time equivalent positions for
 20.21 corrections lieutenants located in correctional
 20.22 facilities by fiscal year 2023. The base is
 20.23 increased to \$7,707,000 in fiscal year 2022
 20.24 and \$8,418,000 in fiscal year 2023.

20.25 **(d) Staffing Recruitment and Retention**

20.26 \$4,000,000 each year is for staffing
 20.27 recruitment and retention.

20.28 **(e) Offender Health Care**

20.29 \$2,072,000 the first year and \$3,272,000 the
 20.30 second year are to maintain full funding of the
 20.31 offender health care contract.

20.32 **(f) Security**

21.1 \$5,250,000 the first year and \$3,935,000 the
 21.2 second year are to upgrade critical security
 21.3 infrastructure and modernize critical security
 21.4 systems. Of the second year amount,
 21.5 \$3,335,000 is onetime funding.

21.6 **(g) Safety and Security Staff**

21.7 \$891,000 the first year and \$1,426,000 the
 21.8 second year are to add full-time equivalent
 21.9 positions deemed critical to facility safety and
 21.10 security.

21.11 **(h) Office of Ombudsperson for Corrections**

21.12 \$900,000 each year is to reestablish and
 21.13 operate the Office of Ombudsperson for
 21.14 Corrections.

21.15 **(i) Restrictive Housing Reform**

21.16 \$844,000 the first year and \$1,688,000 the
 21.17 second year are to implement restrictive
 21.18 housing reforms that will reduce the risk of
 21.19 future misconduct and comply with federal
 21.20 guidelines and accreditation standards.

21.21 **(j) Offender Medical Services**

21.22 \$879,000 the first year and \$2,160,000 the
 21.23 second year are to expand and improve
 21.24 offender medical services.

21.25 **(k) Juvenile Correction Management**

21.26 \$544,000 the first year and \$206,000 the
 21.27 second year are to replace the Juvenile
 21.28 Correctional Management System. These are
 21.29 onetime appropriations.

21.30 **Subd. 3. Community Services**

141,145,000

146,459,000

21.31 **(a) Base Adjustment**

22.1 To account for the base adjustments provided
22.2 in Laws 2018, chapter 211, article 21, section
22.3 1, paragraph (a), the base is increased by
22.4 \$168,000 in fiscal year 2022 and \$168,000 in
22.5 fiscal year 2023.

22.6 **(b) Pretrial Services and Supervision**

22.7 \$617,000 the first year and \$1,234,000 the
22.8 second year are to provide pretrial services
22.9 and pretrial supervision to offenders.

22.10 **(c) Community Corrections Act Subsidy**

22.11 \$1,044,000 the first year and \$2,088,000 the
22.12 second year are added to the Community
22.13 Corrections Act subsidy, as described in
22.14 Minnesota Statutes, section 401.14, to provide
22.15 pretrial services and pretrial supervision to
22.16 offenders.

22.17 \$1,588,000 the first year and \$3,176,000 the
22.18 second year are added to the Community
22.19 Corrections Act subsidy, as described in
22.20 Minnesota Statutes, section 401.14, to provide
22.21 intensive supervised release to offenders in
22.22 the community.

22.23 **(d) County Probation Officers**

22.24 \$64,000 the first year and \$128,000 the second
22.25 year are for county probation officers
22.26 reimbursement as described in Minnesota
22.27 Statutes, section 244.19, subdivision 6, to
22.28 provide pretrial services and pretrial
22.29 supervision to offenders.

22.30 **(e) Intensive Supervision Agents**

22.31 \$912,000 the first year and \$1,824,000 the
22.32 second year are to increase the number of
22.33 supervision agents for offenders on intensive

23.1 supervised release through the Department of
23.2 Corrections.

23.3 **(f) Integrated Offender Case Management**
23.4 **Services**

23.5 \$321,000 the first year and \$831,000 the
23.6 second year are to expand and improve
23.7 integrated offender case management services.
23.8 \$193,000 is added to the base in each of fiscal
23.9 years 2022 and 2023.

23.10 **(g) Victim Notification System Replacement**

23.11 \$300,000 the first year and \$100,000 the
23.12 second year are to complete the replacement
23.13 of the Department of Corrections' Victim
23.14 Notification System. These appropriations are
23.15 onetime.

23.16 **(h) High-Risk Offenders**

23.17 \$1,500,000 each year is to provide electronic
23.18 monitoring services and transitional housing
23.19 for high-risk offenders under supervision by
23.20 the Department of Corrections.

23.21 **(i) Transportation Services to Children of**
23.22 **Incarcerated Parents**

23.23 \$150,000 each year is for grants to nonprofit
23.24 organizations to provide transportation
23.25 services to children of incarcerated parents at
23.26 up to three correctional facilities.

23.27 **(j) Culturally Specific Reintegration**
23.28 **Services for Adult American Indian**
23.29 **Offenders**

23.30 \$425,000 each year is for grants to
23.31 community-based providers to deliver
23.32 culturally specific reintegration services for
23.33 adult American Indian offenders.

24.1 **(k) Parenting Skills**

24.2 \$425,000 each year is to improve parenting
24.3 skills at four correctional facilities.

24.4 **(l) Juvenile Justice Reform**

24.5 (1) \$280,000 each year is to provide juvenile
24.6 justice services and resources to Minnesota
24.7 counties.

24.8 (2) \$220,000 each year is for grants to local
24.9 agencies to establish juvenile detention
24.10 alternatives.

24.11 **(m) Alternatives to Incarceration**

24.12 \$240,000 each year is for grants to counties
24.13 that are not metropolitan counties as defined
24.14 in Minnesota Statutes, section 473.121,
24.15 subdivision 4, to facilitate access to
24.16 community treatment options under the
24.17 alternatives to incarceration program. These
24.18 appropriations are onetime.

24.19 **(n) Mental Health Community Supervision**

24.20 \$400,000 each year is to award grants to two
24.21 or more counties for establishment of a mental
24.22 health community supervision caseload pilot
24.23 project. These appropriations are onetime.

24.24 **(o) Exit from Supervised Release**

24.25 \$200,000 each year is for grants to government
24.26 agencies that supervise offenders placed on
24.27 probation to be used to connect offenders with
24.28 community treatment options including, but
24.29 not limited to, inpatient chemical dependency
24.30 treatment for the purpose of addressing and
24.31 correcting behavior that is, or is likely to result
24.32 in, a violation of the terms and conditions of
24.33 probation. Each fiscal year, these funds are

25.1 available only to entities outside the
 25.2 seven-county metropolitan area until March
 25.3 15. After March 15, entities inside the
 25.4 seven-county metropolitan area also may apply
 25.5 for grants. These appropriations are onetime.

25.6 **Subd. 4. Operations Support** 31,958,000 33,459,000

25.7 **(a) Base Adjustment**

25.8 To account for the base adjustments provided
 25.9 in Laws 2018, chapter 211, article 21, section
 25.10 1, paragraph (a), the base is increased by
 25.11 \$64,000 in fiscal year 2022 and \$64,000 in
 25.12 fiscal year 2023.

25.13 **(b) Critical Technology Needs**

25.14 \$3,100,000 the first year and \$4,300,000 the
 25.15 second year are to support critical technology
 25.16 needs.

25.17 **(c) Staff Recruiting**

25.18 \$160,000 each year is to fund positions
 25.19 responsible for recruiting staff to work for the
 25.20 Department of Corrections.

25.21 **Sec. 7. PUBLIC DEFENSE BOARD** \$ 164,000 \$ 204,000

25.22 \$164,000 the first year and \$204,000 the
 25.23 second year are for additional staffing
 25.24 necessitated by changes to criminal vehicular
 25.25 homicide and criminal vehicular operation
 25.26 offenses.

25.27 **Sec. 8. DISTRICT COURT** \$ 259,000 \$ 379,000

25.28 \$259,000 the first year and \$379,000 the
 25.29 second year are for costs related to petitions
 25.30 for an order of relief from one or more
 25.31 collateral sanctions.

25.32 **Sec. 9. DEPARTMENT OF HUMAN**
 25.33 **SERVICES** \$ 404,000 \$ 461,000

26.1 \$404,000 the first year and \$461,000 the
 26.2 second year are for costs related to petitions
 26.3 for an order of relief from one or more
 26.4 collateral sanctions.

26.5 Sec. 10. Laws 2017, chapter 95, article 1, section 11, subdivision 7, is amended to read:

26.6	Subd. 7. Office of Justice Programs	39,580,000	40,036,000
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26.7		Appropriations by Fund	
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26.8	General	39,484,000	39,940,000
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26.9	State Government		
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26.10	Special Revenue	96,000	96,000
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26.11 **(a) OJP Administration Costs**

26.12 Up to 2.5 percent of the grant funds
 26.13 appropriated in this subdivision may be used
 26.14 by the commissioner to administer the grant
 26.15 program.

26.16 **(b) Combating Terrorism Recruitment**

26.17 \$250,000 each year is for grants to local law
 26.18 enforcement agencies to develop strategies
 26.19 and make efforts to combat the recruitment of
 26.20 Minnesota residents by terrorist organizations
 26.21 such as ISIS and al-Shabaab. This is a onetime
 26.22 appropriation.

26.23 **(c) Sex Trafficking Prevention Grants**

26.24 \$180,000 each year is for grants to state and
 26.25 local units of government for the following
 26.26 purposes:

26.27 (1) to support new or existing
 26.28 multijurisdictional entities to investigate sex
 26.29 trafficking crimes; and

26.30 (2) to provide technical assistance, including
 26.31 training and case consultation, to law
 26.32 enforcement agencies statewide.

27.1 **(d) Pathway to Policing Reimbursement Grants**

27.2 \$400,000 the second year is for reimbursement
27.3 grants to local units of government that operate
27.4 pathway to policing programs intended to
27.5 bring persons with nontraditional backgrounds
27.6 into law enforcement. Applicants for
27.7 reimbursement grants may receive up to 50
27.8 percent of the cost of compensating and
27.9 training pathway to policing participants.
27.10 Reimbursement grants shall be proportionally
27.11 allocated based on the number of grant
27.12 applications approved by the commissioner.
27.13 This is a onetime appropriation.

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

27.15 Sec. 11. **TRANSFER.**

27.16 \$453,000 in fiscal year 2020 and \$474,000 in fiscal year 2021 and annually thereafter
27.17 are appropriated to the commissioner of management and budget for transfer to the driver
27.18 services account in the special revenue fund.

27.19 Sec. 12. **INTERPRETATION.**

27.20 If an appropriation in this act is enacted more than once in the 2019 regular legislative
27.21 session, the appropriation must be given effect only once.

27.22 **ARTICLE 2**

27.23 **PUBLIC SAFETY**

27.24 Section 1. Minnesota Statutes 2018, section 13.6905, is amended by adding a subdivision
27.25 to read:

27.26 Subd. 36. **Direct wine shipments.** Data obtained and shared by the commissioner of
27.27 public safety relating to direct shipments of wine are governed by sections 340A.550 and
27.28 340A.555.

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

28.1 Sec. 2. Minnesota Statutes 2018, section 299A.55, subdivision 2, is amended to read:

28.2 Subd. 2. **Railroad and pipeline safety account.** (a) A railroad and pipeline safety
28.3 account is created in the special revenue fund. The account consists of funds collected under
28.4 subdivision 4 and funds donated, allotted, transferred, or otherwise provided to the account.

28.5 (b) ~~\$104,000~~ \$250,000 is annually appropriated from the railroad and pipeline safety
28.6 account to the commissioner of the Pollution Control Agency for environmental protection
28.7 activities related to railroad discharge preparedness under chapter 115E.

28.8 ~~(e) \$600,000 in fiscal year 2018 and \$600,000 in fiscal year 2019 are appropriated from~~
28.9 ~~the railroad and pipeline safety account to the commissioner of transportation for improving~~
28.10 ~~safety at railroad grade crossings.~~

28.11 ~~(d)~~ (c) Following the appropriation in ~~paragraphs~~ paragraph (b) ~~and (e)~~, the remaining
28.12 money in the account is annually appropriated to the commissioner of public safety for the
28.13 purposes specified in subdivision 3.

28.14 Sec. 3. Minnesota Statutes 2018, section 299A.55, subdivision 4, is amended to read:

28.15 Subd. 4. **Assessments.** (a) The commissioner of public safety shall annually assess
28.16 \$2,500,000 to railroad and pipeline companies based on the formula specified in paragraph
28.17 (b). The commissioner shall deposit funds collected under this subdivision in the railroad
28.18 and pipeline safety account under subdivision 2.

28.19 (b) The assessment for each railroad is 50 percent of the total annual assessment amount,
28.20 divided in equal proportion between applicable rail carriers based on route miles operated
28.21 in Minnesota. The assessment for each pipeline company is 50 percent of the total annual
28.22 assessment amount, divided in equal proportion between companies based on the yearly
28.23 aggregate gallons of oil and hazardous substance transported by pipeline in Minnesota.

28.24 ~~(e) The assessments under this subdivision expire July 1, 2017.~~

28.25 Sec. 4. Minnesota Statutes 2018, section 299A.706, is amended to read:

28.26 **299A.706 ALCOHOL ENFORCEMENT ACCOUNT; APPROPRIATION.**

28.27 An alcohol enforcement account is created in the special revenue fund, consisting of
28.28 money credited to the account by law. Money in the account may be appropriated by law
28.29 for (1) costs of the Alcohol and Gambling Division related to administration and enforcement
28.30 of sections 340A.403, subdivision 4; 340A.414, subdivision 1a; ~~and~~ 340A.504, subdivision
28.31 7; and 340A.550, subdivisions 2, 4, 5, and 6; and (2) costs of the State Patrol.

29.1 **EFFECTIVE DATE.** This section is effective July 1, 2019.

29.2 Sec. 5. Minnesota Statutes 2018, section 299A.707, is amended by adding a subdivision
29.3 to read:

29.4 **Subd. 6. Annual transfer.** In fiscal year 2019 and each year thereafter, the commissioner
29.5 of management and budget shall transfer \$461,000 from the general fund to the community
29.6 justice reinvestment account.

29.7 Sec. 6. **[299A.783] STATEWIDE SEX TRAFFICKING INVESTIGATION**
29.8 **COORDINATOR.**

29.9 **Subdivision 1. Sex trafficking investigation coordinator.** The commissioner of public
29.10 safety must appoint a statewide sex trafficking investigation coordinator who shall work in
29.11 the Office of Justice Programs. The coordinator must be a current or former law enforcement
29.12 officer or prosecutor with experience investigating or prosecuting trafficking-related offenses.
29.13 The coordinator must also have knowledge of services available to victims of sex trafficking
29.14 and Minnesota's child protection system. The coordinator serves at the pleasure of the
29.15 commissioner in the unclassified service.

29.16 **Subd. 2. Coordinator's responsibilities.** The coordinator shall have the following duties:

29.17 **(1) develop, coordinate, and facilitate training for law enforcement officers, prosecutors,**
29.18 **courts, child protection workers, social service providers, medical providers, and other**
29.19 **community members;**

29.20 **(2) establish standards for approved training and review compliance with those standards;**

29.21 **(3) coordinate and monitor multijurisdictional sex trafficking task forces;**

29.22 **(4) review, develop, promote, and monitor compliance with investigative protocols to**
29.23 **assure that law enforcement officers and prosecutors engage in best practices;**

29.24 **(5) provide technical assistance and advice related to the investigation and prosecution**
29.25 **of trafficking offenses and the treatment of victims;**

29.26 **(6) promote the efficient use of resources by addressing issues of deconfliction, providing**
29.27 **advice regarding questions of jurisdiction, and promoting the sharing of data between entities**
29.28 **investigating and prosecuting trafficking offenses;**

29.29 **(7) assist in the appropriate distribution of grants; and**

29.30 **(8) perform other duties necessary to ensure effective and efficient investigation and**
29.31 **prosecution of trafficking-related offenses.**

30.1 **EFFECTIVE DATE.** This section is effective July 1, 2019.

30.2 Sec. 7. Minnesota Statutes 2018, section 299C.46, subdivision 3, is amended to read:

30.3 Subd. 3. **Authorized use, fee.** (a) The criminal justice data communications network
30.4 shall be used exclusively by:

30.5 (1) criminal justice agencies in connection with the performance of duties required by
30.6 law;

30.7 (2) agencies investigating federal security clearances of individuals for assignment or
30.8 retention in federal employment with duties related to national security, as required by
30.9 United States Code, title 5, section 9101;

30.10 (3) other agencies to the extent necessary to provide for protection of the public or
30.11 property in a declared emergency or disaster situation;

30.12 (4) noncriminal justice agencies statutorily mandated, by state or national law, to conduct
30.13 checks into state databases prior to disbursing licenses or providing benefits;

30.14 (5) the public authority responsible for child support enforcement in connection with
30.15 the performance of its duties;

30.16 (6) the public defender, as provided in section 611.272;

30.17 (7) a county attorney or the attorney general, as the county attorney's designee, for the
30.18 purpose of determining whether a petition for the civil commitment of a proposed patient
30.19 as a sexual psychopathic personality or as a sexually dangerous person should be filed, and
30.20 during the pendency of the commitment proceedings;

30.21 (8) an agency of the state or a political subdivision whose access to systems or services
30.22 provided from or through the bureau is specifically authorized by federal law or regulation
30.23 or state statute; and

30.24 (9) a court for access to data as authorized by federal law or regulation or state statute
30.25 and related to the disposition of a pending case.

30.26 (b) The commissioner of public safety shall establish a monthly network access charge
30.27 to be paid by each participating criminal justice agency. The network access charge shall
30.28 be a standard fee established for each terminal, computer, or other equipment directly
30.29 addressable by the data communications network, as follows: January 1, 1984 to December
30.30 31, 1984, \$40 connect fee per month; January 1, 1985 and thereafter, \$50 connect fee per
30.31 month.

31.1 (c) The commissioner of public safety is authorized to arrange for the connection of the
31.2 data communications network with the criminal justice information system of the federal
31.3 government, any state, or country for the secure exchange of information for any of the
31.4 purposes authorized in paragraph (a), clauses (1), (2), (3), (8) and (9).

31.5 (d) Prior to establishing a secure connection, a criminal justice agency that is not part
31.6 of the Minnesota judicial branch must:

31.7 (1) agree to comply with all applicable policies governing access to, submission of or
31.8 use of the data and Minnesota law governing the classification of the data;

31.9 (2) meet the bureau's security requirements;

31.10 (3) agree to pay any required fees; and

31.11 (4) conduct fingerprint-based state and national background checks on its employees
31.12 and contractors as required by the Federal Bureau of Investigation.

31.13 (e) Prior to establishing a secure connection, a criminal justice agency that is part of the
31.14 Minnesota judicial branch must:

31.15 (1) agree to comply with all applicable policies governing access to, submission of or
31.16 use of the data and Minnesota law governing the classification of the data to the extent
31.17 applicable and with the Rules of Public Access to Records of the Judicial Branch promulgated
31.18 by the Minnesota Supreme Court;

31.19 (2) meet the bureau's security requirements;

31.20 (3) agree to pay any required fees; and

31.21 (4) conduct fingerprint-based state and national background checks on its employees
31.22 and contractors as required by the Federal Bureau of Investigation.

31.23 (f) Prior to establishing a secure connection, a noncriminal justice agency must:

31.24 (1) agree to comply with all applicable policies governing access to, submission of or
31.25 use of the data and Minnesota law governing the classification of the data;

31.26 (2) meet the bureau's security requirements;

31.27 (3) agree to pay any required fees; and

31.28 (4) conduct fingerprint-based state and national background checks on its employees
31.29 and contractors.

31.30 (g) Those noncriminal justice agencies that do not have a secure network connection
31.31 yet receive data either retrieved over the secure network by an authorized criminal justice

32.1 agency or as a result of a state or federal criminal history records check shall conduct a
32.2 background check as provided in paragraph (h) of those individuals who receive and review
32.3 the data to determine another individual's eligibility for employment, housing, a license, or
32.4 another legal right dependent on a statutorily mandated background check and on any
32.5 contractor with access to the results of a federal criminal history records check.

32.6 (h) The background check required by paragraph (f) or (g) is accomplished by submitting
32.7 a request to the superintendent of the Bureau of Criminal Apprehension that includes a
32.8 signed, written consent for the Minnesota and national criminal history records check,
32.9 fingerprints, and the required fee. The superintendent may exchange the fingerprints with
32.10 the Federal Bureau of Investigation for purposes of obtaining the individual's national
32.11 criminal history record information.

32.12 The superintendent shall return the results of the national criminal history records check to
32.13 the noncriminal justice agency to determine if the individual is qualified to have access to
32.14 state and federal criminal history record information or the secure network. An individual
32.15 is disqualified when the state and federal criminal history record information show any of
32.16 the disqualifiers that the individual will apply to the records of others.

32.17 When the individual is to have access to the secure network, the noncriminal justice agency
32.18 shall review the criminal history of each employee or contractor with the Criminal Justice
32.19 Information Services systems officer at the bureau, or the officer's designee, to determine
32.20 if the employee or contractor qualifies for access to the secure network. The Criminal Justice
32.21 Information Services systems officer or the designee shall make the access determination
32.22 based on Federal Bureau of Investigation policy and Bureau of Criminal Apprehension
32.23 policy.

32.24 Sec. 8. Minnesota Statutes 2018, section 299F.857, is amended to read:

32.25 **299F.857 REDUCED CIGARETTE IGNITION PROPENSITY ACCOUNT.**

32.26 The reduced cigarette ignition propensity account is established in the state treasury.
32.27 The account consists of all money recovered as penalties under section 299F.854 and fees
32.28 collected under section 299F.852, subdivision 5. The money must be deposited to the credit
32.29 of the account and, in addition to any other money made available for such purpose, is
32.30 appropriated to the state fire marshal for costs associated with the development and
32.31 presentation of fire and life safety education programs throughout Minnesota, and all costs
32.32 associated with sections 299F.850 to 299F.859.

33.1 Sec. 9. Minnesota Statutes 2018, section 340A.22, subdivision 4, is amended to read:

33.2 Subd. 4. **Off-sale license.** A microdistillery may be issued a license by the local licensing
33.3 authority for off-sale of distilled spirits, with the approval of the commissioner. The license
33.4 may allow the sale of one 375 milliliter bottle per customer per day of product manufactured
33.5 on site, subject to the following requirements:

33.6 (1) off-sale hours of sale must conform to hours of sale for retail off-sale licensees in
33.7 the licensing municipality; and

33.8 (2) no brand may be sold at the microdistillery unless it is also available for distribution
33.9 by wholesalers.

33.10 Sec. 10. Minnesota Statutes 2018, section 340A.304, is amended to read:

33.11 **340A.304 LICENSE SUSPENSION AND REVOCATION.**

33.12 The commissioner shall revoke, or suspend for up to 60 days, a license issued under
33.13 section 340A.301 ~~or~~ 340A.302, or 340A.550, or impose a fine of up to \$2,000 for each
33.14 violation, on a finding that the licensee has violated a state law or rule of the commissioner
33.15 relating to the possession, sale, transportation, or importation of alcoholic beverages. A
33.16 license revocation or suspension under this section is a contested case under sections 14.57
33.17 to 14.69 of the Administrative Procedure Act.

33.18 **EFFECTIVE DATE.** This section is effective July 1, 2019.

33.19 Sec. 11. Minnesota Statutes 2018, section 340A.417, is amended to read:

33.20 **340A.417 SHIPMENTS INTO MINNESOTA.**

33.21 (a) Notwithstanding section 297G.07, subdivision 2, or any provision of this chapter
33.22 except for section 340A.550, a winery licensed in a state other than Minnesota, or a winery
33.23 located in Minnesota, may ship, for personal use and not for resale, not more than ~~two cases~~
33.24 12 cases of wine, containing a maximum of nine liters per case, in any calendar year to any
33.25 resident of Minnesota age 21 or over. ~~Delivery of a shipment under this section may not be~~
33.26 ~~deemed a sale in this state.~~

33.27 (b) The shipping container of any wine sent under this section must be clearly marked
33.28 "Alcoholic Beverages: adult signature (over 21 years of age) required."

33.29 (c) It is not the intent of this section to impair the distribution of wine through distributors
33.30 or importing distributors, but only to permit shipments of wine for personal use.

34.1 (d) Except for a violation of section 295.75 or chapters 297A and 297G, no criminal
34.2 penalty may be imposed on a person for a violation of this section or section 340A.550
34.3 other than a violation described in paragraph (e) or (f). Whenever it appears to the
34.4 commissioner that any person has engaged in any act or practice constituting a violation of
34.5 this section, or section 340A.550 and the violation is not within two years of any previous
34.6 violation of this section, the commissioner shall issue and cause to be served upon the person
34.7 an order requiring the person to cease and desist from violating this section. The order must
34.8 give reasonable notice of the rights of the person to request a hearing and must state the
34.9 reason for the entry of the order. Unless otherwise agreed between the parties, a hearing
34.10 shall be held not later than ~~seven~~ 20 days after the request for the hearing is received by the
34.11 commissioner after which and within 20 days after the receipt of the administrative law
34.12 judge's report and subsequent exceptions and argument, the commissioner shall issue an
34.13 order vacating the cease and desist order, modifying it, or making it permanent as the facts
34.14 require. If no hearing is requested within 30 days of the service of the order, the order
34.15 becomes final and remains in effect until modified or vacated by the commissioner. All
34.16 hearings shall be conducted in accordance with the provisions of chapter 14. If the person
34.17 to whom a cease and desist order is issued fails to appear at the hearing after being duly
34.18 notified, the person shall be deemed in default, and the proceeding may be determined
34.19 against the person upon consideration of the cease and desist order, the allegations of which
34.20 may be deemed to be true.

34.21 (e) Any person who violates this section or section 340A.550 within two years of a
34.22 violation for which a cease and desist order was issued under paragraph (d), is guilty of a
34.23 misdemeanor.

34.24 (f) Any person who commits a third or subsequent violation of this section or section
34.25 340A.550 within any subsequent two-year period is guilty of a gross misdemeanor.

34.26 **EFFECTIVE DATE.** This section is effective July 1, 2019.

34.27 Sec. 12. **[340A.550] DIRECT SHIPMENTS OF WINE; LICENSING, TAXATION,**
34.28 **AND RESTRICTIONS.**

34.29 **Subdivision 1. Definitions.** (a) "Direct ship purchaser" means a person who purchases
34.30 wine for personal use and not for resale from a winery located in a state other than Minnesota
34.31 for delivery to a Minnesota address.

34.32 (b) "Direct ship winery" means a winery licensed in a state other than Minnesota that
34.33 manufactures and makes a retail sale of wine and ships the wine to a direct ship purchaser
34.34 as authorized under section 340A.417.

35.1 Subd. 2. License requirements. (a) A direct ship winery must apply to the commissioner
35.2 for a direct ship license. The commissioner must not issue a license under this section unless
35.3 the applicant:

35.4 (1) is a licensed winery in a state other than Minnesota and provides a copy of its current
35.5 license in any state in which it is licensed to manufacture wine;

35.6 (2) provides a shipping address list, including all addresses from which it intends to ship
35.7 wine;

35.8 (3) agrees to comply with the requirements of subdivision 4; and

35.9 (4) consents to the jurisdiction of the Departments of Public Safety and Revenue, the
35.10 courts of this state, and any statute, law, or rule in this state related to the administration or
35.11 enforcement of this section, including any provision authorizing the commissioners of public
35.12 safety and revenue to audit a direct ship winery for compliance with this and any related
35.13 section.

35.14 (b) A direct ship winery obtaining a license under this section must annually renew its
35.15 license by January 1 of each year and must inform the commissioner at the time of renewal
35.16 of any changes to the information previously provided in paragraph (a).

35.17 (c) The application fee for a license is \$170. The fee for a license renewal is \$170. The
35.18 commissioner must deposit all fees received under this subdivision in the alcohol enforcement
35.19 account in the special revenue fund established under section 299A.706.

35.20 Subd. 3. Direct ship wineries; restrictions. (a) A direct ship winery may only ship
35.21 wine from an address provided to the commissioner as required in subdivision 2, paragraph
35.22 (a), clause (2), or through a third-party provider whose name and address the licensee
35.23 provided to the commissioner in its application for a license.

35.24 (b) A direct ship winery or its third-party provider may only ship wine from the direct
35.25 ship winery's own production.

35.26 Subd. 4. Taxation. A direct ship winery must:

35.27 (1) collect and remit the liquor gross receipts tax as required in section 295.75;

35.28 (2) apply for a permit as required in section 297A.83 and collect and remit the sales and
35.29 use tax imposed as required in chapter 297A;

35.30 (3) remit the tax as required in chapter 297G; and

36.1 (4) provide a statement to the commissioner, on a form prescribed by the commissioner,
36.2 detailing each shipment of wine made to a resident of this state and any other information
36.3 required by the commissioner.

36.4 Subd. 5. **Private or nonpublic data; classification and sharing.** (a) Data collected,
36.5 created, or maintained by the commissioner as required under this section are classified as
36.6 private data on individuals or nonpublic data, as defined in section 13.02, subdivisions 9
36.7 and 12.

36.8 (b) The commissioner must share data classified as private or nonpublic under this
36.9 section with the commissioner of revenue for purposes of administering section 295.75 and
36.10 chapters 289A, 297A, and 297G.

36.11 Subd. 6. **Enforcement; penalties.** Section 340A.417, paragraphs (d) to (f), apply to this
36.12 section.

36.13 **EFFECTIVE DATE.** This section is effective July 1, 2019.

36.14 Sec. 13. **[340A.555] COMMON CARRIER REGULATIONS FOR DIRECT**
36.15 **SHIPMENTS OF WINE.**

36.16 Subdivision 1. **Monthly report required.** Each common carrier that contracts with a
36.17 winery under section 340A.417 for delivery of wine into this state must file with the
36.18 commissioner a monthly report of known wine shipments made by the carrier. The report
36.19 must be made in a form and manner as prescribed by the commissioner and must contain:

36.20 (1) the name of the common carrier making the report;

36.21 (2) the period of time covered by the report;

36.22 (3) the name and business address of the consignor;

36.23 (4) the name and address of the consignee;

36.24 (5) the weight of the package delivered to the consignee;

36.25 (6) a unique tracking number; and

36.26 (7) the date of delivery.

36.27 Subd. 2. **Record availability and retention.** Upon written request by the commissioner,
36.28 any records supporting the report in subdivision 1 must be made available to the
36.29 commissioner within 30 days of the request. Any records containing information relating
36.30 to a required report must be retained and preserved for a period of two years, unless
36.31 destruction of the records prior to the end of the two-year period is authorized in writing

37.1 by the commissioner. All retained records must be open and available for inspection by the
37.2 commissioner upon written request. The commissioner must make the required reports
37.3 available to any law enforcement agency or regulatory body of any local government in
37.4 this state in which the common carrier making the report resides or does business.

37.5 Subd. 3. **Penalty.** If a common carrier willfully violates the requirement to report a
37.6 delivery as required under this section or violates any rule related to the administration and
37.7 enforcement of this section, the commissioner must notify the common carrier in writing
37.8 of the violation. The commissioner may impose a fine in an amount not to exceed \$500 for
37.9 each subsequent violation.

37.10 Subd. 4. **Exemptions.** This section does not apply to common carriers regulated as
37.11 provided by United States Code, title 49, section 10101, et. seq., or to rail
37.12 trailer-on-flatcar/container-on-flatcar (TOFC/COFC) service, as provided by Code of Federal
37.13 Regulations, title 49, section 1090.1, or highway TOFC/COFC service provided by a rail
37.14 carrier, either itself or jointly with a motor carrier, as part of continuous intermodal freight
37.15 transportation, including, without limitation, any other TOFC/COFC transportation as
37.16 defined under federal law.

37.17 Subd. 5. **Private or nonpublic data; classification and sharing.** (a) Data collected,
37.18 created, or maintained by the commissioner as required under subdivision 1, clauses (4) to
37.19 (6), are classified as private data on individuals or nonpublic data, as defined in section
37.20 13.02, subdivisions 9 and 12.

37.21 (b) The commissioner must share data classified as private or nonpublic under this
37.22 section with the commissioner of revenue for purposes of administering section 295.75 and
37.23 chapters 289A, 297A, and 297G.

37.24 **EFFECTIVE DATE.** This section is effective July 1, 2019.

37.25 Sec. 14. Minnesota Statutes 2018, section 403.02, is amended by adding a subdivision to
37.26 read:

37.27 Subd. 17c. **911 telecommunicator.** "911 telecommunicator" means a person employed
37.28 by a public safety answering point, an emergency medical dispatch service provider, or
37.29 both, who is qualified to answer incoming emergency telephone calls or provide for the
37.30 appropriate emergency response either directly or through communication with the
37.31 appropriate public safety answering point.

38.1 Sec. 15. Minnesota Statutes 2018, section 403.03, is amended to read:

38.2 **403.03 911 SERVICES TO BE PROVIDED.**

38.3 Subdivision 1. **Emergency response services.** Services available through a 911 system
38.4 must include police, firefighting, and emergency medical and ambulance services. Other
38.5 emergency and civil defense services may be incorporated into the 911 system at the
38.6 discretion of the public agency operating the public safety answering point. The 911 system
38.7 may include a referral to mental health crisis teams, where available.

38.8 Subd. 2. **Telephone cardiopulmonary resuscitation program.** (a) On or before July
38.9 1, 2021, every public safety answering point must maintain a telephone cardiopulmonary
38.10 resuscitation program by either:

38.11 (1) providing each 911 telecommunicator with training in cardiopulmonary resuscitation;

38.12 or

38.13 (2) transferring callers to another public safety answering point with 911
38.14 telecommunicators that have received training in cardiopulmonary resuscitation.

38.15 (b) Training in cardiopulmonary resuscitation must, at a minimum, include:

38.16 (1) use of an evidence-based protocol or script for providing cardiopulmonary
38.17 resuscitation instruction that has been recommended by an academic institution or a nationally
38.18 recognized organization specializing in medical dispatch and, if the public safety answering
38.19 point has a medical director, approved by that medical director; and

38.20 (2) appropriate continuing education, as determined by the evidence-based protocol for
38.21 providing cardiopulmonary resuscitation instruction and, if the public safety answering
38.22 point has a medical director, approved by that medical director.

38.23 (c) A public safety answering point that transfers callers to another public safety
38.24 answering point must, at a minimum:

38.25 (1) use an evidence-based protocol for the identification of a person in need of
38.26 cardiopulmonary resuscitation;

38.27 (2) provide each 911 telecommunicator with appropriate training and continuing education
38.28 to identify a person in need of cardiopulmonary resuscitation through the use of an
38.29 evidence-based protocol; and

38.30 (3) ensure that any public safety answering point to which calls are transferred uses 911
38.31 telecommunicators who meet the training requirements under paragraph (b).

39.1 (d) Each public safety answering point shall conduct ongoing quality assurance of its
39.2 telephone cardiopulmonary resuscitation program.

39.3 Subd. 3. **Monitoring and enforcing training requirements.** The Statewide Emergency
39.4 Communications Board shall adopt protocols to ensure that operators of every public safety
39.5 answering point comply with subdivision 2.

39.6 Subd. 4. **Liability exemption.** (a) If a caller refuses or is otherwise unwilling or unable
39.7 to provide cardiopulmonary resuscitation or receive telephone cardiopulmonary resuscitation
39.8 instruction, the 911 telecommunicator is not required to provide cardiopulmonary
39.9 resuscitation instruction and is immune from civil liability for any damages resulting from
39.10 the fact that such instruction was not provided.

39.11 (b) Telephone cardiopulmonary resuscitation instruction is a general duty to the public
39.12 rather than a special duty owed to individuals, and a 911 telecommunicator must exercise
39.13 judgment and discretion in performing actions including but not limited to:

39.14 (1) determining whether a particular situation requires instituting the cardiopulmonary
39.15 resuscitation program;

39.16 (2) determining whether a caller refuses or is otherwise unable or unwilling to provide
39.17 cardiopulmonary resuscitation or receive telephone cardiopulmonary resuscitation instruction;

39.18 (3) using and appropriately adapting an evidence-based protocol or script for providing
39.19 cardiopulmonary resuscitation instruction based on individual callers and emergency
39.20 situations presented by callers; and

39.21 (4) determining when to transfer a caller to another public safety answering point with
39.22 911 telecommunicators that have received training in cardiopulmonary resuscitation.

39.23 **EFFECTIVE DATE.** This section is effective July 1, 2019.

39.24 Sec. 16. Minnesota Statutes 2018, section 609.582, subdivision 3, is amended to read:

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

39.31 (b) Whoever enters a building while it is open to the public, other than a building
39.32 identified in subdivision 2, paragraph (b), with intent to steal while in the building, or enters

40.1 a building while it is open to the public, other than a building identified in subdivision 2,
40.2 paragraph (b), and steals while in the building, either directly or as an accomplice, commits
40.3 burglary in the third degree and may be sentenced to imprisonment for not more than five
40.4 years or to payment of a fine of not more than \$10,000, or both, if:

40.5 (1) the person enters the building within one year after being served with a valid civil
40.6 trespass notice instructing the person to leave the building and not return; and

40.7 (2) the person has been convicted within the preceding five years for an offense under
40.8 this section, section 256.98, 268.182, 609.24, 609.245, 609.52, 609.53, 609.625, 609.63,
40.9 609.631, or 609.821, or a statute from another state, the United States, or a foreign
40.10 jurisdiction, in conformity with any of those sections, and the person received a felony
40.11 sentence for the offense, or a sentence that was stayed under section 609.135 if the offense
40.12 to which a plea was entered would allow imposition of a felony sentence.

40.13 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
40.14 committed on or after that date.

40.15 Sec. 17. Minnesota Statutes 2018, section 609.582, subdivision 4, is amended to read:

40.16 Subd. 4. **Burglary in the fourth degree.** (a) Whoever enters a building without consent
40.17 and with intent to commit a misdemeanor other than to steal, or enters a building without
40.18 consent and commits a misdemeanor other than to steal while in the building, either directly
40.19 or as an accomplice, commits burglary in the fourth degree and may be sentenced to
40.20 imprisonment for not more than one year or to payment of a fine of not more than \$3,000,
40.21 or both.

40.22 (b) Whoever enters a building while it is open to the public, other than a building
40.23 identified in subdivision 2, paragraph (b), with intent to steal while in the building, or enters
40.24 a building while it is open to the public, other than a building identified in subdivision 2,
40.25 paragraph (b), and steals while in the building, either directly or as an accomplice, commits
40.26 burglary in the fourth degree and may be sentenced to imprisonment for not more than one
40.27 year or to payment of a fine of not more than \$3,000, or both if the person enters the building
40.28 within one year after being served with a valid civil trespass notice instructing the person
40.29 to leave the building and not return.

40.30 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
40.31 committed on or after that date.

41.1 Sec. 18. Minnesota Statutes 2018, section 609.749, subdivision 1, is amended to read:

41.2 Subdivision 1. **Definition.** As used in this section, "~~stalking~~" "harass" means to engage
41.3 in conduct which the actor knows or has reason to know would cause the victim under the
41.4 circumstances to feel frightened, threatened, oppressed, persecuted, or intimidated, and
41.5 causes this reaction on the part of the victim regardless of the relationship between the actor
41.6 and victim.

41.7 Sec. 19. Minnesota Statutes 2018, section 609.749, subdivision 2, is amended to read:

41.8 Subd. 2. **~~Stalking~~ Harassment crimes.** A person who ~~stalks~~ harasses another by
41.9 committing any of the following acts is guilty of a gross misdemeanor:

41.10 (1) directly or indirectly, or through third parties, manifests a purpose or intent to injure
41.11 the person, property, or rights of another by the commission of an unlawful act;

41.12 (2) follows, monitors, or pursues another, whether in person or through any available
41.13 technological or other means;

41.14 (3) returns to the property of another if the actor is without claim of right to the property
41.15 or consent of one with authority to consent;

41.16 (4) repeatedly makes telephone calls, sends text messages, or induces a victim to make
41.17 telephone calls to the actor, whether or not conversation ensues;

41.18 (5) makes or causes the telephone of another repeatedly or continuously to ring;

41.19 (6) repeatedly mails or delivers or causes the delivery by any means, including
41.20 electronically, of letters, telegrams, messages, packages, through assistive devices for people
41.21 with vision impairments or hearing loss, or any communication made through any available
41.22 technologies or other objects;

41.23 (7) knowingly makes false allegations against a peace officer concerning the officer's
41.24 performance of official duties with intent to influence or tamper with the officer's
41.25 performance of official duties; or

41.26 (8) uses another's personal information, without consent, to invite, encourage, or solicit
41.27 a third party to engage in a sexual act with the person.

41.28 For purposes of this clause, "personal information" and "sexual act" have the meanings
41.29 given in section 617.261, subdivision 7.

42.1 Sec. 20. Minnesota Statutes 2018, section 609.749, subdivision 3, is amended to read:

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

42.5 (1) commits any offense described in subdivision 2 because of the victim's or another's
42.6 actual or perceived race, color, religion, sex, sexual orientation, disability as defined in
42.7 section 363A.03, age, or national origin;

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

42.9 (3) commits any offense described in subdivision 2 and possesses a dangerous weapon
42.10 at the time of the offense;

42.11 (4) ~~stalks~~ harasses another, as defined in subdivision 1, with intent to influence or
42.12 otherwise tamper with a juror or a judicial proceeding or with intent to retaliate against a
42.13 judicial officer, as defined in section 609.415, or a prosecutor, defense attorney, or officer
42.14 of the court, because of that person's performance of official duties in connection with a
42.15 judicial proceeding; or

42.16 (5) commits any offense described in subdivision 2 against a victim under the age of
42.17 18, if the actor is more than 36 months older than the victim.

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

42.23 Sec. 21. Minnesota Statutes 2018, section 609.749, subdivision 5, is amended to read:

42.24 Subd. 5. ~~Pattern of Stalking conduct.~~ (a) A person who engages in a ~~pattern of stalking~~
42.25 ~~conduct~~ with respect to a single victim or one or more members of a single household which
42.26 the actor knows or has reason to know would cause the victim under the circumstances to
42.27 feel terrorized or to fear bodily harm and which does cause this reaction on the part of the
42.28 victim, is guilty of a felony and may be sentenced to imprisonment for not more than ten
42.29 years or to payment of a fine of not more than \$20,000, or both.

42.30 (b) For purposes of this subdivision, a ~~"pattern of stalking conduct"~~ "stalking" means
42.31 two or more acts within a five-year period that violate or attempt to violate the provisions

43.1 of any of the following or a similar law of another state, the United States, the District of
43.2 Columbia, tribe, or United States territories:

43.3 (1) this section;

43.4 (2) sections 609.185 to 609.205 (first- to third-degree murder and first- and second-degree
43.5 manslaughter);

43.6 (3) section 609.713 (terroristic threats);

43.7 (4) section 609.224 (fifth-degree assault);

43.8 (5) section 609.2242 (domestic assault);

43.9 (6) section 518B.01, subdivision 14 (violations of domestic abuse orders for protection);

43.10 (7) section 609.748, subdivision 6 (violations of harassment restraining orders);

43.11 (8) section 609.605, subdivision 1, paragraph (b), clauses (3), (4), and (7) (certain trespass
43.12 offenses);

43.13 (9) section 609.78, subdivision 2 (interference with an emergency call);

43.14 (10) section 609.79 (obscene or harassing telephone calls);

43.15 (11) section 609.795 (letter, telegram, or package; opening; harassment);

43.16 (12) section 609.582 (burglary);

43.17 (13) section 609.595 (damage to property);

43.18 (14) section 609.765 (criminal defamation);

43.19 (15) sections 609.342 to 609.3451 (first- to fifth-degree criminal sexual conduct); or

43.20 (16) section 629.75, subdivision 2 (violations of domestic abuse no contact orders).

43.21 (c) Words set forth in parentheses after references to statutory sections in paragraph (b)
43.22 are mere catchwords included solely for convenience in reference. They are not substantive
43.23 and may not be used to construe or limit the meaning of the cited statutory provision.

43.24 Sec. 22. Minnesota Statutes 2018, section 609.749, subdivision 8, is amended to read:

43.25 Subd. 8. **Harassment; stalking; firearms.** (a) When a person is convicted of a
43.26 harassment or stalking ~~crime~~ under this section and the court determines that the person
43.27 used a firearm in any way during commission of the crime, the court may order that the
43.28 person is prohibited from possessing any type of firearm for any period longer than three
43.29 years or for the remainder of the person's life. A person who violates this paragraph is guilty

44.1 of a gross misdemeanor. At the time of the conviction, the court shall inform the defendant
44.2 for how long the defendant is prohibited from possessing a firearm and that it is a gross
44.3 misdemeanor to violate this paragraph. The failure of the court to provide this information
44.4 to a defendant does not affect the applicability of the firearm possession prohibition or the
44.5 gross misdemeanor penalty to that defendant.

44.6 (b) Except as otherwise provided in paragraph (a), when a person is convicted of a
44.7 harassment or stalking crime under this section, the court shall inform the defendant that
44.8 the defendant is prohibited from possessing a firearm for three years from the date of
44.9 conviction and that it is a gross misdemeanor offense to violate this prohibition. The failure
44.10 of the court to provide this information to a defendant does not affect the applicability of
44.11 the firearm possession prohibition or the gross misdemeanor penalty to that defendant.

44.12 (c) Except as otherwise provided in paragraph (a), a person is not entitled to possess a
44.13 pistol if the person has been convicted after August 1, 1996, of a harassment or stalking
44.14 crime under this section, or to possess a firearm if the person has been convicted on or after
44.15 August 1, 2014, of a harassment or stalking crime under this section, unless three years
44.16 have elapsed from the date of conviction and, during that time, the person has not been
44.17 convicted of any other violation of this section. Property rights may not be abated but access
44.18 may be restricted by the courts. A person who possesses a firearm in violation of this
44.19 paragraph is guilty of a gross misdemeanor.

44.20 (d) If the court determines that a person convicted of a harassment or stalking crime
44.21 under this section owns or possesses a firearm and used it in any way during the commission
44.22 of the crime, it shall order that the firearm be summarily forfeited under section 609.5316,
44.23 subdivision 3.

44.24 (e) Except as otherwise provided in paragraphs (d) and (g), when a person is convicted
44.25 of a harassment or stalking crime under this section, the court shall order the defendant to
44.26 transfer any firearms that the person possesses, within three business days, to a federally
44.27 licensed firearms dealer, a law enforcement agency, or a third party who may lawfully
44.28 receive them. The transfer may be permanent or temporary. A temporary firearm transfer
44.29 only entitles the receiving party to possess the firearm. A temporary transfer does not transfer
44.30 ownership or title. A defendant may not transfer firearms to a third party who resides with
44.31 the defendant. If a defendant makes a temporary transfer, a federally licensed firearms dealer
44.32 or law enforcement agency may charge the defendant a reasonable fee to store the person's
44.33 firearms and may establish policies for disposal of abandoned firearms, provided such
44.34 policies require that the person be notified via certified mail prior to disposal of abandoned
44.35 firearms. For temporary firearms transfers under this paragraph, a law enforcement agency,

45.1 federally licensed firearms dealer, or third party shall exercise due care to preserve the
45.2 quality and function of the transferred firearms and shall return the transferred firearms to
45.3 the person upon request after the expiration of the prohibiting time period imposed under
45.4 this subdivision, provided the person is not otherwise prohibited from possessing firearms
45.5 under state or federal law. The return of temporarily transferred firearms to a defendant
45.6 shall comply with state and federal law. If a defendant permanently transfers the defendant's
45.7 firearms to a law enforcement agency, the agency is not required to compensate the defendant
45.8 and may charge the defendant a reasonable processing fee. A law enforcement agency is
45.9 not required to accept a person's firearm under this paragraph. The court shall order that the
45.10 person surrender all permits to carry and purchase firearms to the sheriff.

45.11 (f) A defendant who is ordered to transfer firearms under paragraph (e) must file proof
45.12 of transfer as provided for in this paragraph. If the transfer is made to a third party, the third
45.13 party must sign an affidavit under oath before a notary public either acknowledging that
45.14 the defendant permanently transferred the defendant's firearms to the third party or agreeing
45.15 to temporarily store the defendant's firearms until such time as the defendant is legally
45.16 permitted to possess firearms. The affidavit shall indicate the serial number, make, and
45.17 model of all firearms transferred by the defendant to the third party. The third party shall
45.18 acknowledge in the affidavit that the third party may be held criminally and civilly
45.19 responsible under section 624.7144 if the defendant gains access to a transferred firearm
45.20 while the firearm is in the custody of the third party. If the transfer is to a law enforcement
45.21 agency or federally licensed firearms dealer, the law enforcement agency or federally
45.22 licensed firearms dealer shall provide proof of transfer to the defendant. The proof of transfer
45.23 must specify whether the firearms were permanently or temporarily transferred and include
45.24 the name of the defendant, date of transfer, and the serial number, make, and model of all
45.25 transferred firearms. The defendant shall provide the court with a signed and notarized
45.26 affidavit or proof of transfer as described in this section within two business days of the
45.27 firearms transfer. The court shall seal affidavits and proofs of transfer filed pursuant to this
45.28 paragraph.

45.29 (g) When a person is convicted of a harassment or stalking crime ~~crime~~ under this section, the
45.30 court shall determine by a preponderance of the evidence if the person poses an imminent
45.31 risk of causing another person substantial bodily harm. Upon a finding of imminent risk,
45.32 the court shall order that the local law enforcement agency take immediate possession of
45.33 all firearms in the person's possession. The local law enforcement agency shall exercise due
45.34 care to preserve the quality and function of the defendant's firearms and shall return the
45.35 firearms to the person upon request after the expiration of the prohibiting time period,

46.1 provided the person is not otherwise prohibited from possessing firearms under state or
46.2 federal law. The local law enforcement agency shall, upon written notice from the person,
46.3 transfer the firearms to a federally licensed firearms dealer or a third party who may lawfully
46.4 receive them. Before a local law enforcement agency transfers a firearm under this paragraph,
46.5 the agency shall require the third party or federally licensed firearms dealer receiving the
46.6 firearm to submit an affidavit or proof of transfer that complies with the requirements for
46.7 affidavits or proofs of transfer established in paragraph (f). The agency shall file all affidavits
46.8 or proofs of transfer received with the court within two business days of the transfer. The
46.9 court shall seal all affidavits or proofs of transfer filed pursuant to this paragraph. A federally
46.10 licensed firearms dealer or third party who accepts a firearm transfer pursuant to this
46.11 paragraph shall comply with paragraphs (e) and (f) as if accepting transfer from the defendant.
46.12 If the law enforcement agency does not receive written notice from the defendant within
46.13 three business days, the agency may charge a reasonable fee to store the defendant's firearms.
46.14 A law enforcement agency may establish policies for disposal of abandoned firearms,
46.15 provided such policies require that the person be notified via certified mail prior to disposal
46.16 of abandoned firearms.

46.17 Sec. 23. Minnesota Statutes 2018, section 624.712, subdivision 5, is amended to read:

46.18 Subd. 5. **Crime of violence.** "Crime of violence" means: felony convictions of the
46.19 following offenses: sections 609.185 (murder in the first degree); 609.19 (murder in the
46.20 second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the first
46.21 degree); 609.205 (manslaughter in the second degree); 609.215 (aiding suicide and aiding
46.22 attempted suicide); 609.221 (assault in the first degree); 609.222 (assault in the second
46.23 degree); 609.223 (assault in the third degree); 609.2231 (assault in the fourth degree);
46.24 609.224 (assault in the fifth degree); 609.2242 (domestic assault); 609.2247 (domestic
46.25 assault by strangulation); 609.229 (crimes committed for the benefit of a gang); 609.235
46.26 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.245 (aggravated
46.27 robbery); 609.25 (kidnapping); 609.255 (false imprisonment); 609.322 (solicitation,
46.28 inducement, and promotion of prostitution; sex trafficking); 609.342 (criminal sexual conduct
46.29 in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal
46.30 sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree);
46.31 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child);
46.32 609.486 (commission of crime while wearing or possessing a bullet-resistant vest); 609.52
46.33 (involving theft of a firearm and theft involving the theft of a controlled substance, an
46.34 explosive, or an incendiary device); 609.561 (arson in the first degree); 609.562 (arson in
46.35 the second degree); 609.582, subdivision 1 or 2 (burglary in the first and second degrees);

47.1 609.66, subdivision 1e (drive-by shooting); 609.67 (unlawfully owning, possessing, operating
47.2 a machine gun or short-barreled shotgun); 609.71 (riot); 609.713 (terroristic threats); 609.749
47.3 ~~(stalking)~~ (harassment); 609.855, subdivision 5 (shooting at a public transit vehicle or
47.4 facility); and chapter 152 (drugs, controlled substances); and an attempt to commit any of
47.5 these offenses.

47.6 Sec. 24. Minnesota Statutes 2018, section 634.20, is amended to read:

47.7 **634.20 EVIDENCE OF CONDUCT.**

47.8 Evidence of domestic conduct by the accused against the victim of domestic conduct,
47.9 or against other family or household members, is admissible unless the probative value is
47.10 substantially outweighed by the danger of unfair prejudice, confusion of the issue, or
47.11 misleading the jury, or by considerations of undue delay, waste of time, or needless
47.12 presentation of cumulative evidence. "Domestic conduct" includes, but is not limited to,
47.13 evidence of domestic abuse, violation of an order for protection under section 518B.01;
47.14 violation of a harassment restraining order under section 609.748; violation of a domestic
47.15 abuse no contact order under section 629.75; or violation of section 609.749 or 609.79,
47.16 subdivision 1. "Domestic abuse" and "family or household members" have the meanings
47.17 given under section 518B.01, subdivision 2.

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

47.19 Sec. 25. **TASK FORCE ON MISSING AND MURDERED INDIGENOUS WOMEN.**

47.20 Subdivision 1. **Creation and duties.** (a) By September 1, 2019, the commissioner, in
47.21 consultation with the Minnesota Indian Affairs Council, shall appoint members to the Task
47.22 Force on Missing and Murdered Indigenous Women to advise the commissioner and report
47.23 to the legislature on recommendations to reduce and end violence against indigenous women
47.24 and girls in Minnesota, including members of the two spirit community. The task force may
47.25 also serve as a liaison between the commissioner and agencies and nongovernmental
47.26 organizations that provide services to victims, victims' families, and victims' communities.
47.27 Task force members may receive expense reimbursement as specified in Minnesota Statutes,
47.28 section 15.059, subdivision 6.

47.29 (b) The Task Force on Missing and Murdered Indigenous Women must examine and
47.30 report on the following:

47.31 (1) the systemic causes behind violence that indigenous women and girls experience,
47.32 including patterns and underlying factors that explain why disproportionately high levels

48.1 of violence occur against indigenous women and girls, including underlying historical,
48.2 social, economic, institutional, and cultural factors which may contribute to the violence;

48.3 (2) appropriate methods for tracking and collecting data on violence against indigenous
48.4 women and girls, including data on missing and murdered indigenous women and girls;

48.5 (3) policies and institutions such as policing, child welfare, coroner practices, and other
48.6 governmental practices that impact violence against indigenous women and girls and the
48.7 investigation and prosecution of crimes of gender violence against indigenous people;

48.8 (4) measures necessary to address and reduce violence against indigenous women and
48.9 girls; and

48.10 (5) measures to help victims, victims' families, and victims' communities prevent and
48.11 heal from violence that occurs against indigenous women and girls.

48.12 (c) For the purposes of this section, "commissioner" means the commissioner of public
48.13 safety and "nongovernmental organizations" means nonprofit, nongovernmental organizations
48.14 that provide legal, social, or other community services.

48.15 Subd. 2. **Membership.** (a) To the extent practicable, the Task Force on Missing and
48.16 Murdered Indigenous Women shall consist of the following individuals, or their designees,
48.17 who are knowledgeable in crime victims' rights or violence protection and, unless otherwise
48.18 specified, members shall be appointed by the commissioner:

48.19 (1) two members of the senate, one appointed by the majority leader and one appointed
48.20 by the minority leader;

48.21 (2) two members of the house of representatives, one appointed by the speaker of the
48.22 house and one appointed by the minority leader;

48.23 (3) two representatives from among the following:

48.24 (i) the Minnesota Chiefs of Police Association;

48.25 (ii) the Minnesota Sheriffs' Association;

48.26 (iii) the Bureau of Criminal Apprehension;

48.27 (iv) the Minnesota Police and Peace Officers Association; or

48.28 (v) a peace officer who works for and resides on a federally recognized American Indian
48.29 reservation in Minnesota;

48.30 (4) one or more representatives from among the following:

48.31 (i) the Minnesota County Attorneys Association;

- 49.1 (ii) the United States Attorney's Office; or
- 49.2 (iii) a judge or attorney working in juvenile court;
- 49.3 (5) a county coroner or a representative from a statewide coroner's association or a
49.4 representative of the Department of Health;
- 49.5 (6) one representative from each of the 11 federally recognized tribal governments, with
49.6 a preference for individuals who work with victims of violence or their families; and
- 49.7 (7) four or more representatives from among the following:
- 49.8 (i) a tribal, statewide, or local organization that provides legal services to indigenous
49.9 women and girls;
- 49.10 (ii) a tribal, statewide, or local organization that provides advocacy or counseling for
49.11 indigenous women and girls who have been victims of violence;
- 49.12 (iii) a tribal, statewide, or local organization that provides services to indigenous women
49.13 and girls;
- 49.14 (iv) the Minnesota Indian Women's Sexual Assault Coalition;
- 49.15 (v) Mending the Sacred Hoop;
- 49.16 (vi) an Indian health organization or agency; or
- 49.17 (vii) an indigenous woman who is a survivor of gender violence.
- 49.18 (b) Members of the task force serve at the pleasure of the appointing authority or until
49.19 the task force expires. Vacancies in commissioner appointed positions shall be filled by the
49.20 commissioner consistent with the qualifications of the vacating member required by this
49.21 subdivision.
- 49.22 Subd. 3. **Officers; meetings.** (a) The task force members shall annually elect a chair
49.23 and vice-chair from among the task force's members, and may elect other officers as
49.24 necessary. The task force shall meet at least quarterly, or upon the call of its chair, and may
49.25 hold meetings throughout the state. The task force shall meet sufficiently enough to
49.26 accomplish the tasks identified in this section. Meetings of the task force are subject to
49.27 Minnesota Statutes, chapter 13D. The task force shall seek out and enlist the cooperation
49.28 and assistance of nongovernmental organizations, community and advocacy organizations
49.29 working with the American Indian community, and academic researchers and experts,
49.30 specifically those specializing in violence against indigenous women and girls, representing
49.31 diverse communities disproportionately affected by violence against women and girls, or

50.1 focusing on issues related to gender violence and violence against indigenous women and
50.2 girls.

50.3 (b) The commissioner shall convene the first meeting of the task force no later than
50.4 October 1, 2019, and shall provide meeting space and administrative assistance as necessary
50.5 for the task force to conduct its work.

50.6 Subd. 4. **Report.** The task force shall report to the chairs and ranking minority members
50.7 of the legislative committees with jurisdiction over public safety, human services, and state
50.8 government on the work of the task force, including but not limited to the issues to be
50.9 examined in subdivision 1, and shall include in the report institutional policies and practices
50.10 or proposed institutional policies and practices that are effective in reducing gender violence
50.11 and increasing the safety of indigenous women and girls. The report shall include
50.12 recommendations to reduce and end violence against indigenous women and girls and help
50.13 victims and communities heal from gender violence and violence against indigenous women
50.14 and girls. The report shall be submitted to the legislative committees by December 15, 2020.

50.15 Subd. 5. **Expiration.** Notwithstanding Minnesota Statutes, section 15.059, the task force
50.16 expires December 31, 2020.

50.17 Sec. 26. **INTERAGENCY OPIOID ENFORCEMENT COORDINATOR.**

50.18 The governor is encouraged to appoint an interagency opioid enforcement coordinator
50.19 to perform the following duties:

50.20 (1) coordinate the statewide response to opioid abuse;

50.21 (2) develop, coordinate, and facilitate training for law enforcement officers, prosecutors,
50.22 courts, child protection workers, social service providers, medical providers, and other
50.23 community members;

50.24 (3) promote the efficient use of resources; and

50.25 (4) consult with local government officials, representatives from other states, and federal
50.26 officials to monitor local and national trends relating to opioid abuse and responses to that
50.27 abuse.

50.28 Sec. 27. **REVISOR INSTRUCTION.**

50.29 The revisor of statutes shall make any cross-reference changes, language changes, or
50.30 both to Minnesota Statutes made necessary by section 18.

51.1

ARTICLE 3

51.2

CORRECTIONS

51.3 Section 1. Minnesota Statutes 2018, section 13.851, is amended by adding a subdivision
51.4 to read:

51.5 Subd. 12. **Mental health screening.** The treatment of data collected by a sheriff or local
51.6 corrections agency related to individuals who may have a mental illness is governed by
51.7 section 641.15, subdivision 3a.

51.8 Sec. 2. **[13.856] OMBUDSPERSON FOR CORRECTIONS; DATA.**

51.9 Subdivision 1. **Private data.** The following data maintained by the ombudsperson for
51.10 corrections are classified as private data, pursuant to section 13.02, subdivision 12:

51.11 (1) all data on individuals pertaining to contacts made by clients seeking the assistance
51.12 of the ombudsperson, except as specified in subdivisions 2 and 3;

51.13 (2) data recorded from personal and phone conversations and in correspondence between
51.14 the ombudsperson's staff and persons interviewed during the course of an investigation;

51.15 (3) client index cards;

51.16 (4) case assignment data; and

51.17 (5) monthly closeout data.

51.18 Subd. 2. **Confidential data.** The written summary of the investigation maintained by
51.19 the ombudsperson is, to the extent it identifies individuals, classified as confidential data,
51.20 pursuant to section 13.02, subdivision 3.

51.21 Subd. 3. **Public data.** The following data maintained by the ombudsperson are classified
51.22 as public data pursuant to section 13.02, subdivision 15:

51.23 (1) client name;

51.24 (2) client location; and

51.25 (3) the inmate identification number assigned by the Department of Corrections.

51.26 Subd. 4. **Access to data.** The ombudsperson for corrections has access to corrections
51.27 and detention data and medical data as provided under section 241.94.

52.1 Sec. 3. Minnesota Statutes 2018, section 15A.0815, subdivision 3, is amended to read:

52.2 Subd. 3. **Group II salary limits.** The salary for a position listed in this subdivision shall
 52.3 not exceed 120 percent of the salary of the governor. This limit must be adjusted annually
 52.4 on January 1. The new limit must equal the limit for the prior year increased by the percentage
 52.5 increase, if any, in the Consumer Price Index for all urban consumers from October of the
 52.6 second prior year to October of the immediately prior year. The commissioner of management
 52.7 and budget must publish the limit on the department's website. This subdivision applies to
 52.8 the following positions:

- 52.9 Executive director of Gambling Control Board;
- 52.10 Commissioner of Iron Range resources and rehabilitation;
- 52.11 Commissioner, Bureau of Mediation Services;
- 52.12 Ombudsman for mental health and developmental disabilities;
- 52.13 Ombudsperson for corrections;
- 52.14 Chair, Metropolitan Council;
- 52.15 School trust lands director;
- 52.16 Executive director of pari-mutuel racing; and
- 52.17 Commissioner, Public Utilities Commission.

52.18 Sec. 4. Minnesota Statutes 2018, section 144.121, subdivision 1a, is amended to read:

52.19 Subd. 1a. **Fees for ionizing radiation-producing equipment.** (a) A facility with ionizing
 52.20 radiation-producing equipment must pay an annual initial or annual renewal registration
 52.21 fee consisting of a base facility fee of \$100 and an additional fee for each radiation source,
 52.22 as follows:

52.23	(1) medical or veterinary equipment	\$ 100
52.24	(2) dental x-ray equipment	\$ 40
52.25	(3) x-ray equipment not used on	\$ 100
52.26	humans or animals	
52.27	(4) devices with sources of ionizing	\$ 100
52.28	radiation not used on humans or	
52.29	animals	
52.30	(5) <u>security screening system</u>	<u>\$ 100</u>

53.1 (b) A facility with radiation therapy and accelerator equipment must pay an annual
53.2 registration fee of \$500. A facility with an industrial accelerator must pay an annual
53.3 registration fee of \$150.

53.4 (c) Electron microscopy equipment is exempt from the registration fee requirements of
53.5 this section.

53.6 (d) For purposes of this section, a security screening system means radiation-producing
53.7 equipment designed and used for security screening of humans who are in the custody of a
53.8 correctional or detention facility, and used by the facility to image and identify contraband
53.9 items concealed within or on all sides of a human body. For purposes of this section, a
53.10 correctional or detention facility is a facility licensed under section 241.021 and operated
53.11 by a state agency or political subdivision charged with detection, enforcement, or
53.12 incarceration in respect to state criminal and traffic laws.

53.13 Sec. 5. Minnesota Statutes 2018, section 144.121, is amended by adding a subdivision to
53.14 read:

53.15 Subd. 9. **Exemption from examination requirements; operators of security screening**
53.16 **systems.** (a) An employee of a correctional or detention facility who operates a security
53.17 screening system and the facility in which the system is being operated are exempt from
53.18 the requirements of subdivisions 5 and 6.

53.19 (b) An employee of a correctional or detention facility who operates a security screening
53.20 system and the facility in which the system is being operated must meet the requirements
53.21 of a variance to Minnesota Rules, parts 4732.0305 and 4732.0565, issued under Minnesota
53.22 Rules, parts 4717.7000 to 4717.7050. This paragraph expires on December 31 of the year
53.23 that the permanent rules adopted by the commissioner governing security screening systems
53.24 are published in the State Register.

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

53.26 Sec. 6. Minnesota Statutes 2018, section 151.37, subdivision 12, is amended to read:

53.27 Subd. 12. **Administration of opiate antagonists for drug overdose.** (a) A licensed
53.28 physician, a licensed advanced practice registered nurse authorized to prescribe drugs
53.29 pursuant to section 148.235, or a licensed physician assistant authorized to prescribe drugs
53.30 pursuant to section 147A.18 may authorize the following individuals to administer opiate
53.31 antagonists, as defined in section 604A.04, subdivision 1:

53.32 (1) an emergency medical responder registered pursuant to section 144E.27;

54.1 (2) a peace officer as defined in section 626.84, subdivision 1, paragraphs (c) and (d);
54.2 ~~and~~

54.3 (3) employees of a correctional facility; and

54.4 (4) staff of community-based health disease prevention or social service programs.

54.5 (b) For the purposes of this subdivision, opiate antagonists may be administered by one
54.6 of these individuals only if:

54.7 (1) the licensed physician, licensed physician assistant, or licensed advanced practice
54.8 registered nurse has issued a standing order to, or entered into a protocol with, the individual;
54.9 and

54.10 (2) the individual has training in the recognition of signs of opiate overdose and the use
54.11 of opiate antagonists as part of the emergency response to opiate overdose.

54.12 (c) Nothing in this section prohibits the possession and administration of naloxone
54.13 pursuant to section 604A.04.

54.14 Sec. 7. Minnesota Statutes 2018, section 241.01, subdivision 3a, is amended to read:

54.15 Subd. 3a. **Commissioner, powers and duties.** The commissioner of corrections has the
54.16 following powers and duties:

54.17 (a) To accept persons committed to the commissioner by the courts of this state for care,
54.18 custody, and rehabilitation.

54.19 (b) To determine the place of confinement of committed persons in a correctional facility
54.20 or other facility of the Department of Corrections and to prescribe reasonable conditions
54.21 and rules for their employment, conduct, instruction, and discipline within or outside the
54.22 facility. After July 1, 2019, the commissioner shall not allow inmates to be housed in facilities
54.23 that are not owned and operated by the state, a local unit of government, or a group of local
54.24 units of government. Inmates shall not exercise custodial functions or have authority over
54.25 other inmates.

54.26 (c) To administer the money and property of the department.

54.27 (d) To administer, maintain, and inspect all state correctional facilities.

54.28 (e) To transfer authorized positions and personnel between state correctional facilities
54.29 as necessary to properly staff facilities and programs.

54.30 (f) To utilize state correctional facilities in the manner deemed to be most efficient and
54.31 beneficial to accomplish the purposes of this section, but not to close the Minnesota

55.1 Correctional Facility-Stillwater or the Minnesota Correctional Facility-St. Cloud without
55.2 legislative approval. The commissioner may place juveniles and adults at the same state
55.3 minimum security correctional facilities, if there is total separation of and no regular contact
55.4 between juveniles and adults, except contact incidental to admission, classification, and
55.5 mental and physical health care.

55.6 (g) To organize the department and employ personnel the commissioner deems necessary
55.7 to discharge the functions of the department, including a chief executive officer for each
55.8 facility under the commissioner's control who shall serve in the unclassified civil service
55.9 and may, under the provisions of section 43A.33, be removed only for cause.

55.10 (h) To define the duties of these employees and to delegate to them any of the
55.11 commissioner's powers, duties and responsibilities, subject to the commissioner's control
55.12 and the conditions the commissioner prescribes.

55.13 (i) To annually develop a comprehensive set of goals and objectives designed to clearly
55.14 establish the priorities of the Department of Corrections. This report shall be submitted to
55.15 the governor commencing January 1, 1976. The commissioner may establish ad hoc advisory
55.16 committees.

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

55.18 Sec. 8. Minnesota Statutes 2018, section 241.025, subdivision 1, is amended to read:

55.19 Subdivision 1. **Authorization.** The commissioner of corrections may appoint peace
55.20 officers, as defined in section 626.84, subdivision 1, paragraph (c), who shall serve in the
55.21 classified service subject to the provisions of section 43A.01, subdivision 2, and establish
55.22 a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), known
55.23 as the Department of Corrections Fugitive Apprehension Unit, to perform the duties necessary
55.24 to make statewide arrests under sections 629.30 and 629.34. The jurisdiction of the law
55.25 enforcement agency is limited to the activities related to the arrest of Department of
55.26 Corrections' discretionary and statutory released violators and Department of Corrections'
55.27 escapees. The Department of Corrections Fugitive Apprehension Unit may exercise general
55.28 law enforcement duties upon request for assistance from a law enforcement agency and
55.29 subject to availability and resources of the Department of Corrections Fugitive Apprehension
55.30 Unit.

56.1 Sec. 9. Minnesota Statutes 2018, section 241.025, subdivision 2, is amended to read:

56.2 Subd. 2. **Limitations.** The initial processing of a person arrested by the fugitive
56.3 apprehension unit for an offense ~~within the agency's jurisdiction~~ is the responsibility of the
56.4 fugitive apprehension unit unless otherwise directed by the law enforcement agency with
56.5 primary jurisdiction. A subsequent investigation is the responsibility of the law enforcement
56.6 agency of the jurisdiction in which a new crime is committed.

56.7 Sec. 10. Minnesota Statutes 2018, section 241.75, subdivision 2, is amended to read:

56.8 Subd. 2. **Health care decisions.** The medical director of the Department of Corrections
56.9 may make a health care decision for an inmate incarcerated in a state correctional facility
56.10 or placed in an outside facility on conditional medical release if the inmate's attending
56.11 physician determines that the inmate lacks decision-making capacity and:

56.12 (1) there is not a documented health care agent designated by the inmate or the health
56.13 care agent is not reasonably available to make the health care decision;

56.14 (2) if there is a documented health care directive, the decision is consistent with that
56.15 directive;

56.16 (3) the decision is consistent with reasonable medical practice and other applicable law;
56.17 and

56.18 (4) the medical director has made a good faith attempt to consult with the inmate's next
56.19 of kin or emergency contact person in making the decision, to the extent those persons are
56.20 reasonably available.

56.21 Sec. 11. **[241.90] OFFICE OF OMBUDSPERSON; CREATION; QUALIFICATIONS;**
56.22 **FUNCTION.**

56.23 The Office of Ombudsperson for the Department of Corrections is hereby created. The
56.24 ombudsperson shall serve at the pleasure of the governor in the unclassified service, shall
56.25 be selected without regard to political affiliation, and shall be a person highly competent
56.26 and qualified to analyze questions of law, administration, and public policy. No person may
56.27 serve as ombudsperson while holding any other public office. The ombudsperson for
56.28 corrections shall be accountable to the governor and shall have the authority to investigate
56.29 decisions, acts, and other matters of the Department of Corrections so as to promote the
56.30 highest attainable standards of competence, efficiency, and justice in the administration of
56.31 corrections.

57.1 Sec. 12. **[241.91] DEFINITION.**

57.2 For the purposes of sections 241.90 to 241.95, "administrative agency" or "agency"
57.3 means any division, official, or employee of the Department of Corrections, including the
57.4 commissioner of corrections, charged with the care and custody of inmates and any regional
57.5 or local correctional facility licensed or inspected by the commissioner of corrections,
57.6 whether public or private, established and operated for the detention and confinement of
57.7 adults or juveniles, including but not limited to programs or facilities operating under chapter
57.8 401, secure juvenile detention facilities, municipal holding facilities, juvenile temporary
57.9 holdover facilities, regional or local jails, lockups, work houses, work farms, and detention
57.10 facilities, but does not include:

57.11 (1) any court or judge;

57.12 (2) any member of the senate or house of representatives;

57.13 (3) the governor or the governor's personal staff;

57.14 (4) any instrumentality of the federal government;

57.15 (5) any interstate compact; or

57.16 (6) any person responsible for the supervision of offenders placed on supervised release,
57.17 parole, or probation.

57.18 Sec. 13. **[241.92] ORGANIZATION OF OFFICE OF OMBUDSPERSON.**

57.19 Subdivision 1. **Employee selection.** The ombudsperson may select, appoint, and
57.20 compensate out of available funds assistants and employees as deemed necessary to discharge
57.21 responsibilities. The ombudsperson and full-time staff shall be members of the Minnesota
57.22 State Retirement Association.

57.23 Subd. 2. **Assistant ombudsperson.** The ombudsperson may appoint an assistant
57.24 ombudsperson in the unclassified service.

57.25 Subd. 3. **Delegation of duties.** The ombudsperson may delegate to staff members any
57.26 of the ombudsperson's authority or duties except the duty of formally making
57.27 recommendations to an administrative agency or reports to the Office of the Governor or
57.28 to the legislature.

57.29 Sec. 14. **[241.93] POWERS OF OMBUDSPERSON; INVESTIGATIONS; ACTION**
57.30 **ON COMPLAINTS; RECOMMENDATIONS.**

57.31 Subdivision 1. **Powers.** The ombudsperson may:

- 58.1 (1) prescribe the methods by which complaints are to be made, reviewed, and acted
58.2 upon; provided, however, that the ombudsperson may not levy a complaint fee;
- 58.3 (2) determine the scope and manner of investigations to be made;
- 58.4 (3) except as otherwise provided, determine the form, frequency, and distribution of
58.5 conclusions, recommendations, and proposals; provided, however, that the governor or a
58.6 representative may, at any time the governor deems necessary, request and receive
58.7 information from the ombudsperson. Neither the ombudsperson nor any member of the
58.8 ombudsperson's staff shall be compelled to testify or to produce evidence in any judicial or
58.9 administrative proceeding with respect to any matter involving the exercise of the
58.10 ombudsperson's official duties except as may be necessary to enforce the provisions of
58.11 sections 241.90 to 241.95;
- 58.12 (4) investigate, upon a complaint or upon personal initiative, any action of an
58.13 administrative agency;
- 58.14 (5) request and be given access to information in the possession of an administrative
58.15 agency deemed necessary for the discharge of responsibilities;
- 58.16 (6) examine the records and documents of an administrative agency;
- 58.17 (7) enter and inspect, at any time, premises within the control of an administrative agency;
- 58.18 (8) subpoena any person to appear, give testimony, or produce documentary or other
58.19 evidence that the ombudsperson deems relevant to a matter under inquiry, and may petition
58.20 the appropriate state court to seek enforcement with the subpoena; provided, however, that
58.21 any witness at a hearing or before an investigation shall possess the same privileges reserved
58.22 to a witness in the courts or under the laws of this state;
- 58.23 (9) bring an action in an appropriate state court to provide the operation of the powers
58.24 provided in this subdivision. The ombudsperson may use the services of legal assistance to
58.25 Minnesota prisoners for legal counsel. The provisions of sections 241.90 to 241.95 are in
58.26 addition to other provisions of law under which any remedy or right of appeal or objection
58.27 is provided for any person, or any procedure provided for inquiry or investigation concerning
58.28 any matter. Nothing in sections 241.90 to 241.95 shall be construed to limit or affect any
58.29 other remedy or right of appeal or objection nor shall it be deemed part of an exclusionary
58.30 process; and
- 58.31 (10) be present at commissioner of corrections parole, supervised release, and parole
58.32 revocation hearings and deliberations.

59.1 Subd. 2. **Actions against ombudsperson.** No proceeding or civil action except removal
59.2 from office or a proceeding brought pursuant to chapter 13 shall be commenced against the
59.3 ombudsperson for actions taken under the provisions of sections 241.90 to 241.95, unless
59.4 the act or omission is actuated by malice or is grossly negligent.

59.5 Subd. 3. **Matters appropriate for investigation.** (a) In selecting matters for attention,
59.6 the ombudsperson should particularly address actions of an administrative agency that may
59.7 be:

59.8 (1) contrary to law or rule;

59.9 (2) unreasonable, unfair, oppressive, or inconsistent with any policy or judgment of an
59.10 administrative agency;

59.11 (3) mistaken in law or arbitrary in the ascertainment of facts;

59.12 (4) unclear or inadequately explained when reasons should have been revealed; or

59.13 (5) inefficiently performed.

59.14 (b) The ombudsperson may also be concerned with strengthening procedures and practices
59.15 that lessen the risk that objectionable actions of the administrative agency will occur.

59.16 Subd. 4. **Complaints.** (a) The ombudsperson may receive a complaint from any source
59.17 concerning an action of an administrative agency. The ombudsperson may, on personal
59.18 motion or at the request of another, investigate any action of an administrative agency.

59.19 (b) The ombudsperson may exercise powers without regard to the finality of any action
59.20 of an administrative agency; however, the ombudsperson may require a complainant to
59.21 pursue other remedies or channels of complaint open to the complainant before accepting
59.22 or investigating the complaint.

59.23 (c) After completing investigation of a complaint, the ombudsperson shall inform the
59.24 complainant, the administrative agency, and the official or employee of the action taken.

59.25 (d) A letter to the ombudsperson from a person in an institution under the control of an
59.26 administrative agency shall be forwarded immediately and unopened to the ombudsperson's
59.27 office. A reply from the ombudsperson to the person shall be promptly delivered unopened
59.28 to the person after its receipt by the institution.

59.29 (e) No complainant shall be punished nor shall the general condition of the complainant's
59.30 confinement or treatment be unfavorably altered as a result of the complainant having made
59.31 a complaint to the ombudsperson.

60.1 Subd. 5. Investigation of adult local jails and detention facilities. Either the
60.2 ombudsperson or the jail inspection unit of the Department of Corrections may investigate
60.3 complaints involving local adult jails and detention facilities. The ombudsperson and
60.4 Department of Corrections must enter into an arrangement with one another that ensures
60.5 they are not duplicating services.

60.6 Subd. 6. Recommendations. (a) If, after duly considering a complaint and whatever
60.7 material the ombudsperson deems pertinent, the ombudsperson is of the opinion that the
60.8 complaint is valid, the ombudsperson may recommend that an administrative agency should:

60.9 (1) consider the matter further;

60.10 (2) modify or cancel its actions;

60.11 (3) alter a ruling;

60.12 (4) explain more fully the action in question; or

60.13 (5) take any other step that the ombudsperson recommends to the administrative agency
60.14 involved.

60.15 If the ombudsperson so requests, the agency shall, within the time the ombudsperson
60.16 specifies, inform the ombudsperson about the action taken on the ombudsperson's
60.17 recommendations or the reasons for not complying with it.

60.18 (b) If the ombudsperson has reason to believe that any public official or employee has
60.19 acted in a manner warranting criminal or disciplinary proceedings, the ombudsperson may
60.20 refer the matter to the appropriate authorities.

60.21 (c) If the ombudsperson believes that an action upon which a valid complaint is founded
60.22 has been dictated by a statute, and that the statute produces results or effects that are unfair
60.23 or otherwise objectionable, the ombudsperson shall bring to the attention of the governor
60.24 and the legislature the ombudsperson's view concerning desirable statutory change.

60.25 Subd. 7. Grants. The ombudsperson may apply for and receive grants from public and
60.26 private entities for purposes of carrying out the ombudsperson's powers and duties under
60.27 sections 241.90 to 241.95.

60.28 **Sec. 15. [241.94] ACCESS BY OMBUDSPERSON TO DATA.**

60.29 Notwithstanding section 13.384 or 13.85, the ombudsperson has access to corrections
60.30 and detention data and medical data maintained by an agency and classified as private data
60.31 on individuals or confidential data on individuals when access to the data is necessary for
60.32 the ombudsperson to perform the powers under section 241.93.

61.1 Sec. 16. **[241.95] PUBLICATION OF RECOMMENDATIONS; REPORTS.**

61.2 Subdivision 1. **Publication.** The ombudsperson may publish conclusions and suggestions
61.3 by transmitting them to the Office of the Governor. Before announcing a conclusion or
61.4 recommendation that expressly or impliedly criticizes an administrative agency or any
61.5 person, the ombudsperson shall consult with that agency or person. When publishing an
61.6 opinion adverse to an administrative agency or any person, the ombudsperson shall include
61.7 in the publication any statement of reasonable length made to the ombudsperson by that
61.8 agency or person in defense or mitigation of the action.

61.9 Subd. 2. **Annual report.** In addition to whatever reports the ombudsperson may make
61.10 on an ad hoc basis, the ombudsperson shall report to the governor and the senate and house
61.11 committee chairs and ranking minority members for the committees and divisions with
61.12 fiscal and policy jurisdiction over public safety and corrections at the end of each year on
61.13 the ombudsperson's functions during the preceding year.

61.14 Sec. 17. Minnesota Statutes 2018, section 242.192, is amended to read:

61.15 **242.192 CHARGES TO COUNTIES.**

61.16 The commissioner shall charge counties or other appropriate jurisdictions 65 percent of
61.17 the per diem cost of confinement, excluding educational costs and nonbillable service, of
61.18 juveniles at the Minnesota Correctional Facility-Red Wing and of juvenile females committed
61.19 to the commissioner of corrections. This charge applies to juveniles committed to the
61.20 commissioner of corrections and juveniles admitted to the Minnesota Correctional
61.21 Facility-Red Wing under established admissions criteria. This charge applies to both counties
61.22 that participate in the Community Corrections Act and those that do not. The commissioner
61.23 shall determine the per diem cost of confinement based on projected population, pricing
61.24 incentives, and market conditions,~~and the requirement that expense and revenue balance~~
61.25 ~~out over a period of two years.~~ All money received under this section must be deposited in
61.26 the state treasury and credited to the general fund.

61.27 Sec. 18. Minnesota Statutes 2018, section 243.48, subdivision 1, is amended to read:

61.28 Subdivision 1. **General searches.** The commissioner of corrections, the governor,
61.29 lieutenant governor, members of the legislature, ~~and state officers,~~ and the ombudsperson
61.30 for corrections may visit the inmates at pleasure, but no other persons without permission
61.31 of the chief executive officer of the facility, under rules prescribed by the commissioner. A
61.32 moderate fee may be required of visitors, other than those allowed to visit at pleasure. All
61.33 fees so collected shall be reported and remitted to the commissioner of management and

62.1 budget under rules as the commissioner may deem proper, and when so remitted shall be
62.2 placed to the credit of the general fund.

62.3 Sec. 19. [243.521] ADMINISTRATIVE AND DISCIPLINARY SEGREGATION.

62.4 Subdivision 1. **Authorization.** In any adult correctional facility under the control of the
62.5 commissioner of corrections, the commissioner may require an inmate to be placed on
62.6 disciplinary segregation status for rule violations or on administrative segregation status
62.7 when the continued presence of the inmate in general population would pose a serious threat
62.8 to life, property, self, staff, or other inmates or to the security or orderly running of the
62.9 institution. Inmates pending investigation for trial on a criminal act or pending transfer may
62.10 be included, provided the warden's written approval is sought and granted within seven
62.11 business days of placing the inmate in restrictive housing under this provision. The warden
62.12 of each facility must document any time approval is granted and the reason for it, and submit
62.13 a quarterly report to the commissioner of corrections.

62.14 Subd. 2. **Conditions in segregated housing.** The restrictive housing unit shall provide
62.15 living conditions that are approximate to those offenders in general population, including
62.16 reduced lighting during nighttime hours.

62.17 Subd. 3. **Review of disciplinary segregation status.** The commissioner of corrections
62.18 shall receive notification of all inmates with consecutive placement in a restrictive housing
62.19 setting for more than 30 days. This notification shall occur on a monthly basis. In the event
62.20 an inmate is placed into restrictive housing for more than 120 days, the reason for the
62.21 placement and the behavior management plan for the inmate shall be submitted to the
62.22 commissioner of corrections.

62.23 Subd. 4. **Graduated interventions.** The commissioner shall design and implement a
62.24 continuum of interventions, including informal sanctions, administrative segregation, formal
62.25 discipline, disciplinary segregation, and step-down management. The commissioner shall
62.26 implement a method of due process for all offenders with formal discipline proceedings.

62.27 Subd. 5. **Mental health screening.** (a) If it is apparent that the inmate is exhibiting
62.28 serious symptoms of a mental illness that prevents the inmate from understanding or fully
62.29 participating in the disciplinary process, a mental health professional shall be consulted
62.30 regarding appropriate treatment and placement. For other inmates placed in a restrictive
62.31 setting, an inmate shall be screened by a health services staff member within 24 hours of
62.32 placement in a restrictive housing setting. If the screening indicates symptoms of a mental
62.33 illness, a qualified mental health professional shall be consulted regarding appropriate
62.34 treatment and placement. The health services staff member shall document any time an

63.1 inmate screens in for symptoms of a mental health illness and whether or not the health
63.2 services staff member connected with a mental health professional.

63.3 (b) If mental health staff believe the inmate's behavior may be more appropriately treated
63.4 through alternative interventions or programming, or determine that the inmate's actions
63.5 were the result of mental illness, this information must be considered during the disciplinary
63.6 process.

63.7 Subd. 6. **Mental health care within segregated housing.** A health services staff member
63.8 shall perform a daily wellness round in the restrictive housing setting. If a health services
63.9 staff member indicates symptoms of a mental illness, a qualified mental health professional
63.10 shall be consulted regarding appropriate treatment and placement.

63.11 Subd. 7. **Incentives for return to the general population.** The commissioner shall
63.12 design and implement a system of incentives so that an inmate who demonstrates appropriate
63.13 behavior can earn additional privileges and an accelerated return to the general population.

63.14 Subd. 8. **Discharge from segregated housing.** An inmate shall not be released into the
63.15 community directly from a stay in restrictive housing for 60 or more days absent a compelling
63.16 reason. In cases where there is a compelling reason, the commissioner of corrections or
63.17 deputy commissioner shall directly authorize the inmate's release into the community from
63.18 restrictive housing.

63.19 Subd. 9. **Reporting.** (a) By January 15, 2020, and by January 15 each year thereafter,
63.20 the commissioner of corrections shall report to the chairs and ranking minority members
63.21 of the house of representatives and senate committees and divisions with jurisdiction over
63.22 public safety and judiciary on the status of the implementation of the provisions in this
63.23 section. This report shall include but not be limited to data regarding:

63.24 (1) the number of inmates in each institution placed in restrictive housing during the
63.25 past year;

63.26 (2) the ages of inmates placed in restrictive housing during the past year;

63.27 (3) the number of inmates transferred from restrictive housing to the mental health unit;

63.28 (4) disciplinary sanctions by infraction;

63.29 (5) the lengths of terms served in restrictive housing, including terms served
63.30 consecutively; and

63.31 (6) the number of inmates by race in restrictive housing.

64.1 (b) The Department of Corrections shall submit a qualitative report detailing outcomes,
64.2 measures, and challenges to implementation of a step-down management program by April
64.3 1, 2020.

64.4 Sec. 20. **[243.95] PRIVATE PRISON CONTRACTS PROHIBITED.**

64.5 The commissioner may not contract with privately owned and operated prisons for the
64.6 care, custody, and rehabilitation of offenders committed to the custody of the commissioner.

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

64.8 Sec. 21. **[244.049] INDETERMINATE SENTENCE RELEASE BOARD.**

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

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

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

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

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

64.18 (1) a bachelor's degree;

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

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

64.22 Subd. 2. **Terms; compensation.** (a) Members of the board shall serve four-year staggered
64.23 terms except that the terms of the initial members of the board must be as follows:

64.24 (1) two members must be appointed for terms that expire January 1, 2022; and

64.25 (2) two members must be appointed for terms that expire January 1, 2024.

64.26 (b) A member is eligible for reappointment.

64.27 (c) Vacancies on the board shall be filled in the same manner as the initial appointments
64.28 under subdivision 1.

65.1 (d) Member compensation and removal of members on the board shall be as provided
65.2 in section 15.0575.

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

65.5 (b) The commissioner of corrections shall provide the board with all other personnel,
65.6 supplies, equipment, office space, and other administrative services necessary and incident
65.7 to the discharge of the functions of the board.

65.8 Subd. 4. **Majority vote.** An inmate may not be placed on supervised release unless a
65.9 majority of the board members present vote in favor of the action.

65.10 Subd. 5. **Limitation.** Nothing in this section supersedes the commissioner's authority
65.11 to revoke an inmate's release for a violation of the inmate's terms of release or impairs the
65.12 power of the Board of Pardons to grant a pardon or commutation in any case.

65.13 Subd. 6. **Report.** On or before February 15 each year, the board shall submit to the
65.14 legislative committees with jurisdiction over criminal justice policy a written report detailing
65.15 the number of inmates reviewed and identifying persons granted release in the preceding
65.16 year. The report shall also include the board's recommendations for policy modifications
65.17 that influence the board's duties.

65.18 Sec. 22. Minnesota Statutes 2018, section 244.05, subdivision 5, is amended to read:

65.19 Subd. 5. **Supervised release, life sentence.** (a) Upon a majority vote of the board
65.20 members present, the ~~commissioner of corrections~~ board may, under rules promulgated by
65.21 the commissioner, give supervised release to an inmate serving a mandatory life sentence
65.22 under section 609.185, paragraph (a), clause (3), (5), or (6); 609.3455, subdivision 3 or 4;
65.23 609.385; or Minnesota Statutes 2004, section 609.109, subdivision 3, after the inmate has
65.24 served the minimum term of imprisonment specified in subdivision 4.

65.25 (b) The ~~commissioner~~ board shall require the preparation of a community investigation
65.26 report and shall consider the findings of the report when making a supervised release decision
65.27 under this subdivision. The report shall reflect the sentiment of the various elements of the
65.28 community toward the inmate, both at the time of the offense and at the present time. The
65.29 report shall include the views of the sentencing judge, the prosecutor, any law enforcement
65.30 personnel who may have been involved in the case, and any successors to these individuals
65.31 who may have information relevant to the supervised release decision. The report shall also
65.32 include the views of the victim and the victim's family unless the victim or the victim's
65.33 family chooses not to participate.

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

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

66.14 (1) while in prison:

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

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

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

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

66.24 (e) As used in this subdivision:

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

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

66.29 Sec. 23. Minnesota Statutes 2018, section 299C.091, subdivision 5, is amended to read:

66.30 Subd. 5. **Removal of data from system.** Notwithstanding section 138.17, the bureau
66.31 shall destroy data entered into the system when three years have elapsed since the data were
66.32 entered into the system, except as otherwise provided in this subdivision. If the bureau has

67.1 information that the individual has been convicted as an adult, or has been adjudicated or
67.2 has a stayed adjudication as a juvenile for an offense that would be a crime if committed
67.3 by an adult, since entry of the data into the system, the data must be maintained until three
67.4 years have elapsed since the last record of a conviction or adjudication or stayed adjudication
67.5 of the individual-, except that if the individual is committed to the custody of the
67.6 commissioner of corrections and the commissioner documents activities meeting the criminal
67.7 gang identification criteria that take place while the individual is confined in a state
67.8 correctional facility, the three-year period begins after release from incarceration. Upon
67.9 request of the law enforcement agency that submitted data to the system, the bureau shall
67.10 destroy the data regardless of whether three years have elapsed since the data were entered
67.11 into the system.

67.12 Sec. 24. Minnesota Statutes 2018, section 631.412, is amended to read:

67.13 **631.412 SAME SEX ESCORT FOR INMATES BEING TRANSFERRED.**

67.14 (a) Except as provided in paragraph (b), when a sheriff or other correctional officer has
67.15 custody of a person charged with or convicted of a crime and transfers that person more
67.16 than 100 miles, that sheriff or other correctional officer shall provide the transferee with a
67.17 custodial escort of the same sex as the transferee. A sheriff may employ, when the occasion
67.18 exists, a suitable person to carry out this section. The expenses of the person's employment
67.19 must be paid out of county funds not otherwise appropriated.

67.20 (b) A sheriff or other correctional officer is not required to provide a same sex escort if:
67.21 (1) the vehicle used to transport the transferee has video and audio recording equipment
67.22 installed; (2) the vehicle's video and audio recording equipment is operational and positioned
67.23 to record the portion of the vehicle where the transferee is held during the transfer; and (3)
67.24 the video and audio equipment records the duration of the transfer. A recording of an inmate
67.25 transfer made under this paragraph must be maintained by the sheriff or agency employing
67.26 the correctional officer for at least 12 months after the date of the transfer.

67.27 Sec. 25. **[641.015] PLACEMENT IN PRIVATE PRISONS PROHIBITED.**

67.28 Subdivision 1. **Placement prohibited.** After August 1, 2019, a sheriff shall not allow
67.29 inmates committed to the custody of the sheriff to be housed in facilities that are not owned
67.30 and operated by a local government or a group of local units of government.

67.31 Subd. 2. **Contracts prohibited.** The county board may not authorize the sheriff to
67.32 contract with privately owned and operated prisons for the care, custody, and rehabilitation
67.33 of offenders committed to the custody of the sheriff.

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

68.2 Sec. 26. **[641.061] LOCAL CORRECTIONAL OFFICERS DISCIPLINE**
68.3 **PROCEDURES.**

68.4 Subdivision 1. **Definitions.** (a) For purposes of this section, the terms defined in this
68.5 subdivision have the meanings given them.

68.6 (b) "Correctional officer" or "officer" means a person employed in a security capacity
68.7 by a local correctional or detention facility.

68.8 (c) "Exclusive representative" means an employee organization which has been certified
68.9 by the commissioner of the Bureau of Mediation Services to meet and negotiate with an
68.10 employer on behalf of all employees in the appropriate unit.

68.11 (d) "Formal statement" means the questioning of an officer in the course of obtaining a
68.12 recorded, stenographic, or signed statement to be used as evidence in a disciplinary
68.13 proceeding against the officer.

68.14 Subd. 2. **Applicability.** This section applies to local correctional authorities.

68.15 Subd. 3. **Formal statement; procedures.** A formal statement of a correctional officer
68.16 must be taken according to subdivisions 4 to 15.

68.17 Subd. 4. **Place of formal statement.** A formal statement must be taken at a facility of
68.18 the employing or investigating agency or at a place agreed to by the investigating individual
68.19 and the investigated correctional officer and exclusive representative.

68.20 Subd. 5. **Complaint.** A correctional officer's formal statement may not be taken unless
68.21 a written complaint signed by the complainant stating the complainant's knowledge is filed
68.22 with the employing or investigating agency and the correctional officer and exclusive
68.23 representative have been given a summary of the allegations.

68.24 Subd. 6. **Witnesses; investigative reports.** Upon request, the investigating agency or
68.25 the correctional officer shall provide the other party with a list of witnesses the agency or
68.26 correctional officer expects to testify at an administrative hearing or arbitration authorized
68.27 to recommend, approve, or order discipline and the substance of the testimony. A party is
68.28 entitled to copies of any witness statements in the possession of the other party and an officer
68.29 is entitled to a copy of the investigating agency's investigative report, provided that any
68.30 references in a witness statement or investigative report that would reveal the identity of
68.31 confidential informants need not be disclosed except for good cause shown upon order of
68.32 the person presiding over the administrative hearing or arbitration.

69.1 Subd. 7. **Sessions.** Sessions at which a formal statement is taken must be of reasonable
69.2 duration and must give the correctional officer reasonable periods for rest and personal
69.3 necessities. When practicable, sessions must be held during the correctional officer's regularly
69.4 scheduled work shift. If the session is not held during the correctional officer's regularly
69.5 scheduled work shift, the correctional officer must be paid by the employing agency at the
69.6 officer's current compensation rate for time spent attending the session. Notification of a
69.7 formal statement must also be provided to the correctional officer's exclusive representative
69.8 and the exclusive representative shall be allowed to be present during the session.

69.9 Subd. 8. **Record.** A complete record of sessions at which a formal statement is taken
69.10 must be made by electronic recording or otherwise. A complete copy or transcript must be
69.11 provided to the correctional officer and the officer's exclusive representative without charge
69.12 or undue delay. The session may be recorded by the investigating officer and by the
69.13 correctional officer under investigation.

69.14 Subd. 9. **Presence of attorney and union representative.** The correctional officer
69.15 whose formal statement is taken has the right to have a union representative or an attorney
69.16 retained by the officer, or both, present during the session. The correctional officer may
69.17 request the presence of a union representative, attorney, or both, at any time before or during
69.18 the session. When a request under this subdivision is made, no formal statement may be
69.19 taken until a reasonable opportunity is provided for the correctional officer to obtain the
69.20 presence of a union representative or attorney.

69.21 Subd. 10. **Admissions.** Before an officer's formal statement is taken, the officer shall
69.22 be advised in writing or on the record that admissions made in the course of the formal
69.23 statement may be used as evidence of misconduct or as a basis for discipline.

69.24 Subd. 11. **Disclosure of financial records.** No employer may require an officer to
69.25 produce or disclose the officer's personal financial records except pursuant to a valid search
69.26 warrant or subpoena.

69.27 Subd. 12. **Release of photographs.** No local correctional facility or governmental unit
69.28 may publicly release photographs of an officer without the written permission of the officer,
69.29 except that the facility or unit may display a photograph of an officer to a prospective witness
69.30 as part of an agency or unit investigation.

69.31 Subd. 13. **Disciplinary letter.** No disciplinary letter or reprimand may be included in
69.32 an officer's personnel record unless the officer has been given a copy of the letter or
69.33 reprimand.

70.1 Subd. 14. **Retaliatory action prohibited.** No officer may be discharged, disciplined,
70.2 or threatened with discharge or discipline as retaliation for or solely by reason of the officer's
70.3 exercise of the rights provided by this section.

70.4 Subd. 15. **Rights not reduced.** The rights of officers provided by this section are in
70.5 addition to and do not diminish the rights and privileges of officers that are provided under
70.6 an applicable collective bargaining agreement or any other applicable law.

70.7 Sec. 27. Minnesota Statutes 2018, section 641.15, subdivision 3a, is amended to read:

70.8 Subd. 3a. **Intake procedure; approved mental health screening.** (a) As part of its
70.9 intake procedure for new ~~prisoners~~ inmates, the sheriff or local corrections shall use a mental
70.10 health screening tool approved by the commissioner of corrections in consultation with the
70.11 commissioner of human services and local corrections staff to identify persons who may
70.12 have mental illness.

70.13 (b) Names of persons who have screened positive or may have a mental illness may be
70.14 shared with the local county social services agency. The jail may refer an offender to county
70.15 personnel of the welfare system, as defined in section 13.46, subdivision 1, paragraph (c),
70.16 in order to arrange for services upon discharge and may share private data on the offender
70.17 as necessary to:

70.18 (1) provide assistance in filling out an application for medical assistance or
70.19 MinnesotaCare;

70.20 (2) make a referral for case management as provided under section 245.467, subdivision
70.21 4;

70.22 (3) provide assistance in obtaining a state photo identification;

70.23 (4) secure a timely appointment with a psychiatrist or other appropriate community
70.24 mental health provider;

70.25 (5) provide prescriptions for a 30-day supply of all necessary medications; or

70.26 (6) coordinate behavioral health services.

70.27 (c) Notwithstanding section 138.17, if an offender is referred to a government entity
70.28 within the welfare system pursuant to paragraph (b), and the offender refuses all services
70.29 from the entity, the entity must, within 15 days of the refusal, destroy all private data on
70.30 the offender that it created or received because of the referral.

71.1 Sec. 28. **COORDINATED CRISIS RESPONSE PLAN.**

71.2 (a) By January 15, 2021, the commissioner of corrections shall develop and implement
71.3 a coordinated crisis response plan to support facility, central office, and field services staff.

71.4 (b) In developing the response plan, the commissioner may consult with the Department
71.5 of Corrections Office of Special Investigations, the Department of Corrections Victim
71.6 Assistance Program, human resources offices, facility and field services administration,
71.7 peer support programs, county attorneys, victim witness coordinators, community based
71.8 victim advocates, the Crime Victim Reparations Board, employee assistance programs,
71.9 offices or organizations assisting with workers' compensation claims and benefits, mental
71.10 health services, central office administration, and supervisors.

71.11 (c) To increase support to staff in crisis, the coordinated crisis response plan shall, at a
71.12 minimum, include the following:

71.13 (1) a protocol establishing collaboration between the offices, services, and organizations
71.14 identified in paragraph (b);

71.15 (2) a process to develop and implement individualized support plans based on the
71.16 identified needs of staff members in crisis;

71.17 (3) identification or development of training on trauma-informed victim and crisis
71.18 response; and

71.19 (4) a plan to implement training on trauma-informed victim and crisis response including
71.20 initial training, refresher courses, and training for new employees.

71.21 Sec. 29. **PILOT PROGRAM TO ADDRESS MENTAL HEALTH IN**
71.22 **CORRECTIONAL FACILITIES.**

71.23 Subdivision 1. **Pilot program established.** The commissioner of corrections shall
71.24 establish and administer a pilot program in Minnesota Correctional Facility-Stillwater to
71.25 address mental health issues among correctional officers and inmates. The program shall
71.26 offer, at a minimum, support to correctional officers through skill refreshers, mental health
71.27 training and techniques, and mental health services. The program shall conduct, at a
71.28 minimum, mental health interventions for inmates and educate inmates on mental health
71.29 resources available to them. The pilot program is from July 1, 2019, to June 30, 2020.

71.30 Subd. 2. **Report.** By October 1, 2020, the commissioner shall report to the legislative
71.31 committees with jurisdiction over corrections on the impact and outcomes of the program.

72.1 Sec. 30. **REPEALER.**72.2 Minnesota Statutes 2018, section 401.13, is repealed.72.3 **ARTICLE 4**72.4 **LAW ENFORCEMENT**

72.5 Section 1. Minnesota Statutes 2018, section 171.20, subdivision 4, is amended to read:

72.6 Subd. 4. **Reinstatement fee.** (a) Before the license is reinstated, (1) an individual whose
 72.7 driver's license has been suspended under section 171.16, subdivisions 2 and 3; 171.175;
 72.8 171.18; or 171.182, or who has been disqualified from holding a commercial driver's license
 72.9 under section 171.165, and (2) an individual whose driver's license has been suspended
 72.10 under section 171.186 and who is not exempt from such a fee, must pay a fee of \$20.

72.11 (b) Before the license is reinstated, an individual whose license has been suspended
 72.12 under sections 169.791 to 169.798 must pay a \$20 reinstatement fee.

72.13 (c) When fees are collected by a licensing agent appointed under section 171.061, a
 72.14 handling charge is imposed in the amount specified under section 171.061, subdivision 4.
 72.15 The reinstatement fee and surcharge must be deposited in an approved state depository as
 72.16 directed under section 171.061, subdivision 4.

72.17 ~~(d) Reinstatement fees collected under paragraph (a) for suspensions under sections~~
 72.18 ~~171.16, subdivision 3, and 171.18, subdivision 1, clause (10), must be deposited in the~~
 72.19 ~~special revenue fund and are appropriated to the Peace Officer Standards and Training Board~~
 72.20 ~~for peace officer training reimbursement to local units of government.~~

72.21 ~~(e)~~ (d) A suspension may be rescinded without fee for good cause.

72.22 Sec. 2. Minnesota Statutes 2018, section 171.26, subdivision 1, is amended to read:

72.23 Subdivision 1. **Driver services operating account.** All money received under this
 72.24 chapter must be paid into the state treasury and credited to the driver services operating
 72.25 account in the special revenue fund specified under sections 299A.705, except as provided
 72.26 in subdivision 2; 171.06, subdivision 2a; 171.07, subdivision 11, paragraph (g); ~~171.20,~~
 72.27 ~~subdivision 4, paragraph (d); and 171.29, subdivision 2, paragraph (b).~~

72.28 Sec. 3. Minnesota Statutes 2018, section 357.021, subdivision 7, is amended to read:

72.29 Subd. 7. **Disbursement of surcharges by commissioner of management and**
 72.30 **budget.** (a) Except as provided in paragraphs (b), ~~(e), and~~ (d), the commissioner of

73.1 management and budget shall disburse surcharges received under subdivision 6 and section
73.2 97A.065, subdivision 2, as follows:

73.3 (1) one percent shall be credited to the peace officer training account in the game and
73.4 fish fund to provide peace officer training for employees of the Department of Natural
73.5 Resources who are licensed under sections 626.84 to 626.863, and who possess peace officer
73.6 authority for the purpose of enforcing game and fish laws; and

73.7 ~~(2) 39 percent shall be credited to the peace officers training account in the special~~
73.8 ~~revenue fund; and~~

73.9 ~~(3) 60~~ (2) 99 percent shall be credited to the general fund.

73.10 (b) The commissioner of management and budget shall credit \$3 of each surcharge
73.11 received under subdivision 6 and section 97A.065, subdivision 2, to the general fund.

73.12 (c) In addition to any amounts credited under paragraph (a), the commissioner of
73.13 management and budget shall credit \$47 of each surcharge received under subdivision 6
73.14 and section 97A.065, subdivision 2, and the \$12 parking surcharge, to the general fund.

73.15 (d) If the Ramsey County Board of Commissioners authorizes imposition of the additional
73.16 \$1 surcharge provided for in subdivision 6, paragraph (a), the court administrator in the
73.17 Second Judicial District shall transmit the surcharge to the commissioner of management
73.18 and budget. The \$1 special surcharge is deposited in a Ramsey County surcharge account
73.19 in the special revenue fund and amounts in the account are appropriated to the trial courts
73.20 for the administration of the petty misdemeanor diversion program operated by the Second
73.21 Judicial District Ramsey County Violations Bureau.

73.22 Sec. 4. **[611A.95] CERTIFICATIONS FOR VICTIMS OF CRIMES.**

73.23 Subdivision 1. Definitions. For purposes of this section, the following terms have the
73.24 meanings given:

73.25 (1) "certifying entity" means a state or local law enforcement agency;

73.26 (2) "criminal activity" means qualifying criminal activity pursuant to section
73.27 101(a)(15)(U)(iii) of the Immigration and Nationality Act, and includes the attempt,
73.28 conspiracy, or solicitation to commit such crimes; and

73.29 (3) "certification" means any certification or statement required by federal immigration
73.30 law including, but not limited to, the information required by United States Code, title 8,
73.31 section 1184(p), and United States Code, title 8, section 1184(o), including current United

74.1 States Citizenship and Immigration Services Form I-918, Supplement B, and United States
74.2 Citizenship and Immigration Services Form I-914, Supplement B, and any successor forms.

74.3 Subd. 2. **Certification process.** (a) A certifying entity shall process a certification
74.4 requested by a victim of criminal activity or a representative of the victim, including but
74.5 not limited to the victim's attorney, family member, or domestic violence or sexual assault
74.6 violence advocate, within the time period prescribed in paragraph (b).

74.7 (b) A certifying entity shall process the certification within 60 days of request, unless
74.8 the victim is in removal proceedings, in which case the certification shall be processed
74.9 within 14 days of request. Requests for expedited certification must be affirmatively raised
74.10 at the time of the request.

74.11 (c) An active investigation, the filing of charges, or a prosecution or conviction are not
74.12 required for the victim of criminal activity to request and obtain the certification.

74.13 Subd. 3. **Certifying entity; designate agent.** (a) The head of a certifying entity shall
74.14 designate an agent to perform the following responsibilities:

74.15 (1) timely process requests for certification;

74.16 (2) provide outreach to victims of criminal activity to inform them of the entity's
74.17 certification process; and

74.18 (3) keep a written or electronic record of all certification requests and responses.

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

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

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

74.27 **EFFECTIVE DATE.** Subdivisions 1, 2, and 4 are effective the day following final
74.28 enactment. Subdivision 3 is effective July 1, 2019.

75.1 Sec. 5. **[626.19] USE OF UNMANNED AERIAL VEHICLES.**

75.2 **Subdivision 1. Application; definitions.** (a) This section applies to law enforcement
75.3 agencies that maintain, use, or plan to use an unmanned aerial vehicle in investigations, for
75.4 training, or in response to emergencies, incidents, and requests for service.

75.5 (b) For purposes of this section, the following terms have the meanings given:

75.6 (1) "law enforcement agency" has the meaning given in section 626.84, subdivision 1;
75.7 and

75.8 (2) "unmanned aerial vehicle" or "UAV" means an aircraft that is operated without the
75.9 possibility of direct human intervention from within or on the aircraft.

75.10 **Subd. 2. Use of unmanned aerial vehicles limited.** Except as provided in subdivision
75.11 3, a law enforcement agency may not operate a UAV without a search warrant issued under
75.12 this chapter.

75.13 **Subd. 3. Authorized use.** (a) A law enforcement agency may use a UAV during or
75.14 immediately after an emergency situation that involves the risk of death or serious physical
75.15 harm to a person.

75.16 (b) A law enforcement agency may use a UAV over a public event where there is a
75.17 substantial risk to the safety of participants or bystanders. If a law enforcement agency
75.18 collects information under this paragraph, it must document each use, connect each
75.19 deployment to a unique case number, and provide a description of the facts giving rise to a
75.20 substantial risk.

75.21 (c) A law enforcement agency may operate a UAV to counter a high risk of a terrorist
75.22 attack by a specific individual or organization if the agency determines that credible
75.23 intelligence indicates this risk.

75.24 (d) A law enforcement agency may use a UAV to prevent the loss of life and property
75.25 in natural or man-made disasters and to facilitate the operational planning, rescue, and
75.26 recovery operations in the aftermath of these disasters.

75.27 (e) A law enforcement agency may use a UAV for officer training purposes.

75.28 (f) A law enforcement agency may operate a UAV for a non-law-enforcement purpose
75.29 at the request of a government entity, as defined in section 13.02, subdivision 7a, provided
75.30 that the government entity makes the request in writing and specifies the reason for the
75.31 request and proposed period of use.

76.1 Subd. 4. **Limitations on use.** (a) A law enforcement agency operating a UAV must fully
76.2 comply with all Federal Aviation Administration requirements and guidelines.

76.3 (b) The governing body overseeing the law enforcement agency must approve the
76.4 agency's acquisition of a UAV.

76.5 (c) Unless specifically authorized in a warrant, a law enforcement agency must use a
76.6 UAV to collect data only on a clearly and narrowly defined target and avoid data collection
76.7 on individuals, homes, or areas other than the defined target.

76.8 (d) A law enforcement agency may not deploy a UAV with facial recognition or other
76.9 biometric-matching technology unless expressly authorized by a warrant.

76.10 (e) A law enforcement agency may not equip a UAV with weapons.

76.11 (f) A law enforcement agency may not use a UAV to collect data on public protests or
76.12 demonstrations unless expressly authorized by a warrant or an exception applies under
76.13 subdivision 3. A law enforcement agency must document which exception applies or whether
76.14 a warrant was obtained.

76.15 Subd. 5. **Access by data subjects.** An individual who is the subject of data collected
76.16 through use of a UAV has access to the data. If the individual requests a copy of the
76.17 recording, data on other individuals who do not consent to its release must be redacted from
76.18 the copy.

76.19 Subd. 6. **Data classification; retention.** (a) Data collected by a UAV are private data
76.20 on individuals or nonpublic data, subject to the following:

76.21 (1) UAV data may be disclosed as necessary in an emergency situation under subdivision
76.22 3, paragraph (a);

76.23 (2) UAV data may be disclosed to the government entity making a request for UAV use
76.24 under subdivision 3, paragraph (f);

76.25 (3) UAV data that are criminal investigative data are governed by section 13.82,
76.26 subdivision 7; and

76.27 (4) UAV data that are not public data under other provisions of chapter 13 retain that
76.28 classification.

76.29 (b) Section 13.04, subdivision 2, does not apply to data collected by a UAV.

76.30 (c) Notwithstanding section 138.17, the data must be deleted by a UAV as soon as
76.31 possible, and in no event later than seven days after collection unless the data is part of an
76.32 active criminal investigation.

77.1 Subd. 7. **Evidence.** Information obtained or collected by a law enforcement agency in
77.2 violation of this section is not admissible as evidence in a criminal, administrative, or civil
77.3 proceeding against the data subject.

77.4 Subd. 8. **Remedies.** An aggrieved party may initiate a civil action against a law
77.5 enforcement agency to obtain all appropriate relief to prevent or remedy a violation of this
77.6 section, including remedies available under chapter 13.

77.7 Subd. 9. **Written policies required.** The chief officer of every state and local law
77.8 enforcement agency that uses or plans to use a UAV must establish and enforce a written
77.9 policy governing UAV use. The agency must post the written policy on its website if the
77.10 agency has a website.

77.11 Subd. 10. **Notice; disclosure of warrant.** (a) Within a reasonable time but not later than
77.12 90 days after the court unseals a warrant under this subdivision, the issuing or denying judge
77.13 shall cause to be served on the persons named in the warrant and the application an inventory
77.14 that shall include notice of:

77.15 (1) the fact of the issuance of the warrant or the application;

77.16 (2) the date of the issuance and the period of authorized, approved, or disapproved
77.17 collection of information, or the denial of the application; and

77.18 (3) the fact that during the period information was or was not collected.

77.19 (b) A warrant authorizing collection of information with a UAV must direct that:

77.20 (1) the warrant be sealed for a period of 90 days or until the objective of the warrant has
77.21 been accomplished, whichever is shorter; and

77.22 (2) the warrant be filed with the court administrator within ten days of the expiration of
77.23 the warrant.

77.24 (c) The prosecutor may request that the warrant, supporting affidavits, and any order
77.25 granting the request not be filed. An order must be issued granting the request in whole or
77.26 in part if, from affidavits, sworn testimony, or other evidence, the court finds reasonable
77.27 grounds exist to believe that filing the warrant may cause the search or a related search to
77.28 be unsuccessful, create a substantial risk of injury to an innocent person, or severely hamper
77.29 an ongoing investigation.

77.30 (d) The warrant must direct that following the commencement of any criminal proceeding
77.31 using evidence obtained in or as a result of the search, the supporting application or affidavit
77.32 must be filed either immediately or at any other time as the court directs. Until such filing,

78.1 the documents and materials ordered withheld from filing must be retained by the judge or
78.2 the judge's designee.

78.3 Subd. 11. **Reporting.** (a) By January 15 of each year, each law enforcement agency that
78.4 deploys a UAV shall report to the commissioner of public safety the following information
78.5 for the preceding calendar year:

78.6 (1) the number of times a UAV was deployed, organized by the types of incidents and
78.7 the types of justification for deployment;

78.8 (2) the number of criminal investigations aided by the deployment of UAVs;

78.9 (3) the number of deployments of UAVs for reasons other than criminal investigations;
78.10 and

78.11 (4) the total cost of the agency's UAV program.

78.12 (b) By June 15 of each year, the commissioner of public safety shall compile a full and
78.13 complete report summarizing the information submitted to the commissioner under paragraph
78.14 (a), and submit the report to the chairs and ranking minority members of the senate and
78.15 house of representatives committees having jurisdiction over criminal justice and public
78.16 safety issues and make the report public on the department's website.

78.17 (c) By January 15 of each year, any judge who has issued a warrant under this section
78.18 that expired during the preceding year, or who has denied approval during that year, shall
78.19 report to the state court administrator:

78.20 (1) the fact that a warrant or extension was applied for;

78.21 (2) the kind of warrant or extension applied for;

78.22 (3) the fact that the warrant or extension was granted as applied for, was modified, or
78.23 was denied;

78.24 (4) the period of UAV use authorized by the warrant and the number and duration of
78.25 any extensions of the warrant;

78.26 (5) the offense specified in the warrant or application or extension of a warrant; and

78.27 (6) the identity of the law enforcement agency making the application and the person
78.28 authorizing the application.

78.29 (d) By June 15 of each year, the state court administrator shall transmit to the chairs and
78.30 ranking minority members of the senate and house of representatives committees having
78.31 jurisdiction over criminal justice and public safety issues and post on the supreme court's

79.1 website a full and complete report concerning the number of applications for warrants
79.2 authorizing or approving operation of UAVs or disclosure of information from the operation
79.3 of UAVs under this section and the number of warrants and extensions granted or denied
79.4 under this section during the preceding calendar year. The report must include a summary
79.5 and analysis of the data required to be filed with the state court administrator by paragraph
79.6 (c).

79.7 Sec. 6. Minnesota Statutes 2018, section 626.841, is amended to read:

79.8 **626.841 BOARD; MEMBERS.**

79.9 The Board of Peace Officer Standards and Training shall be composed of the following
79.10 ~~15~~ 17 members:

79.11 (1) two members to be appointed by the governor from among the county sheriffs in
79.12 Minnesota;

79.13 (2) four members to be appointed by the governor from among peace officers in
79.14 Minnesota municipalities, at least two of whom shall be chiefs of police;

79.15 (3) two members to be appointed by the governor from among peace officers, at least
79.16 one of whom shall be a member of the Minnesota State Patrol Association;

79.17 (4) the superintendent of the Minnesota Bureau of Criminal Apprehension or a designee;

79.18 (5) two members appointed by the governor from among peace officers, or former peace
79.19 officers, who are currently employed on a full-time basis in a professional peace officer
79.20 education program;

79.21 (6) two members to be appointed by the governor, one member to be appointed from
79.22 among administrators of Minnesota colleges or universities that offer professional peace
79.23 officer education, and one member to be appointed from among the elected city officials in
79.24 statutory or home rule charter cities of under 5,000 population outside the metropolitan
79.25 area, as defined in section 473.121, subdivision 2; and

79.26 (7) ~~two~~ four members appointed by the governor from among the general public, of
79.27 which at least one member must be a representative of a statewide crime victim coalition
79.28 and at least two members must be residents of a county other than a metropolitan county
79.29 as defined in section 473.121, subdivision 4.

79.30 A chair shall be appointed by the governor from among the members. In making
79.31 appointments the governor shall strive to achieve representation from among the geographic
79.32 areas of the state.

80.1 **Sec. 7. [626.8433] EYEWITNESS IDENTIFICATION POLICIES REQUIRED.**

80.2 Subdivision 1. **Statewide model policy required.** By November 1, 2019, the board, in
80.3 consultation with stakeholders, shall develop a model policy that articulates best practices
80.4 for eyewitness identification and promotes uniform practices statewide. The board shall
80.5 distribute this model policy to all chief law enforcement officers. At a minimum, the policy
80.6 must require that:

80.7 (1) a person administering a lineup be unaware of the suspect's identity, or, if that is not
80.8 practical, the person be shielded so as to prevent the person from seeing which lineup
80.9 member is being viewed by the eyewitness;

80.10 (2) before the procedure, the eyewitness be instructed that the perpetrator may or may
80.11 not be in the lineup;

80.12 (3) nonsuspect "fillers" used in the lineup match the eyewitness's description of the
80.13 perpetrator; and

80.14 (4) immediately after an identification is made, the eyewitness provide a statement in
80.15 the eyewitness's own words that articulates the level of the eyewitness's confidence in the
80.16 identification.

80.17 Subd. 2. **Agency policies required.** By February 1, 2020, the chief law enforcement
80.18 officers of every state and local law enforcement agency shall adopt and implement a written
80.19 policy on eyewitness identification practices that is identical or substantially similar to the
80.20 model policy developed under subdivision 1.

80.21 **Sec. 8. [626.8435] PEACE OFFICER COMMUNITY POLICING EXCELLENCE**
80.22 **DATA.**

80.23 Subdivision 1. **Purpose.** The purpose of this section is:

80.24 (1) to create data profiles for stakeholders to conduct needs assessments and make
80.25 appropriate recommendations to drive improvements in police effectiveness, efficiency,
80.26 training, supervision, procedural justice, accountability, and community relations;

80.27 (2) for police departments to more effectively manage their risks and improve
80.28 transparency; and

80.29 (3) for community members and advocates, as well as policy-makers, decision-makers,
80.30 and funders to have access to accurate relevant information to help improve policing practices
80.31 in Minnesota.

81.1 Subd. 2. Annual data; submission. (a) Beginning January 15, 2020, and annually
81.2 thereafter, the chief law enforcement officer of a law enforcement agency that receives
81.3 grants from the Peace Officers Standards and Training Board for peace officer training
81.4 assistance under article 1, section 4, subdivision 4, shall submit the following data regarding
81.5 peace officers employed by the law enforcement agency in the previous calendar year to
81.6 the Bureau of Criminal Apprehension:

81.7 (1) the unique identifier of an employed peace officer;

81.8 (2) the existence and status of a complaint made against an employed peace officer
81.9 including:

81.10 (i) the peace officer's unique identifier;

81.11 (ii) the nature of the complaint;

81.12 (iii) whether the complaint was filed by a member of the public, a law enforcement
81.13 agency, or another source;

81.14 (iv) whether the complaint resulted in disciplinary action;

81.15 (v) the final disposition of a complaint when disciplinary action was taken including:

81.16 (A) the specific reason for the action taken; and

81.17 (B) data documenting the basis of the action taken, except that data that would identify
81.18 confidential sources who are employees of the public body shall not be disclosed; and

81.19 (vi) the final disposition of any complaint:

81.20 (A) determined to be unfounded or otherwise not sustained;

81.21 (B) for which a peace officer was later exonerated; or

81.22 (C) which resulted in a nondisciplinary resolution including, but not limited to, employee
81.23 counseling;

81.24 (3) the unique identifier of any peace officer pending criminal prosecution, excluding
81.25 traffic violations;

81.26 (4) the unique identifier of any peace officer who was terminated due to substantiated
81.27 findings of officer misconduct and a summary of the basis for that termination; and

81.28 (5) the unique identifier of any peace officer, other than one terminated for performance
81.29 issues during a probationary period, whose employment was terminated by resignation in
81.30 lieu of termination as a result of officer misconduct, and a summary of the basis for the
81.31 action.

82.1 (b) For purposes of this section "complaint" means all allegations involving:

82.2 (1) public-reported misconduct;

82.3 (2) excessive force;

82.4 (3) the integrity or truthfulness of an officer;

82.5 (4) violations of the law; and

82.6 (5) sexual misconduct or harassment.

82.7 (c) The reporting requirements in paragraph (a) are in addition to any other officer

82.8 discipline reporting requirements established in law.

82.9 Subd. 3. **Data storage and access.** (a) The Bureau of Criminal Apprehension may store

82.10 the data collected under this section on the agency's servers.

82.11 (b) The Peace Officers Standards and Training Board must have direct access to the data

82.12 collected under this section.

82.13 Subd. 4. **Updated data.** Within 30 days of final disposition of a complaint, as defined

82.14 in section 13.43, subdivision 2, paragraph (b), the chief law enforcement officer of the law

82.15 enforcement agency that employs the officer shall submit a supplemental report containing

82.16 the information identified in subdivision 2, paragraph (a), clauses (2) to (5).

82.17 Subd. 5. **Confidentiality agreement prohibited.** Law enforcement agencies and political

82.18 subdivisions are prohibited from entering into a confidentiality agreement that would prevent

82.19 disclosure of the data identified in subdivision 2 to the board. Any such confidentiality

82.20 agreement is void as to the requirements of this section.

82.21 Subd. 6. **Data classification.** Data received by the board pursuant to subdivisions 2 and

82.22 3 is private data on individuals as defined in section 13.02, subdivision 12. This classification

82.23 does not restrict the board's authority to publish summary data as defined in section 13.02,

82.24 subdivision 19.

82.25 Subd. 7. **Penalty for noncompliance.** For agencies that receive peace officer training

82.26 reimbursements from the Police Officer Standards and Training Board under article 1,

82.27 section 4, subdivision 4, substantial noncompliance with the reporting requirements of

82.28 subdivisions 2 and 3 shall serve as a bar to further reimbursements under article 1, section

82.29 4, subdivision 4, , and the board may require the agency to refund the state for grants received

82.30 during the period of noncompliance. For purposes of this section, "substantial

82.31 noncompliance" means a failure to (1) meet the deadlines established in subdivisions 2 and

82.32 3, and (2) respond to two subsequent requests from the board.

83.1 Subd. 8. **Board report.** At least annually, the board shall publish a summary of data
83.2 submitted pursuant to subdivisions 1 and 2. The summary shall be available on the board's
83.3 website and shall be included in any written publication reporting board activities. The
83.4 summary shall exclude peace officers' names and license numbers and any other not public
83.5 data as defined by section 13.02, subdivision 8a.

83.6 Sec. 9. **[626.8474] INVESTIGATING SEXUAL ASSAULT CASES; POLICIES**
83.7 **REQUIRED.**

83.8 (a) By January 1, 2020, the chief law enforcement officer of every state and local law
83.9 enforcement agency must develop, adopt, and implement a written policy governing the
83.10 investigation of sexual assault cases within the agency. In the development of a policy, each
83.11 law enforcement agency shall consult with local sexual assault counselors, domestic abuse
83.12 advocates, community organizations, and other law enforcement agencies with expertise
83.13 in the recognition and handling of sexual assault cases. A law enforcement agency may
83.14 adopt the model policy created by the board in lieu of developing its own policy under this
83.15 provision. At a minimum, a law enforcement policy must address each of the procedures
83.16 covered in the board's model policy. The chief law enforcement officer must ensure that
83.17 each peace officer investigating a sexual assault case follows the agency's policy.

83.18 (b) Every state and local law enforcement agency must certify to the board by January
83.19 1, 2020, that it has adopted a written policy in compliance with this subdivision.

83.20 (c) The board must assist the chief law enforcement officer of each state and local law
83.21 enforcement agency in developing and implementing policies under this subdivision.

83.22 (d) The board may impose licensing sanctions and seek injunctive relief under section
83.23 214.11 for failure to adopt a policy in compliance with the requirements of this section.

83.24 Sec. 10. Minnesota Statutes 2018, section 626.93, subdivision 3, is amended to read:

83.25 Subd. 3. **Concurrent jurisdiction.** If the requirements of subdivision 2 are met ~~and the~~
83.26 ~~tribe enters into a cooperative agreement pursuant to subdivision 4,~~ the tribe ~~shall have~~ has
83.27 concurrent jurisdictional authority under this section with the local county sheriff within
83.28 the geographical boundaries of the tribe's reservation to enforce state criminal law.

83.29 Sec. 11. Minnesota Statutes 2018, section 626.93, subdivision 4, is amended to read:

83.30 Subd. 4. **Cooperative agreements.** In order to coordinate, define, and regulate the
83.31 provision of law enforcement services and to provide for mutual aid and cooperation,
83.32 governmental units and the tribe ~~shall~~ may enter into agreements under section 471.59. For

84.1 the purposes of entering into these agreements, the tribe ~~shall be~~ is considered a
84.2 "governmental unit" as that term is defined in section 471.59, subdivision 1.

84.3 **Sec. 12. PEACE OFFICER EXCELLENCE TASK FORCE.**

84.4 Subdivision 1. **Establishment; purpose.** There is established a Peace Officer Excellence
84.5 Task Force. The purpose of the task force is to study the laws, rules, contracts, and policies
84.6 that govern the employer-employee relationship between political subdivisions and peace
84.7 officers.

84.8 Subd. 2. **Members.** (a) The task force must consist of:

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

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

84.13 (3) the attorney general, or a designee;

84.14 (4) the executive director of the Minnesota Peace Officer Standards and Training Board,
84.15 or a designee;

84.16 (5) the commissioner of public safety, or a designee;

84.17 (6) the commissioner of the Minnesota Bureau of Mediation Services;

84.18 (7) one representative from the Minnesota Chiefs of Police Association;

84.19 (8) one representative from the Minnesota Sheriffs Association;

84.20 (9) two representatives from the Minnesota Peace and Police Officers Association, one
84.21 of whom must be employed by a law enforcement agency located outside of the seven-county
84.22 metropolitan area;

84.23 (10) one representative from the League of Minnesota Cities;

84.24 (11) one representative from the Association of Minnesota Counties;

84.25 (12) two representatives from organized labor, including at least one representative of
84.26 an organization comprised of peace officers; and

84.27 (13) two members of the public appointed by the governor.

84.28 (b) Unless otherwise specified, members will be appointed by the commissioner of
84.29 public safety. Appointments must be made no later than July 1, 2019. Members of the task
84.30 force shall not be compensated or receive reimbursement for expenses, except for

85.1 compensation or expense reimbursements received in the member's ordinary scope of
85.2 employment.

85.3 (c) Vacancies shall be filled by the appointing authority consistent with the requirements
85.4 of the position that becomes open.

85.5 Subd. 3. **Organization.** (a) The executive director of the Peace Officer Standards and
85.6 Training Board shall convene the first meeting of the task force no later than August 1,
85.7 2019.

85.8 (b) The members of the task force may elect a chair and other officers as the members
85.9 deem necessary.

85.10 (c) The task force shall meet at least monthly, with one meeting devoted to collecting
85.11 input from the public and local units of government that employ peace officers.

85.12 Subd. 4. **Staff.** The executive director of the Peace Officer Standards and Training Board
85.13 shall provide support staff, office space, and administrative services for the task force.

85.14 Subd. 5. **Open meetings.** Except as otherwise provided in this section, the task force is
85.15 subject to Minnesota Statutes, chapter 13D. A meeting of the task force occurs when a
85.16 quorum is present and the members receive information, discuss, or take action on any
85.17 matter relating to the duties of the task force. The task force may conduct meetings as
85.18 provided in Minnesota Statutes, section 13D.015 or 13D.02. The task force may conduct
85.19 meetings at any location in the state that is appropriate for the purposes of the task force as
85.20 long as the location is open and accessible to the public. For legislative members of the task
85.21 force, enforcement of this subdivision is governed by Minnesota Statutes, section 3.055,
85.22 subdivision 2. For nonlegislative members of the task force, enforcement of this subdivision
85.23 is governed by Minnesota Statutes, section 13D.06, subdivisions 1 and 2.

85.24 Subd. 6. **Duties of task force.** The task force must review, assess, and make
85.25 recommendations for reforms to the laws, rules, contracts, and policies that govern the
85.26 employer-employee relationship between political subdivisions and peace officers. In
85.27 formulating recommendations, the task force must seek to balance the employment rights
85.28 of peace officers and the need for chief law enforcement officers and political subdivisions
85.29 to maintain the integrity and excellence of peace officers they employ.

85.30 Subd. 7. **Report and recommendations.** By January 15, 2020, the task force shall
85.31 prepare and submit to the chairs and ranking minority members of the committees and
85.32 divisions of the house of representatives and senate with jurisdiction over public safety and
85.33 labor and employment a report that summarizes the activities of the task force, issues

86.1 identified by the task force, reform recommendations to address the issues, and
86.2 recommendations for legislative action, if needed.

86.3 Subd. 8. **Expiration.** The task force expires upon submission of the report required by
86.4 subdivision 6.

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

86.6 **ARTICLE 5**

86.7 **SEXUAL OFFENDERS**

86.8 Section 1. Minnesota Statutes 2018, section 609.341, subdivision 10, is amended to read:

86.9 Subd. 10. **Current or recent position of authority.** "Current or recent position of
86.10 authority" includes but is not limited to any person who is a parent or acting in the place of
86.11 a parent and charged with or assumes any of a parent's rights, duties or responsibilities to
86.12 a child, or a person who is charged with or assumes any duty or responsibility for the health,
86.13 welfare, or supervision of a child, either independently or through another, no matter how
86.14 brief, at the time of or within 120 days immediately preceding the act. For the purposes of
86.15 subdivision 11, "position of authority" includes a psychotherapist. For the purposes of
86.16 sections 609.344, subdivision 1, paragraph (e), clause (2), and 609.345, subdivision 1,
86.17 paragraph (e), clause (2), the term extends to a person having the described authority over
86.18 a student in a secondary school who is at least 16 but less than 21 years of age under the
86.19 circumstances described in those two clauses.

86.20 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
86.21 committed on or after that date.

86.22 Sec. 2. Minnesota Statutes 2018, section 609.341, subdivision 11, is amended to read:

86.23 Subd. 11. **Sexual contact.** (a) "Sexual contact," for the purposes of sections 609.343,
86.24 subdivision 1, clauses (a) to (f), and 609.345, subdivision 1, clauses (a) to (e), and (h) to
86.25 (o), includes any of the following acts committed without the complainant's consent, except
86.26 in those cases where consent is not a defense, and committed with sexual or aggressive
86.27 intent:

86.28 (i) the intentional touching by the actor of the complainant's intimate parts, or

86.29 (ii) the touching by the complainant of the actor's, the complainant's, or another's intimate
86.30 parts effected by a person in a current or recent position of authority, or by coercion, or by
86.31 inducement if the complainant is under 13 years of age or mentally impaired, or

87.1 (iii) the touching by another of the complainant's intimate parts effected by coercion or
87.2 by a person in a current or recent position of authority, or

87.3 (iv) in any of the cases above, the touching of the clothing covering the immediate area
87.4 of the intimate parts, or

87.5 (v) the intentional touching with seminal fluid or sperm by the actor of the complainant's
87.6 body or the clothing covering the complainant's body.

87.7 (b) "Sexual contact," for the purposes of sections 609.343, subdivision 1, clauses (g)
87.8 and (h), and 609.345, subdivision 1, clauses (f) and (g), includes any of the following acts
87.9 committed with sexual or aggressive intent:

87.10 (i) the intentional touching by the actor of the complainant's intimate parts;

87.11 (ii) the touching by the complainant of the actor's, the complainant's, or another's intimate
87.12 parts;

87.13 (iii) the touching by another of the complainant's intimate parts;

87.14 (iv) in any of the cases listed above, touching of the clothing covering the immediate
87.15 area of the intimate parts; or

87.16 (v) the intentional touching with seminal fluid or sperm by the actor of the complainant's
87.17 body or the clothing covering the complainant's body.

87.18 (c) "Sexual contact with a person under 13" means the intentional touching of the
87.19 complainant's bare genitals or anal opening by the actor's bare genitals or anal opening with
87.20 sexual or aggressive intent or the touching by the complainant's bare genitals or anal opening
87.21 of the actor's or another's bare genitals or anal opening with sexual or aggressive intent.

87.22 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
87.23 committed on or after that date.

87.24 Sec. 3. Minnesota Statutes 2018, section 609.341, subdivision 12, is amended to read:

87.25 Subd. 12. **Sexual penetration.** "Sexual penetration" means any of the following acts
87.26 committed without the complainant's consent, except in those cases where consent is not a
87.27 defense, whether or not emission of semen occurs:

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

87.29 (2) any intrusion however slight into the genital or anal openings:

87.30 (i) of the complainant's body by any part of the actor's body or any object used by the
87.31 actor for this purpose;

88.1 (ii) of the complainant's body by any part of the body of the complainant, by any part
88.2 of the body of another person, or by any object used by the complainant or another person
88.3 for this purpose, when effected by a person in a current or recent position of authority, or
88.4 by coercion, or by inducement if the child is under 13 years of age or mentally impaired;
88.5 or

88.6 (iii) of the body of the actor or another person by any part of the body of the complainant
88.7 or by any object used by the complainant for this purpose, when effected by a person in a
88.8 current or recent position of authority, or by coercion, or by inducement if the child is under
88.9 13 years of age or mentally impaired.

88.10 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
88.11 committed on or after that date.

88.12 Sec. 4. Minnesota Statutes 2018, section 609.341, is amended by adding a subdivision to
88.13 read:

88.14 Subd. 24. **Secondary school.** For the purposes of sections 609.344 and 609.345,
88.15 "secondary school" means a public or nonpublic school, church or religious organization,
88.16 or home school where a student may legally fulfill the compulsory instruction requirements
88.17 of section 120A.22.

88.18 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
88.19 committed on or after that date.

88.20 Sec. 5. Minnesota Statutes 2018, section 609.341, is amended by adding a subdivision to
88.21 read:

88.22 Subd. 25. **Independent contractor.** For the purposes of sections 609.344 and 609.345,
88.23 "independent contractor" means any person who contracts with or is a volunteer for a
88.24 secondary school or any person employed by a business which contracts with a secondary
88.25 school.

88.26 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
88.27 committed on or after that date.

88.28 Sec. 6. Minnesota Statutes 2018, section 609.342, subdivision 1, is amended to read:

88.29 Subdivision 1. **Crime defined.** A person who engages in sexual penetration with another
88.30 person, or in sexual contact with a person under 13 years of age as defined in section 609.341,

89.1 subdivision 11, paragraph (c), is guilty of criminal sexual conduct in the first degree if any
89.2 of the following circumstances exists:

89.3 (a) the complainant is under 13 years of age and the actor is more than 36 months older
89.4 than the complainant. Neither mistake as to the complainant's age nor consent to the act by
89.5 the complainant is a defense;

89.6 (b) the complainant is at least 13 years of age but less than 16 years of age and the actor
89.7 is more than 48 months older than the complainant and in a current or recent position of
89.8 authority over the complainant. Neither mistake as to the complainant's age nor consent to
89.9 the act by the complainant is a defense;

89.10 (c) circumstances existing at the time of the act cause the complainant to have a
89.11 reasonable fear of imminent great bodily harm to the complainant or another;

89.12 (d) the actor is armed with a dangerous weapon or any article used or fashioned in a
89.13 manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses
89.14 or threatens to use the weapon or article to cause the complainant to submit;

89.15 (e) the actor causes personal injury to the complainant, and either of the following
89.16 circumstances exist:

89.17 (i) the actor uses force or coercion to accomplish ~~sexual penetration~~ the act; or

89.18 (ii) the actor knows or has reason to know that the complainant is mentally impaired,
89.19 mentally incapacitated, or physically helpless;

89.20 (f) the actor is aided or abetted by one or more accomplices within the meaning of section
89.21 609.05, and either of the following circumstances exists:

89.22 (i) an accomplice uses force or coercion to cause the complainant to submit; or

89.23 (ii) an accomplice is armed with a dangerous weapon or any article used or fashioned
89.24 in a manner to lead the complainant reasonably to believe it to be a dangerous weapon and
89.25 uses or threatens to use the weapon or article to cause the complainant to submit;

89.26 (g) the actor has a significant relationship to the complainant and the complainant was
89.27 under 16 years of age at the time of the ~~sexual penetration~~ act. Neither mistake as to the
89.28 complainant's age nor consent to the act by the complainant is a defense; or

89.29 (h) the actor has a significant relationship to the complainant, the complainant was under
89.30 16 years of age at the time of the ~~sexual penetration~~ act, and:

89.31 (i) the actor or an accomplice used force or coercion to accomplish the ~~penetration~~ act;

90.1 (ii) the complainant suffered personal injury; or

90.2 (iii) the sexual abuse involved multiple acts committed over an extended period of time.

90.3 Neither mistake as to the complainant's age nor consent to the act by the complainant is
90.4 a defense.

90.5 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
90.6 committed on or after that date.

90.7 Sec. 7. Minnesota Statutes 2018, section 609.343, subdivision 1, is amended to read:

90.8 Subdivision 1. **Crime defined.** A person who engages in sexual contact with another
90.9 person is guilty of criminal sexual conduct in the second degree if any of the following
90.10 circumstances exists:

90.11 (a) the complainant is under 13 years of age and the actor is more than 36 months older
90.12 than the complainant. Neither mistake as to the complainant's age nor consent to the act by
90.13 the complainant is a defense. In a prosecution under this clause, the state is not required to
90.14 prove that the sexual contact was coerced;

90.15 (b) the complainant is at least 13 but less than 16 years of age and the actor is more than
90.16 48 months older than the complainant and in a current or recent position of authority over
90.17 the complainant. Neither mistake as to the complainant's age nor consent to the act by the
90.18 complainant is a defense;

90.19 (c) circumstances existing at the time of the act cause the complainant to have a
90.20 reasonable fear of imminent great bodily harm to the complainant or another;

90.21 (d) the actor is armed with a dangerous weapon or any article used or fashioned in a
90.22 manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses
90.23 or threatens to use the dangerous weapon to cause the complainant to submit;

90.24 (e) the actor causes personal injury to the complainant, and either of the following
90.25 circumstances exist:

90.26 (i) the actor uses force or coercion to accomplish the sexual contact; or

90.27 (ii) the actor knows or has reason to know that the complainant is mentally impaired,
90.28 mentally incapacitated, or physically helpless;

90.29 (f) the actor is aided or abetted by one or more accomplices within the meaning of section
90.30 609.05, and either of the following circumstances exists:

90.31 (i) an accomplice uses force or coercion to cause the complainant to submit; or

91.1 (ii) an accomplice is armed with a dangerous weapon or any article used or fashioned
91.2 in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and
91.3 uses or threatens to use the weapon or article to cause the complainant to submit;

91.4 (g) the actor has a significant relationship to the complainant and the complainant was
91.5 under 16 years of age at the time of the sexual contact. Neither mistake as to the complainant's
91.6 age nor consent to the act by the complainant is a defense; or

91.7 (h) the actor has a significant relationship to the complainant, the complainant was under
91.8 16 years of age at the time of the sexual contact, and:

91.9 (i) the actor or an accomplice used force or coercion to accomplish the contact;

91.10 (ii) the complainant suffered personal injury; or

91.11 (iii) the sexual abuse involved multiple acts committed over an extended period of time.

91.12 Neither mistake as to the complainant's age nor consent to the act by the complainant is
91.13 a defense.

91.14 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
91.15 committed on or after that date.

91.16 Sec. 8. Minnesota Statutes 2018, section 609.344, subdivision 1, is amended to read:

91.17 Subdivision 1. **Crime defined.** A person who engages in sexual penetration with another
91.18 person is guilty of criminal sexual conduct in the third degree if any of the following
91.19 circumstances exists:

91.20 (a) the complainant is under 13 years of age and the actor is no more than 36 months
91.21 older than the complainant. Neither mistake as to the complainant's age nor consent to the
91.22 act by the complainant shall be a defense;

91.23 (b) the complainant is at least 13 but less than 16 years of age and the actor is more than
91.24 24 months older than the complainant. In any such case if the actor is no more than ~~120~~ 36
91.25 months older than the complainant, it shall be an affirmative defense, which must be proved
91.26 by a preponderance of the evidence, that the actor reasonably believes the complainant to
91.27 be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not
91.28 be a defense. consent by the complainant is not a defense;

91.29 (c) the actor uses force or coercion to accomplish the penetration;

91.30 (d) the actor knows or has reason to know that the complainant is mentally impaired,
91.31 mentally incapacitated, or physically helpless;

92.1 (e)(1) the complainant is at least 16 but less than 18 years of age and the actor is more
92.2 than 48 months older than the complainant and in a current or recent position of authority
92.3 over the complainant, or (2) the complainant is at least 16 years of age but less than 21 years
92.4 of age and a student in a secondary school who has not graduated and received a diploma
92.5 and the actor is an employee or independent contractor of the secondary school and in a
92.6 current or recent position of authority over the complainant. Neither mistake as to the
92.7 complainant's age nor consent to the act by the complainant is a defense;

92.8 (f) the actor has a significant relationship to the complainant and the complainant was
92.9 at least 16 but under 18 years of age at the time of the sexual penetration. Neither mistake
92.10 as to the complainant's age nor consent to the act by the complainant is a defense;

92.11 (g) the actor has a significant relationship to the complainant, the complainant was at
92.12 least 16 but under 18 years of age at the time of the sexual penetration, and:

92.13 (i) the actor or an accomplice used force or coercion to accomplish the penetration;

92.14 (ii) the complainant suffered personal injury; or

92.15 (iii) the sexual abuse involved multiple acts committed over an extended period of time.

92.16 Neither mistake as to the complainant's age nor consent to the act by the complainant is
92.17 a defense;

92.18 (h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist
92.19 and the sexual penetration occurred:

92.20 (i) during the psychotherapy session; or

92.21 (ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship
92.22 exists.

92.23 Consent by the complainant is not a defense;

92.24 (i) the actor is a psychotherapist and the complainant is a former patient of the
92.25 psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

92.26 (j) the actor is a psychotherapist and the complainant is a patient or former patient and
92.27 the sexual penetration occurred by means of therapeutic deception. Consent by the
92.28 complainant is not a defense;

92.29 (k) the actor accomplishes the sexual penetration by means of deception or false
92.30 representation that the penetration is for a bona fide medical purpose. Consent by the
92.31 complainant is not a defense;

93.1 (l) the actor is or purports to be a member of the clergy, the complainant is not married
93.2 to the actor, and:

93.3 (i) the sexual penetration occurred during the course of a meeting in which the
93.4 complainant sought or received religious or spiritual advice, aid, or comfort from the actor
93.5 in private; or

93.6 (ii) the sexual penetration occurred during a period of time in which the complainant
93.7 was meeting on an ongoing basis with the actor to seek or receive religious or spiritual
93.8 advice, aid, or comfort in private. Consent by the complainant is not a defense;

93.9 (m) the actor is an employee, independent contractor, or volunteer of a state, county,
93.10 city, or privately operated adult or juvenile correctional system, or secure treatment facility,
93.11 or treatment facility providing services to clients civilly committed as mentally ill and
93.12 dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but
93.13 not limited to, jails, prisons, detention centers, or work release facilities, and the complainant
93.14 is a resident of a facility or under supervision of the correctional system. Consent by the
93.15 complainant is not a defense;

93.16 (n) the actor provides or is an agent of an entity that provides special transportation
93.17 service, the complainant used the special transportation service, and the sexual penetration
93.18 occurred during or immediately before or after the actor transported the complainant. Consent
93.19 by the complainant is not a defense; ~~or~~

93.20 (o) the actor performs massage or other bodywork for hire, the complainant was a user
93.21 of one of those services, and nonconsensual sexual penetration occurred during or
93.22 immediately before or after the actor performed or was hired to perform one of those services
93.23 for the complainant; or

93.24 (p) the actor is a peace officer, as defined in section 626.84, and the peace officer
93.25 physically or constructively restrains the complainant or the complainant does not reasonably
93.26 feel free to leave the peace officer's presence. Consent by the complainant is not a defense.
93.27 This paragraph does not apply to any penetration of the mouth, genitals, or anus during a
93.28 lawful search.

93.29 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
93.30 committed on or after that date.

94.1 Sec. 9. Minnesota Statutes 2018, section 609.345, subdivision 1, is amended to read:

94.2 Subdivision 1. **Crime defined.** A person who engages in sexual contact with another
94.3 person is guilty of criminal sexual conduct in the fourth degree if any of the following
94.4 circumstances exists:

94.5 (a) the complainant is under 13 years of age and the actor is no more than 36 months
94.6 older than the complainant. Neither mistake as to the complainant's age or consent to the
94.7 act by the complainant is a defense. In a prosecution under this clause, the state is not
94.8 required to prove that the sexual contact was coerced;

94.9 (b) the complainant is at least 13 but less than 16 years of age and the actor is more than
94.10 48 months older than the complainant or in a current or recent position of authority over
94.11 the complainant. Consent by the complainant to the act is not a defense. ~~In any such case,
94.12 if the actor is no more than 120 months older than the complainant, it shall be an affirmative
94.13 defense which must be proved by a preponderance of the evidence that the actor reasonably
94.14 believes the complainant to be 16 years of age or older. In all other cases, Neither~~ mistake
94.15 as to the complainant's age ~~shall not be~~ nor consent to the act by the complainant shall be
94.16 a defense;

94.17 (c) the actor uses force or coercion to accomplish the sexual contact;

94.18 (d) the actor knows or has reason to know that the complainant is mentally impaired,
94.19 mentally incapacitated, or physically helpless;

94.20 (e)(1) the complainant is at least 16 but less than 18 years of age and the actor is more
94.21 than 48 months older than the complainant and in a current or recent position of authority
94.22 over the complainant, or (2) the complainant is at least 16 years of age but less than 21 years
94.23 of age and a student in a secondary school who has not graduated and received a diploma
94.24 and the actor is an employee or independent contractor of the secondary school and in a
94.25 current or recent position of authority over the complainant. Neither mistake as to the
94.26 complainant's age nor consent to the act by the complainant is a defense;

94.27 (f) the actor has a significant relationship to the complainant and the complainant was
94.28 at least 16 but under 18 years of age at the time of the sexual contact. Neither mistake as to
94.29 the complainant's age nor consent to the act by the complainant is a defense;

94.30 (g) the actor has a significant relationship to the complainant, the complainant was at
94.31 least 16 but under 18 years of age at the time of the sexual contact, and:

94.32 (i) the actor or an accomplice used force or coercion to accomplish the contact;

94.33 (ii) the complainant suffered personal injury; or

95.1 (iii) the sexual abuse involved multiple acts committed over an extended period of time.

95.2 Neither mistake as to the complainant's age nor consent to the act by the complainant is
95.3 a defense;

95.4 (h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist
95.5 and the sexual contact occurred:

95.6 (i) during the psychotherapy session; or

95.7 (ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship
95.8 exists. Consent by the complainant is not a defense;

95.9 (i) the actor is a psychotherapist and the complainant is a former patient of the
95.10 psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

95.11 (j) the actor is a psychotherapist and the complainant is a patient or former patient and
95.12 the sexual contact occurred by means of therapeutic deception. Consent by the complainant
95.13 is not a defense;

95.14 (k) the actor accomplishes the sexual contact by means of deception or false representation
95.15 that the contact is for a bona fide medical purpose. Consent by the complainant is not a
95.16 defense;

95.17 (l) the actor is or purports to be a member of the clergy, the complainant is not married
95.18 to the actor, and:

95.19 (i) the sexual contact occurred during the course of a meeting in which the complainant
95.20 sought or received religious or spiritual advice, aid, or comfort from the actor in private; or

95.21 (ii) the sexual contact occurred during a period of time in which the complainant was
95.22 meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice,
95.23 aid, or comfort in private. Consent by the complainant is not a defense;

95.24 (m) the actor is an employee, independent contractor, or volunteer of a state, county,
95.25 city, or privately operated adult or juvenile correctional system, or secure treatment facility,
95.26 or treatment facility providing services to clients civilly committed as mentally ill and
95.27 dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but
95.28 not limited to, jails, prisons, detention centers, or work release facilities, and the complainant
95.29 is a resident of a facility or under supervision of the correctional system. Consent by the
95.30 complainant is not a defense;

95.31 (n) the actor provides or is an agent of an entity that provides special transportation
95.32 service, the complainant used the special transportation service, the complainant is not

96.1 married to the actor, and the sexual contact occurred during or immediately before or after
 96.2 the actor transported the complainant. Consent by the complainant is not a defense; ~~or~~

96.3 (o) the actor performs massage or other bodywork for hire, the complainant was a user
 96.4 of one of those services, and nonconsensual sexual contact occurred during or immediately
 96.5 before or after the actor performed or was hired to perform one of those services for the
 96.6 complainant; or

96.7 (p) the actor is a peace officer, as defined in section 626.84, and the peace officer
 96.8 physically or constructively restrains the complainant or the complainant does not reasonably
 96.9 feel free to leave the peace officer's presence. Consent by the complainant is not a defense.

96.10 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
 96.11 committed on or after that date.

96.12 Sec. 10. Minnesota Statutes 2018, section 609.3451, subdivision 1, is amended to read:

96.13 Subdivision 1. **Crime defined.** A person is guilty of criminal sexual conduct in the fifth
 96.14 degree:

96.15 (1) if the person engages in nonconsensual sexual contact; or

96.16 (2) the person engages in masturbation or lewd exhibition of the genitals in the presence
 96.17 of a minor under the age of 16, knowing or having reason to know the minor is present.

96.18 For purposes of this section, "sexual contact" has the meaning given in section 609.341,
 96.19 subdivision 11, paragraph (a), clauses (i), (iv), and (v), ~~but does not include the intentional~~
 96.20 ~~touching of the clothing covering the immediate area of the buttocks.~~ Sexual contact also
 96.21 includes the intentional removal or attempted removal of clothing covering the complainant's
 96.22 intimate parts or undergarments, and the nonconsensual touching by the complainant of the
 96.23 actor's intimate parts, effected by the actor, if the action is performed with sexual or
 96.24 aggressive intent.

96.25 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
 96.26 committed on or after that date.

96.27 Sec. 11. Minnesota Statutes 2018, section 617.246, subdivision 2, is amended to read:

96.28 Subd. 2. **Use of minor.** It is unlawful for a person to promote, employ, use or permit a
 96.29 minor to engage in or assist others to engage minors in posing or modeling alone or with
 96.30 others in any sexual performance or pornographic work if the person knows or has reason
 96.31 to know that the conduct intended is a sexual performance or a pornographic work.

97.1 Any person who violates this subdivision is guilty of a felony and may be sentenced to
97.2 imprisonment for not more than ~~ten~~ 15 years or to payment of a fine of not more than \$20,000
97.3 for the first offense and \$40,000 for a second or subsequent offense, or both.

97.4 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
97.5 committed on or after that date.

97.6 Sec. 12. Minnesota Statutes 2018, section 617.246, subdivision 3, is amended to read:

97.7 Subd. 3. **Operation or ownership of business.** A person who owns or operates a business
97.8 in which a pornographic work, as defined in this section, is disseminated to an adult or a
97.9 minor or is reproduced, and who knows the content and character of the pornographic work
97.10 disseminated or reproduced, is guilty of a felony and may be sentenced to imprisonment
97.11 for not more than ~~ten~~ 15 years, or to payment of a fine of not more than \$20,000 for the first
97.12 offense and \$40,000 for a second or subsequent offense, or both.

97.13 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
97.14 committed on or after that date.

97.15 Sec. 13. Minnesota Statutes 2018, section 617.246, subdivision 4, is amended to read:

97.16 Subd. 4. **Dissemination.** A person who, knowing or with reason to know its content and
97.17 character, disseminates for profit to an adult or a minor a pornographic work, as defined in
97.18 this section, is guilty of a felony and may be sentenced to imprisonment for not more than
97.19 ~~ten~~ 15 years, or to payment of a fine of not more than \$20,000 for the first offense and
97.20 \$40,000 for a second or subsequent offense, or both.

97.21 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
97.22 committed on or after that date.

97.23 Sec. 14. Minnesota Statutes 2018, section 617.246, subdivision 7, is amended to read:

97.24 Subd. 7. **Conditional release term.** Notwithstanding the statutory maximum sentence
97.25 otherwise applicable to the offense or any provision of the sentencing guidelines, when a
97.26 court commits a person to the custody of the commissioner of corrections for violating this
97.27 section, the court shall provide that after the person has been released from prison, the
97.28 commissioner shall place the person on conditional release for ~~five~~ ten years. If the person
97.29 has previously been convicted of a violation of this section, section 609.342, 609.343,
97.30 609.344, 609.345, 609.3451, 609.3453, or 617.247, or any similar statute of the United
97.31 States, this state, or any state, the commissioner shall place the person on conditional release

98.1 for ~~ten~~ 15 years. The terms of conditional release are governed by section 609.3455,
98.2 subdivision 8.

98.3 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
98.4 committed on or after that date.

98.5 Sec. 15. Minnesota Statutes 2018, section 617.246, is amended by adding a subdivision
98.6 to read:

98.7 Subd. 8. **Mandatory minimum sentence.** A person convicted under this section must
98.8 serve a minimum of six months of incarceration. If the person has a prior conviction under
98.9 this section or section 617.247, or is required to register as a predatory offender, the person
98.10 must serve a minimum of 12 months of incarceration.

98.11 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
98.12 committed on or after that date.

98.13 Sec. 16. Minnesota Statutes 2018, section 617.247, subdivision 3, is amended to read:

98.14 Subd. 3. **Dissemination prohibited.** (a) A person who disseminates pornographic work
98.15 to an adult or a minor, knowing or with reason to know its content and character, is guilty
98.16 of a felony and may be sentenced to imprisonment for not more than ~~seven~~ ten years and a
98.17 fine of not more than \$10,000 for a first offense and for not more than ~~15~~ 20 years and a
98.18 fine of not more than \$20,000 for a second or subsequent offense.

98.19 (b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to
98.20 imprisonment for not more than ~~15~~ 20 years if the violation occurs when the person is a
98.21 registered predatory offender under section 243.166.

98.22 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
98.23 committed on or after that date.

98.24 Sec. 17. Minnesota Statutes 2018, section 617.247, subdivision 4, is amended to read:

98.25 Subd. 4. **Possession prohibited.** (a) A person who possesses a pornographic work or a
98.26 computer disk or computer or other electronic, magnetic, or optical storage system or a
98.27 storage system of any other type, containing a pornographic work, knowing or with reason
98.28 to know its content and character, is guilty of a felony and may be sentenced to imprisonment
98.29 for not more than ~~five~~ seven years and a fine of not more than ~~\$5,000~~ \$7,500 for a first
98.30 offense and for not more than ~~ten~~ 15 years and a fine of not more than ~~\$10,000~~ \$15,000 for
98.31 a second or subsequent offense.

99.1 (b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to
99.2 imprisonment for not more than ~~ten~~ 15 years if the violation occurs when the person is a
99.3 registered predatory offender under section 243.166.

99.4 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
99.5 committed on or after that date.

99.6 Sec. 18. Minnesota Statutes 2018, section 617.247, subdivision 9, is amended to read:

99.7 Subd. 9. **Conditional release term.** Notwithstanding the statutory maximum sentence
99.8 otherwise applicable to the offense or any provision of the sentencing guidelines, when a
99.9 court commits a person to the custody of the commissioner of corrections for violating this
99.10 section, the court shall provide that after the person has been released from prison, the
99.11 commissioner shall place the person on conditional release for ~~five~~ ten years. If the person
99.12 has previously been convicted of a violation of this section, section 609.342, 609.343,
99.13 609.344, 609.345, 609.3451, 609.3453, or 617.246, or any similar statute of the United
99.14 States, this state, or any state, the commissioner shall place the person on conditional release
99.15 for ~~ten~~ 15 years. The terms of conditional release are governed by section 609.3455,
99.16 subdivision 8.

99.17 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
99.18 committed on or after that date.

99.19 Sec. 19. Minnesota Statutes 2018, section 617.247, is amended by adding a subdivision
99.20 to read:

99.21 Subd. 10. **Mandatory minimum sentence.** A person convicted under this section must
99.22 serve a minimum of six months of incarceration. If the person has a prior conviction under
99.23 this section or section 617.246, or is required to register as a predatory offender, the person
99.24 must serve a minimum of 12 months of incarceration.

99.25 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
99.26 committed on or after that date.

99.27 Sec. 20. Minnesota Statutes 2018, section 626.556, subdivision 2, is amended to read:

99.28 Subd. 2. **Definitions.** As used in this section, the following terms have the meanings
99.29 given them unless the specific content indicates otherwise:

99.30 (a) "Accidental" means a sudden, not reasonably foreseeable, and unexpected occurrence
99.31 or event which:

- 100.1 (1) is not likely to occur and could not have been prevented by exercise of due care; and
- 100.2 (2) if occurring while a child is receiving services from a facility, happens when the
- 100.3 facility and the employee or person providing services in the facility are in compliance with
- 100.4 the laws and rules relevant to the occurrence or event.
- 100.5 (b) "Commissioner" means the commissioner of human services.
- 100.6 (c) "Facility" means:
- 100.7 (1) a licensed or unlicensed day care facility, certified license-exempt child care center,
- 100.8 residential facility, agency, hospital, sanitarium, or other facility or institution required to
- 100.9 be licensed under sections 144.50 to 144.58, 241.021, or 245A.01 to 245A.16, or chapter
- 100.10 144H, 245D, or 245H;
- 100.11 (2) a school as defined in section 120A.05, subdivisions 9, 11, and 13; and chapter 124E;
- 100.12 or
- 100.13 (3) a nonlicensed personal care provider organization as defined in section 256B.0625,
- 100.14 subdivision 19a.
- 100.15 (d) "Family assessment" means a comprehensive assessment of child safety, risk of
- 100.16 subsequent child maltreatment, and family strengths and needs that is applied to a child
- 100.17 maltreatment report that does not allege sexual abuse or substantial child endangerment.
- 100.18 Family assessment does not include a determination as to whether child maltreatment
- 100.19 occurred but does determine the need for services to address the safety of family members
- 100.20 and the risk of subsequent maltreatment.
- 100.21 (e) "Investigation" means fact gathering related to the current safety of a child and the
- 100.22 risk of subsequent maltreatment that determines whether child maltreatment occurred and
- 100.23 whether child protective services are needed. An investigation must be used when reports
- 100.24 involve sexual abuse or substantial child endangerment, and for reports of maltreatment in
- 100.25 facilities required to be licensed or certified under chapter 245A, 245D, or 245H; under
- 100.26 sections 144.50 to 144.58 and 241.021; in a school as defined in section 120A.05,
- 100.27 subdivisions 9, 11, and 13, and chapter 124E; or in a nonlicensed personal care provider
- 100.28 association as defined in section 256B.0625, subdivision 19a.
- 100.29 (f) "Mental injury" means an injury to the psychological capacity or emotional stability
- 100.30 of a child as evidenced by an observable or substantial impairment in the child's ability to
- 100.31 function within a normal range of performance and behavior with due regard to the child's
- 100.32 culture.

101.1 (g) "Neglect" means the commission or omission of any of the acts specified under
101.2 clauses (1) to (9), other than by accidental means:

101.3 (1) failure by a person responsible for a child's care to supply a child with necessary
101.4 food, clothing, shelter, health, medical, or other care required for the child's physical or
101.5 mental health when reasonably able to do so;

101.6 (2) failure to protect a child from conditions or actions that seriously endanger the child's
101.7 physical or mental health when reasonably able to do so, including a growth delay, which
101.8 may be referred to as a failure to thrive, that has been diagnosed by a physician and is due
101.9 to parental neglect;

101.10 (3) failure to provide for necessary supervision or child care arrangements appropriate
101.11 for a child after considering factors as the child's age, mental ability, physical condition,
101.12 length of absence, or environment, when the child is unable to care for the child's own basic
101.13 needs or safety, or the basic needs or safety of another child in their care;

101.14 (4) failure to ensure that the child is educated as defined in sections 120A.22 and
101.15 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's
101.16 child with sympathomimetic medications, consistent with section 125A.091, subdivision
101.17 5;

101.18 (5) nothing in this section shall be construed to mean that a child is neglected solely
101.19 because the child's parent, guardian, or other person responsible for the child's care in good
101.20 faith selects and depends upon spiritual means or prayer for treatment or care of disease or
101.21 remedial care of the child in lieu of medical care; except that a parent, guardian, or caretaker,
101.22 or a person mandated to report pursuant to subdivision 3, has a duty to report if a lack of
101.23 medical care may cause serious danger to the child's health. This section does not impose
101.24 upon persons, not otherwise legally responsible for providing a child with necessary food,
101.25 clothing, shelter, education, or medical care, a duty to provide that care;

101.26 (6) prenatal exposure to a controlled substance, as defined in section 253B.02, subdivision
101.27 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in
101.28 the child at birth, results of a toxicology test performed on the mother at delivery or the
101.29 child at birth, medical effects or developmental delays during the child's first year of life
101.30 that medically indicate prenatal exposure to a controlled substance, or the presence of a
101.31 fetal alcohol spectrum disorder;

101.32 (7) "medical neglect" as defined in section 260C.007, subdivision 6, clause (5);

102.1 (8) chronic and severe use of alcohol or a controlled substance by a parent or person
102.2 responsible for the care of the child that adversely affects the child's basic needs and safety;
102.3 or

102.4 (9) emotional harm from a pattern of behavior which contributes to impaired emotional
102.5 functioning of the child which may be demonstrated by a substantial and observable effect
102.6 in the child's behavior, emotional response, or cognition that is not within the normal range
102.7 for the child's age and stage of development, with due regard to the child's culture.

102.8 (h) "Nonmaltreatment mistake" means:

102.9 (1) at the time of the incident, the individual was performing duties identified in the
102.10 center's child care program plan required under Minnesota Rules, part 9503.0045;

102.11 (2) the individual has not been determined responsible for a similar incident that resulted
102.12 in a finding of maltreatment for at least seven years;

102.13 (3) the individual has not been determined to have committed a similar nonmaltreatment
102.14 mistake under this paragraph for at least four years;

102.15 (4) any injury to a child resulting from the incident, if treated, is treated only with
102.16 remedies that are available over the counter, whether ordered by a medical professional or
102.17 not; and

102.18 (5) except for the period when the incident occurred, the facility and the individual
102.19 providing services were both in compliance with all licensing requirements relevant to the
102.20 incident.

102.21 This definition only applies to child care centers licensed under Minnesota Rules, chapter
102.22 9503. If clauses (1) to (5) apply, rather than making a determination of substantiated
102.23 maltreatment by the individual, the commissioner of human services shall determine that a
102.24 nonmaltreatment mistake was made by the individual.

102.25 (i) "Operator" means an operator or agency as defined in section 245A.02.

102.26 (j) "Person responsible for the child's care" means (1) an individual functioning within
102.27 the family unit and having responsibilities for the care of the child such as a parent, guardian,
102.28 or other person having similar care responsibilities, or (2) an individual functioning outside
102.29 the family unit and having responsibilities for the care of the child such as a teacher, school
102.30 administrator, other school employees or agents, or other lawful custodian of a child having
102.31 either full-time or short-term care responsibilities including, but not limited to, day care,
102.32 babysitting whether paid or unpaid, counseling, teaching, and coaching.

103.1 (k) "Physical abuse" means any physical injury, mental injury, or threatened injury,
103.2 inflicted by a person responsible for the child's care on a child other than by accidental
103.3 means, or any physical or mental injury that cannot reasonably be explained by the child's
103.4 history of injuries, or any aversive or deprivation procedures, or regulated interventions,
103.5 that have not been authorized under section 125A.0942 or 245.825.

103.6 Abuse does not include reasonable and moderate physical discipline of a child
103.7 administered by a parent or legal guardian which does not result in an injury. Abuse does
103.8 not include the use of reasonable force by a teacher, principal, or school employee as allowed
103.9 by section 121A.582. Actions which are not reasonable and moderate include, but are not
103.10 limited to, any of the following:

103.11 (1) throwing, kicking, burning, biting, or cutting a child;

103.12 (2) striking a child with a closed fist;

103.13 (3) shaking a child under age three;

103.14 (4) striking or other actions which result in any nonaccidental injury to a child under 18
103.15 months of age;

103.16 (5) unreasonable interference with a child's breathing;

103.17 (6) threatening a child with a weapon, as defined in section 609.02, subdivision 6;

103.18 (7) striking a child under age one on the face or head;

103.19 (8) striking a child who is at least age one but under age four on the face or head, which
103.20 results in an injury;

103.21 (9) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled
103.22 substances which were not prescribed for the child by a practitioner, in order to control or
103.23 punish the child; or other substances that substantially affect the child's behavior, motor
103.24 coordination, or judgment or that results in sickness or internal injury, or subjects the child
103.25 to medical procedures that would be unnecessary if the child were not exposed to the
103.26 substances;

103.27 (10) unreasonable physical confinement or restraint not permitted under section 609.379,
103.28 including but not limited to tying, caging, or chaining; or

103.29 (11) in a school facility or school zone, an act by a person responsible for the child's
103.30 care that is a violation under section 121A.58.

104.1 (l) "Practice of social services," for the purposes of subdivision 3, includes but is not
104.2 limited to employee assistance counseling and the provision of guardian ad litem and
104.3 parenting time expeditor services.

104.4 (m) "Report" means any communication received by the local welfare agency, police
104.5 department, county sheriff, or agency responsible for child protection pursuant to this section
104.6 that describes neglect or physical or sexual abuse of a child and contains sufficient content
104.7 to identify the child and any person believed to be responsible for the neglect or abuse, if
104.8 known.

104.9 (n) "Sexual abuse" means the subjection of a child by a person responsible for the child's
104.10 care, by a person who has a significant relationship to the child, as defined in section 609.341,
104.11 or by a person in a current or recent position of authority, as defined in section 609.341,
104.12 subdivision 10, to any act which constitutes a violation of section 609.342 (criminal sexual
104.13 conduct in the first degree), 609.343 (criminal sexual conduct in the second degree), 609.344
104.14 (criminal sexual conduct in the third degree), 609.345 (criminal sexual conduct in the fourth
104.15 degree), or 609.3451 (criminal sexual conduct in the fifth degree). Sexual abuse also includes
104.16 any act which involves a minor which constitutes a violation of prostitution offenses under
104.17 sections 609.321 to 609.324 or 617.246. Effective May 29, 2017, sexual abuse includes all
104.18 reports of known or suspected child sex trafficking involving a child who is identified as a
104.19 victim of sex trafficking. Sexual abuse includes child sex trafficking as defined in section
104.20 609.321, subdivisions 7a and 7b. Sexual abuse includes threatened sexual abuse which
104.21 includes the status of a parent or household member who has committed a violation which
104.22 requires registration as an offender under section 243.166, subdivision 1b, paragraph (a) or
104.23 (b), or required registration under section 243.166, subdivision 1b, paragraph (a) or (b).

104.24 (o) "Substantial child endangerment" means a person responsible for a child's care, by
104.25 act or omission, commits or attempts to commit an act against a child under their care that
104.26 constitutes any of the following:

104.27 (1) egregious harm as defined in section 260C.007, subdivision 14;

104.28 (2) abandonment under section 260C.301, subdivision 2;

104.29 (3) neglect as defined in paragraph (g), clause (2), that substantially endangers the child's
104.30 physical or mental health, including a growth delay, which may be referred to as failure to
104.31 thrive, that has been diagnosed by a physician and is due to parental neglect;

104.32 (4) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;

104.33 (5) manslaughter in the first or second degree under section 609.20 or 609.205;

- 105.1 (6) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;
- 105.2 (7) solicitation, inducement, and promotion of prostitution under section 609.322;
- 105.3 (8) criminal sexual conduct under sections 609.342 to 609.3451;
- 105.4 (9) solicitation of children to engage in sexual conduct under section 609.352;
- 105.5 (10) malicious punishment or neglect or endangerment of a child under section 609.377
- 105.6 or 609.378;
- 105.7 (11) use of a minor in sexual performance under section 617.246; or
- 105.8 (12) parental behavior, status, or condition which mandates that the county attorney file
- 105.9 a termination of parental rights petition under section 260C.503, subdivision 2.
- 105.10 (p) "Threatened injury" means a statement, overt act, condition, or status that represents
- 105.11 a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes,
- 105.12 but is not limited to, exposing a child to a person responsible for the child's care, as defined
- 105.13 in paragraph (j), clause (1), who has:
- 105.14 (1) subjected a child to, or failed to protect a child from, an overt act or condition that
- 105.15 constitutes egregious harm, as defined in section 260C.007, subdivision 14, or a similar law
- 105.16 of another jurisdiction;
- 105.17 (2) been found to be palpably unfit under section 260C.301, subdivision 1, paragraph
- 105.18 (b), clause (4), or a similar law of another jurisdiction;
- 105.19 (3) committed an act that has resulted in an involuntary termination of parental rights
- 105.20 under section 260C.301, or a similar law of another jurisdiction; or
- 105.21 (4) committed an act that has resulted in the involuntary transfer of permanent legal and
- 105.22 physical custody of a child to a relative under Minnesota Statutes 2010, section 260C.201,
- 105.23 subdivision 11, paragraph (d), clause (1), section 260C.515, subdivision 4, or a similar law
- 105.24 of another jurisdiction.

105.25 A child is the subject of a report of threatened injury when the responsible social services

105.26 agency receives birth match data under paragraph (q) from the Department of Human

105.27 Services.

105.28 (q) Upon receiving data under section 144.225, subdivision 2b, contained in a birth

105.29 record or recognition of parentage identifying a child who is subject to threatened injury

105.30 under paragraph (p), the Department of Human Services shall send the data to the responsible

105.31 social services agency. The data is known as "birth match" data. Unless the responsible

105.32 social services agency has already begun an investigation or assessment of the report due

106.1 to the birth of the child or execution of the recognition of parentage and the parent's previous
106.2 history with child protection, the agency shall accept the birth match data as a report under
106.3 this section. The agency may use either a family assessment or investigation to determine
106.4 whether the child is safe. All of the provisions of this section apply. If the child is determined
106.5 to be safe, the agency shall consult with the county attorney to determine the appropriateness
106.6 of filing a petition alleging the child is in need of protection or services under section
106.7 260C.007, subdivision 6, clause (16), in order to deliver needed services. If the child is
106.8 determined not to be safe, the agency and the county attorney shall take appropriate action
106.9 as required under section 260C.503, subdivision 2.

106.10 (r) Persons who conduct assessments or investigations under this section shall take into
106.11 account accepted child-rearing practices of the culture in which a child participates and
106.12 accepted teacher discipline practices, which are not injurious to the child's health, welfare,
106.13 and safety.

106.14 **EFFECTIVE DATE.** This section is effective August 1, 2019.

106.15 Sec. 21. Minnesota Statutes 2018, section 628.26, is amended to read:

106.16 **628.26 LIMITATIONS.**

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

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

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

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

106.28 (e) Indictments or complaints for violation of sections 609.322 and 609.342 to 609.345;
106.29 ~~if the victim was under the age of 18 years at the time the offense was committed, shall~~ may
106.30 ~~be found or made and filed in the proper court within the later of nine years after the~~
106.31 ~~commission of the offense or three years after the offense was reported to law enforcement~~
106.32 ~~authorities~~ at any time after the commission of the offense.

107.1 ~~(f)~~ Notwithstanding the limitations in paragraph (e), indictments or complaints for
107.2 violation of sections 609.322 and 609.342 to 609.344 may be found or made and filed in
107.3 the proper court at any time after commission of the offense, if physical evidence is collected
107.4 and preserved that is capable of being tested for its DNA characteristics. If this evidence is
107.5 not collected and preserved and the victim was 18 years old or older at the time of the
107.6 offense, the prosecution must be commenced within nine years after the commission of the
107.7 offense.

107.8 ~~(g)~~ (f) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision
107.9 2, clause (3), item (iii), shall be found or made and filed in the proper court within six years
107.10 after the commission of the offense.

107.11 ~~(h)~~ (g) Indictments or complaints for violation of section 609.2335, 609.52, subdivision
107.12 2, clause (3), items (i) and (ii), (4), (15), or (16), 609.631, or 609.821, where the value of
107.13 the property or services stolen is more than \$35,000, or for violation of section 609.527
107.14 where the offense involves eight or more direct victims or the total combined loss to the
107.15 direct and indirect victims is more than \$35,000, shall be found or made and filed in the
107.16 proper court within five years after the commission of the offense.

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

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

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

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

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

107.30 ~~(n)~~ (m) The limitations periods contained in this section shall not include any period of
107.31 time during which physical evidence relating to the offense was undergoing DNA analysis,
107.32 as defined in section 299C.155, unless the defendant demonstrates that the prosecuting or

108.1 law enforcement agency purposefully delayed the DNA analysis process in order to gain
108.2 an unfair advantage.

108.3 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
108.4 committed on or after that date and to crimes committed before that date if the limitations
108.5 period for the crime did not expire before August 1, 2019.

108.6 Sec. 22. **SENTENCING GUIDELINES MODIFICATION.**

108.7 The Sentencing Guidelines Commission shall comprehensively review and consider
108.8 modifying how the Sentencing Guidelines and the sex offender grid address the crimes
108.9 described in Minnesota Statutes, sections 617.246 and 617.247, as compared to similar
108.10 crimes, including other sex offenses and other offenses with similar maximum penalties.

108.11 Sec. 23. **CRIMINAL SEXUAL CONDUCT STATUTORY REFORM WORKING**
108.12 **GROUP; REPORT.**

108.13 Subdivision 1. **Direction.** By September 1, 2019, the commissioner of public safety
108.14 shall convene a working group on criminal sexual conduct statutory reform. The
108.15 commissioner shall invite representatives from city and county prosecuting agencies,
108.16 statewide crime victim coalitions, the Minnesota judicial branch, the Minnesota Board of
108.17 Public Defense, the Department of Public Safety, the Department of Human Services, the
108.18 Sentencing Guidelines Commission, state and local law enforcement agencies, and other
108.19 interested parties to participate in the working group. The commissioner shall ensure that
108.20 the working group is inclusive of marginalized communities as well as victim and survivor
108.21 voices.

108.22 Subd. 2. **Duties.** The working group must review, assess, and make specific
108.23 recommendations with regard to substantive and technical amendments to Minnesota Statutes,
108.24 sections 609.341 to 609.3451, 609.3453 to 609.3455, 609.349, 628.26, and any other related
108.25 criminal laws.

108.26 Subd. 3. **Report to legislature.** The commissioner shall file a report detailing the working
108.27 group's findings and recommendations with the chairs and ranking minority members of
108.28 the house of representatives and senate committees and divisions having jurisdiction over
108.29 public safety and judiciary policy and finance by October 15, 2020.

108.30 Sec. 24. **REPEALER.**

108.31 Minnesota Statutes 2018, section 609.349, is repealed.

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

109.2 **ARTICLE 6**

109.3 **CONTROLLED SUBSTANCES**

109.4 Section 1. Minnesota Statutes 2018, section 152.021, subdivision 2a, is amended to read:

109.5 Subd. 2a. **Methamphetamine; dimethyltryptamine; manufacture**
109.6 **crime.** Notwithstanding subdivision 1, sections 152.022, subdivision 1, 152.023, subdivision
109.7 1, and 152.024, subdivision 1, a person is guilty of controlled substance crime in the first
109.8 degree if the person manufactures any amount of methamphetamine or dimethyltryptamine.

109.9 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
109.10 committed on or after that date.

109.11 Sec. 2. Minnesota Statutes 2018, section 152.025, subdivision 1, is amended to read:

109.12 Subdivision 1. **Sale crimes.** A person is guilty of a controlled substance crime in the
109.13 fifth degree and upon conviction may be sentenced as provided in subdivision 4 if:

109.14 (1) the person unlawfully sells one or more mixtures containing marijuana or
109.15 tetrahydrocannabinols, except a small amount of marijuana ~~for no remuneration~~; or

109.16 (2) the person unlawfully sells one or more mixtures containing a controlled substance
109.17 classified in Schedule IV.

109.18 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
109.19 committed on or after that date.

109.20 Sec. 3. Minnesota Statutes 2018, section 152.025, subdivision 2, is amended to read:

109.21 Subd. 2. **Possession and other crimes.** A person is guilty of controlled substance crime
109.22 in the fifth degree and upon conviction may be sentenced as provided in subdivision 4 if:

109.23 (1) the person unlawfully possesses one or more mixtures containing a controlled
109.24 substance classified in Schedule I, II, III, or IV, except the nonresinous form ~~a small amount~~
109.25 of marijuana; ~~or~~

109.26 (2) the person procures, attempts to procure, possesses, or has control over a controlled
109.27 substance by any of the following means:

109.28 (i) fraud, deceit, misrepresentation, or subterfuge;

109.29 (ii) using a false name or giving false credit; or

110.1 (iii) falsely assuming the title of, or falsely representing any person to be, a manufacturer,
110.2 wholesaler, pharmacist, physician, doctor of osteopathic medicine licensed to practice
110.3 medicine, dentist, podiatrist, veterinarian, or other authorized person for the purpose of
110.4 obtaining a controlled substance; or

110.5 (3) the person unlawfully possesses a total weight of more than 250 grams of the
110.6 nonresinous form of marijuana.

110.7 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
110.8 committed on or after that date.

110.9 Sec. 4. Minnesota Statutes 2018, section 152.025, subdivision 4, is amended to read:

110.10 Subd. 4. **Penalty.** (a) A person convicted under the provisions of subdivision 2, clause
110.11 (1), who has not been previously convicted of a violation of this chapter or a similar offense
110.12 in another jurisdiction, is guilty of a gross misdemeanor if: (1) the amount of the controlled
110.13 substance possessed, other than heroin, is less than 0.25 grams or one dosage unit or less if
110.14 the controlled substance was possessed in dosage units; or (2) the controlled substance
110.15 possessed is heroin and the amount possessed is less than 0.05 grams.

110.16 (b) A person convicted under the provisions of subdivision 1; subdivision 2, clause (1),
110.17 unless the conduct is described in paragraph (a); or subdivision 2, clause (2) or (3), may be
110.18 sentenced to imprisonment for not more than five years or to payment of a fine of not more
110.19 than \$10,000, or both.

110.20 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
110.21 committed on or after that date.

110.22 Sec. 5. **[152.0251] NONFELONY CONTROLLED SUBSTANCE OFFENSES;**
110.23 **MARIJUANA.**

110.24 Subdivision 1. Sale crimes. Except as provided in subdivision 5, a person is guilty of a
110.25 crime if on one or more occasions within a 90-day period the person unlawfully sells:

110.26 (1) a total weight of more than ten grams but not more than 42.5 grams of the nonresinous
110.27 form of marijuana; or

110.28 (2) a total weight of ten grams or less of the nonresinous form of marijuana, except a
110.29 small amount of marijuana for no remuneration.

110.30 Subd. 2. Possession crimes. A person is guilty of a crime if the person unlawfully
110.31 possesses:

111.1 (1) a total weight of more than 100 grams but not more than 250 grams of the nonresinous
111.2 form of marijuana; or

111.3 (2) a total weight of more than 42.5 grams but not more than 100 grams of the nonresinous
111.4 form of marijuana.

111.5 Subd. 3. **Penalty.** (a) A person is guilty of a gross misdemeanor if convicted under
111.6 subdivision 1, clause (1), or subdivision 2, clause (1).

111.7 (b) A person is guilty of a misdemeanor if convicted under subdivision 1, clause (2), or
111.8 subdivision 2, clause (2).

111.9 Subd. 4. **Possession of marijuana in a motor vehicle.** A person is guilty of a
111.10 misdemeanor if the person is the owner of a private motor vehicle, or is the driver of the
111.11 motor vehicle if the owner is not present, and possesses on the person, or knowingly keeps
111.12 or allows to be kept within the area of the vehicle normally occupied by the driver or
111.13 passengers, more than five grams of marijuana. This area of the vehicle does not include
111.14 the trunk of the motor vehicle if the vehicle is equipped with a trunk or another area of the
111.15 vehicle not normally occupied by the driver or passengers if the vehicle is not equipped
111.16 with a trunk. A utility or glove compartment is deemed to be within the area occupied by
111.17 the driver and passengers.

111.18 Subd. 5. **Petty misdemeanors.** A person who does any of the following is guilty of a
111.19 petty misdemeanor:

111.20 (1) unlawfully sells a small amount of marijuana for no remuneration; or

111.21 (2) unlawfully possesses a small amount of marijuana.

111.22 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
111.23 committed on or after that date.

111.24 Sec. 6. Minnesota Statutes 2018, section 152.0275, is amended to read:

111.25 **152.0275 CERTAIN CONTROLLED SUBSTANCE OFFENSES; RESTITUTION;**
111.26 **PROHIBITIONS ON PROPERTY USE; NOTICE PROVISIONS.**

111.27 Subdivision 1. **Restitution.** (a) As used in this subdivision:

111.28 (1) "clandestine lab site" means any structure or conveyance or outdoor location occupied
111.29 or affected by conditions or chemicals typically associated with the manufacturing of
111.30 methamphetamine or dimethyltryptamine;

112.1 (2) "emergency response" includes, but is not limited to, removing and collecting
112.2 evidence, securing the site, removal, remediation, and hazardous chemical assessment or
112.3 inspection of the site where the relevant offense or offenses took place, regardless of whether
112.4 these actions are performed by the public entities themselves or by private contractors paid
112.5 by the public entities, or the property owner;

112.6 (3) "remediation" means proper cleanup, treatment, or containment of hazardous
112.7 substances ~~or~~ methamphetamine, or dimethyltryptamine at or in a clandestine lab site, and
112.8 may include demolition or disposal of structures or other property when an assessment so
112.9 indicates; and

112.10 (4) "removal" means the removal from the clandestine lab site of precursor or waste
112.11 chemicals, chemical containers, or equipment associated with the manufacture, packaging,
112.12 or storage of illegal drugs.

112.13 (b) A court may require a person convicted of manufacturing or attempting to manufacture
112.14 a controlled substance or of an illegal activity involving a precursor substance, where the
112.15 response to the crime involved an emergency response, to pay restitution to all public entities
112.16 that participated in the response. The restitution ordered may cover the reasonable costs of
112.17 their participation in the response.

112.18 (c) In addition to the restitution authorized in paragraph (b), a court may require a person
112.19 convicted of manufacturing or attempting to manufacture a controlled substance or of illegal
112.20 activity involving a precursor substance to pay restitution to a property owner who incurred
112.21 removal or remediation costs because of the crime.

112.22 **Subd. 2. Property-related prohibitions; notice; website.** (a) As used in this subdivision:

112.23 (1) "clandestine lab site" has the meaning given in subdivision 1, paragraph (a);

112.24 (2) "property" means publicly or privately owned real property including buildings and
112.25 other structures, motor vehicles as defined in section 609.487, subdivision 2a, public waters,
112.26 and public rights-of-way;

112.27 (3) "remediation" has the meaning given in subdivision 1, paragraph (a); and

112.28 (4) "removal" has the meaning given in subdivision 1, paragraph (a).

112.29 (b) A peace officer who arrests a person at a clandestine lab site shall notify the
112.30 appropriate county or local health department, state duty officer, and child protection services
112.31 of the arrest and the location of the site.

113.1 (c) A county or local health department or sheriff shall order that any property or portion
113.2 of a property that has been found to be a clandestine lab site and contaminated by substances,
113.3 chemicals, or items of any kind used in the manufacture of methamphetamine or
113.4 dimethyltryptamine or any part of the manufacturing process, or the by-products or degradates
113.5 of manufacturing methamphetamine or dimethyltryptamine be prohibited from being
113.6 occupied or used until it has been assessed and remediated as provided in the Department
113.7 of Health's clandestine drug labs general cleanup guidelines. The remediation shall be
113.8 accomplished by a contractor who will make the verification required under paragraph (e).

113.9 (d) Unless clearly inapplicable, the procedures specified in chapter 145A and any related
113.10 rules adopted under that chapter addressing the enforcement of public health laws, the
113.11 removal and abatement of public health nuisances, and the remedies available to property
113.12 owners or occupants apply to this subdivision.

113.13 (e) Upon the proper removal and remediation of any property used as a clandestine lab
113.14 site, the contractor shall verify to the property owner and the applicable authority that issued
113.15 the order under paragraph (c) that the work was completed according to the Department of
113.16 Health's clandestine drug labs general cleanup guidelines and best practices. The contractor
113.17 shall provide the verification to the property owner and the applicable authority within five
113.18 days from the completion of the remediation. Following this, the applicable authority shall
113.19 vacate its order.

113.20 (f) If a contractor issues a verification and the property was not remediated according
113.21 to the Department of Health's clandestine drug labs general cleanup guidelines, the contractor
113.22 is liable to the property owner for the additional costs relating to the proper remediation of
113.23 the property according to the guidelines and for reasonable attorney fees for collection of
113.24 costs by the property owner. An action under this paragraph must be commenced within
113.25 six years from the date on which the verification was issued by the contractor.

113.26 (g) If the applicable authority determines under paragraph (c) that a motor vehicle has
113.27 been contaminated by substances, chemicals, or items of any kind used in the manufacture
113.28 of methamphetamine or dimethyltryptamine or any part of the manufacturing process, or
113.29 the by-products or degradates of manufacturing methamphetamine or dimethyltryptamine
113.30 and if the authority is able to obtain the certificate of title for the motor vehicle, the authority
113.31 shall notify the registrar of motor vehicles of this fact and in addition, forward the certificate
113.32 of title to the registrar. The authority shall also notify the registrar when it vacates its order
113.33 under paragraph (e).

114.1 (h) The applicable authority issuing an order under paragraph (c) shall record with the
114.2 county recorder or registrar of titles of the county where the clandestine lab is located an
114.3 affidavit containing the name of the owner, a legal description of the property where the
114.4 clandestine lab was located, and a map drawn from available information showing the
114.5 boundary of the property and the location of the contaminated area on the property that is
114.6 prohibited from being occupied or used that discloses to any potential transferee:

114.7 (1) that the property, or portion of the property, was the site of a clandestine lab;

114.8 (2) the location, condition, and circumstances of the clandestine lab, to the full extent
114.9 known or reasonably ascertainable; and

114.10 (3) that the use of the property or some portion of it may be restricted as provided by
114.11 paragraph (c).

114.12 If an inaccurate drawing or description is filed, the authority, on request of the owner
114.13 or another interested person, shall file a supplemental affidavit with a corrected drawing or
114.14 description.

114.15 If the authority vacates its order under paragraph (e), the authority shall record an affidavit
114.16 that contains the recording information of the above affidavit and states that the order is
114.17 vacated. Upon filing the affidavit vacating the order, the affidavit and the affidavit filed
114.18 under this paragraph, together with the information set forth in the affidavits, cease to
114.19 constitute either actual or constructive notice.

114.20 (i) If proper removal and remediation has occurred on the property, an interested party
114.21 may record an affidavit indicating that this has occurred. Upon filing the affidavit described
114.22 in this paragraph, the affidavit and the affidavit filed under paragraph (h), together with the
114.23 information set forth in the affidavits, cease to constitute either actual or constructive notice.
114.24 Failure to record an affidavit under this section does not affect or prevent any transfer of
114.25 ownership of the property.

114.26 (j) The county recorder or registrar of titles must record all affidavits presented under
114.27 paragraph (h) or (i) in a manner that ensures their disclosure in the ordinary course of a title
114.28 search of the subject property.

114.29 (k) The commissioner of health shall post on the Internet contact information for each
114.30 local community health services administrator.

114.31 (l) Each local community health services administrator shall maintain information related
114.32 to property within the administrator's jurisdiction that is currently or was previously subject
114.33 to an order issued under paragraph (c). The information maintained must include the name

115.1 of the owner, the location of the property, the extent of the contamination, the status of the
115.2 removal and remediation work on the property, and whether the order has been vacated.
115.3 The administrator shall make this information available to the public either upon request
115.4 or by other means.

115.5 (m) Before signing an agreement to sell or transfer real property, the seller or transferor
115.6 must disclose in writing to the buyer or transferee if, to the seller's or transferor's knowledge,
115.7 methamphetamine production has occurred on the property. If methamphetamine or
115.8 dimethyltryptamine production has occurred on the property, the disclosure shall include a
115.9 statement to the buyer or transferee informing the buyer or transferee:

115.10 (1) whether an order has been issued on the property as described in paragraph (c);

115.11 (2) whether any orders issued against the property under paragraph (c) have been vacated
115.12 under paragraph (j); or

115.13 (3) if there was no order issued against the property and the seller or transferor is aware
115.14 that methamphetamine or dimethyltryptamine production has occurred on the property, the
115.15 status of removal and remediation on the property.

115.16 (n) Unless the buyer or transferee and seller or transferor agree to the contrary in writing
115.17 before the closing of the sale, a seller or transferor who fails to disclose, to the best of their
115.18 knowledge, at the time of sale any of the facts required, and who knew or had reason to
115.19 know of methamphetamine or dimethyltryptamine production on the property, is liable to
115.20 the buyer or transferee for:

115.21 (1) costs relating to remediation of the property according to the Department of Health's
115.22 clandestine drug labs general cleanup guidelines and best practices; and

115.23 (2) reasonable attorney fees for collection of costs from the seller or transferor.

115.24 An action under this paragraph must be commenced within six years after the date on which
115.25 the buyer or transferee closed the purchase or transfer of the real property where the
115.26 methamphetamine or dimethyltryptamine production occurred.

115.27 (o) This section preempts all local ordinances relating to the sale or transfer of real
115.28 property designated as a clandestine lab site.

115.29 Sec. 7. Minnesota Statutes 2018, section 152.18, subdivision 1, is amended to read:

115.30 Subdivision 1. **Deferring prosecution for certain first time drug offenders.** (a) A
115.31 court may defer prosecution as provided in paragraph (c) for any person found guilty, after
115.32 trial or upon a plea of guilty, of a violation of section 152.023, subdivision 2, 152.024,

116.1 subdivision 2, 152.025, subdivision 2, 152.0251, subdivision 2, 4, or 5, or 152.027,
116.2 subdivision 2,~~3,4~~, or 6, paragraph (d), for possession of a controlled substance, who:

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

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

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

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

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

116.14 (2) has not previously been convicted of a felony offense under any state or federal law
116.15 or of a gross misdemeanor under section 152.025 or 152.0251.

116.16 (c) In granting relief under this section, the court shall, without entering a judgment of
116.17 guilty and with the consent of the person, defer further proceedings and place the person
116.18 on probation upon such reasonable conditions as it may require and for a period, not to
116.19 exceed the maximum sentence provided for the violation. The court may give the person
116.20 the opportunity to attend and participate in an appropriate program of education regarding
116.21 the nature and effects of alcohol and drug abuse as a stipulation of probation. Upon violation
116.22 of a condition of the probation, the court may enter an adjudication of guilt and proceed as
116.23 otherwise provided. The court may, in its discretion, dismiss the proceedings against the
116.24 person and discharge the person from probation before the expiration of the maximum
116.25 period prescribed for the person's probation. If during the period of probation the person
116.26 does not violate any of the conditions of the probation, then upon expiration of the period
116.27 the court shall discharge the person and dismiss the proceedings against that person.

116.28 Discharge and dismissal under this subdivision shall be without court adjudication of guilt,
116.29 but a not public record of it shall be retained by the Bureau of Criminal Apprehension for
116.30 the purpose of use by the courts in determining the merits of subsequent proceedings against
116.31 the person. The not public record may also be opened only upon court order for purposes
116.32 of a criminal investigation, prosecution, or sentencing. Upon request by law enforcement,
116.33 prosecution, or corrections authorities, the bureau shall notify the requesting party of the
116.34 existence of the not public record and the right to seek a court order to open it pursuant to

117.1 this section. The court shall forward a record of any discharge and dismissal under this
117.2 subdivision to the bureau which shall make and maintain the not public record of it as
117.3 provided under this subdivision. The discharge or dismissal shall not be deemed a conviction
117.4 for purposes of disqualifications or disabilities imposed by law upon conviction of a crime
117.5 or for any other purpose.

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

117.8 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
117.9 committed on or after that date.

117.10 Sec. 8. **[152.185] POSSESSION OR SALE OF CANNABIDIOL.**

117.11 (a) Cannabidiol (CBD) that is derived from industrial hemp as defined in section 18K.02,
117.12 subdivision 3, is not a controlled substance.

117.13 (b) A person does not violate this chapter simply by possessing or selling CBD as
117.14 described in paragraph (a).

117.15 (c) Paragraph (b) does not prevent a person from being charged with or convicted of a
117.16 violation of this chapter or any other crime if the person's conduct is criminalized elsewhere.

117.17 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to acts
117.18 committed on or after that date.

117.19 Sec. 9. Minnesota Statutes 2018, section 446A.083, subdivision 2, is amended to read:

117.20 Subd. 2. **Account established.** The authority shall establish a methamphetamine and
117.21 dimethyltryptamine laboratory cleanup revolving account in the public facility authority
117.22 fund to provide loans to counties and cities to remediate clandestine lab sites. The account
117.23 must be credited with repayments.

117.24 Sec. 10. **CANNABIS TASK FORCE.**

117.25 Subdivision 1. **Establishment; purpose.** (a) The Cannabis Task Force is established to
117.26 advise the legislature on the legal and policy issues associated with the legalization, taxation,
117.27 and regulation of cannabis production, sale, and use by those 21 years of age or older in the
117.28 state.

117.29 (b) It is not the purpose of this task force to provide a recommendation on whether or
117.30 not to legalize cannabis. The purpose of this task force is to gather facts and report them to
117.31 the legislature.

- 118.1 Subd. 2. **Membership.** (a) The Cannabis Task Force consists of:
- 118.2 (1) two senators appointed by the president of the senate;
- 118.3 (2) two senators appointed by the minority leader of the senate;
- 118.4 (3) two members of the house of representatives appointed by the speaker of the house;
- 118.5 (4) two members of the house of representatives appointed by the minority leader of the
- 118.6 house of representatives;
- 118.7 (5) the commissioner of agriculture or a designee;
- 118.8 (6) the commissioner of health or a designee;
- 118.9 (7) the commissioner of public safety or a designee;
- 118.10 (8) the attorney general or a designee;
- 118.11 (9) the state public defender or a designee;
- 118.12 (10) the commissioner of revenue or a designee;
- 118.13 (11) the commissioner of human services or a designee;
- 118.14 (12) the commissioner of commerce or a designee;
- 118.15 (13) eight members appointed by the governor who have relevant knowledge and
- 118.16 experience, including:
- 118.17 (i) one person with experience working in the medical cannabis industry;
- 118.18 (ii) one person with expertise in the treatment of substance abuse disorder;
- 118.19 (iii) one medical cannabis patient;
- 118.20 (iv) one person directly involved in the cultivation and distribution of medical cannabis
- 118.21 in Minnesota;
- 118.22 (v) one person with experience working in public health policy;
- 118.23 (vi) two persons from separate noncannabis industry organizations who advocate for
- 118.24 cannabis legalization;
- 118.25 (vii) one person convicted of a nonfelony drug-related offense; and
- 118.26 (viii) one person with expertise on business liability, such as work hazards, insurance,
- 118.27 human resources, and employee rights, arising from employees working after the use of
- 118.28 legal recreational marijuana;

119.1 (14) one person who is an elected official in a statutory or home rule charter city appointed
119.2 by the League of Minnesota Cities;

119.3 (15) one medical doctor appointed by the Board of Medical Practice;

119.4 (16) one person who is an elected county official or administrator appointed by the
119.5 Association of Minnesota Counties;

119.6 (17) one person who is a defense attorney appointed by the Minnesota Association of
119.7 Criminal Defense Lawyers;

119.8 (18) one person who is a county attorney appointed by the Minnesota County Attorneys
119.9 Association;

119.10 (19) one person who is a sheriff appointed by the Minnesota Sheriff's Association;

119.11 (20) one person who is a chief of police appointed by the Minnesota Chiefs of Police
119.12 Association; and

119.13 (21) one rank and file peace officer appointed by the Minnesota Police and Peace Officers
119.14 Association.

119.15 (b) Members shall serve without compensation.

119.16 Subd. 3. **Organization.** (a) The commissioner of public safety or the commissioner's
119.17 designee shall convene the first meeting of the task force. Meetings of the task force are
119.18 subject to Minnesota Statutes, chapter 13D.

119.19 (b) The task force shall meet monthly or as determined by the chair.

119.20 (c) The members of the task force shall elect a chair and other officers as the members
119.21 deem necessary.

119.22 (d) A majority of members constitutes a quorum.

119.23 Subd. 4. **Staff.** The commissioner of public safety shall provide support staff, office
119.24 space, and administrative services for the task force.

119.25 Subd. 5. **Duties.** (a) The task force shall:

119.26 (1) identify and study the potential effects of cannabis legalization including but not
119.27 limited to impacts on public safety, public health, tax policy, and regulatory oversight; and

119.28 (2) consult with experts and government officials involved with the legalization of
119.29 cannabis in other states.

119.30 (b) The task force shall develop a comprehensive plan that covers:

- 120.1 (1) statutory changes necessary for the legalization of cannabis;
- 120.2 (2) taxation of cannabis sales and appropriate dedicated uses for the tax revenue raised;
- 120.3 (3) state and local regulation of cannabis growth, processing, transport, packaging,
- 120.4 labeling, sale, possession, and use, and the governing body that would enforce the regulation;
- 120.5 (4) federal law, policy, and regulation of cannabis;
- 120.6 (5) education of the public on scientific knowledge of the effects of cannabis, especially
- 120.7 with regards to use by minors;
- 120.8 (6) funding for, and provision of, treatment to persons with substance abuse disorder as
- 120.9 it relates to cannabis;
- 120.10 (7) expungement and pardon of nonviolent marijuana convictions;
- 120.11 (8) security of cannabis retail and manufacturing locations and the safe handling of
- 120.12 proceeds from cannabis sales, including banking options;
- 120.13 (9) policies that promote access to the legal cannabis market to persons from communities
- 120.14 that are disproportionately impacted by the ban on cannabis including incentives for
- 120.15 minority-owned businesses to participate in the cannabis industry;
- 120.16 (10) statutory and policy changes designed to discourage operating motor vehicles while
- 120.17 under the influence of cannabis; and
- 120.18 (11) recommendations to the legislature and others about necessary and appropriate
- 120.19 actions related to legalization of cannabis in the state.
- 120.20 Subd. 6. **Report.** By February 1, 2020, the task force shall submit a report to the chairs
- 120.21 and ranking minority members of the senate and house of representatives committees and
- 120.22 divisions having jurisdiction over public safety, health, human services, revenue, labor and
- 120.23 industry, and agriculture policy and finance that details the task force's findings regarding
- 120.24 the legalization of cannabis including the comprehensive plan developed pursuant to
- 120.25 subdivision 5.
- 120.26 Subd. 7. **Expiration.** This section expires the earlier of February 1, 2020, or the date
- 120.27 the report is submitted under subdivision 6.
- 120.28 **EFFECTIVE DATE.** This section is effective the day following final enactment.
- 120.29 Sec. 11. **REPEALER.**
- 120.30 Minnesota Statutes 2018, section 152.027, subdivisions 3 and 4, are repealed.

121.1 **EFFECTIVE DATE.** This section is effective August 1, 2019.

121.2 **ARTICLE 7**

121.3 **DWI**

121.4 Section 1. Minnesota Statutes 2018, section 84.91, subdivision 1, is amended to read:

121.5 Subdivision 1. **Acts prohibited.** (a) No owner or other person having charge or control
121.6 of any snowmobile or all-terrain vehicle shall authorize or permit any individual the person
121.7 knows or has reason to believe is under the influence of alcohol or a controlled substance
121.8 or other substance to operate the snowmobile or all-terrain vehicle anywhere in this state
121.9 or on the ice of any boundary water of this state.

121.10 (b) No owner or other person having charge or control of any snowmobile or all-terrain
121.11 vehicle shall knowingly authorize or permit any person, who by reason of any physical or
121.12 mental disability is incapable of operating the vehicle, to operate the snowmobile or all-terrain
121.13 vehicle anywhere in this state or on the ice of any boundary water of this state.

121.14 (c) A person who operates or is in physical control of a snowmobile or all-terrain vehicle
121.15 anywhere in this state or on the ice of any boundary water of this state is subject to chapter
121.16 169A. In addition to the applicable sanctions under chapter 169A, a person who is convicted
121.17 of violating section 169A.20 or an ordinance in conformity with it, or who refuses to comply
121.18 with a lawful request to submit to testing or fails a test lawfully administered under sections
121.19 169A.50 to 169A.53 or 171.177, or an ordinance in conformity with ~~it~~ any of these sections,
121.20 ~~shall be~~ is prohibited from operating a snowmobile or all-terrain vehicle for a ~~period of~~ one
121.21 year. The commissioner shall notify the person of the ~~time~~ period during which the person
121.22 is prohibited from operating a snowmobile or all-terrain vehicle.

121.23 (d) Administrative and judicial review of the operating privileges prohibition is governed
121.24 by section 169A.53 or 171.177.

121.25 (e) The court shall promptly forward to the commissioner and the Department of Public
121.26 Safety copies of all convictions and criminal and civil sanctions imposed under:

121.27 (1) this section;

121.28 (2) chapter 169 relating to snowmobiles and all-terrain vehicles;

121.29 (3) chapter 169A; and

121.30 (4) section 171.177.

122.1 (f) A person who violates paragraph (a) or (b), or an ordinance in conformity with either
122.2 of them, is guilty of a misdemeanor. A person who operates a snowmobile or all-terrain
122.3 vehicle during the time period the person is prohibited from operating a vehicle under
122.4 paragraph (c) is guilty of a misdemeanor.

122.5 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
122.6 committed on or after that date.

122.7 Sec. 2. Minnesota Statutes 2018, section 86B.331, subdivision 1, is amended to read:

122.8 Subdivision 1. **Acts prohibited.** (a) An owner or other person having charge or control
122.9 of a motorboat may not authorize or allow an individual the person knows or has reason to
122.10 believe is under the influence of alcohol or a controlled or other substance to operate the
122.11 motorboat in operation on the waters of this state.

122.12 (b) An owner or other person having charge or control of a motorboat may not knowingly
122.13 authorize or allow a person, who by reason of a physical or mental disability is incapable
122.14 of operating the motorboat, to operate the motorboat in operation on the waters of this state.

122.15 (c) A person who operates or is in physical control of a motorboat on the waters of this
122.16 state is subject to chapter 169A. In addition to the applicable sanctions under chapter 169A,
122.17 a person who is convicted of violating section 169A.20 or an ordinance in conformity with
122.18 it, or who fails a test lawfully administered under sections 169A.50 to 169A.53 or 171.177,
122.19 or an ordinance in conformity with ~~it~~ any of these sections, ~~shall be~~ is prohibited from
122.20 operating a motorboat on the waters of this state for ~~a period of~~ 90 days between May 1 and
122.21 October 31, extending over two consecutive years if necessary. If the person refuses to
122.22 comply with a lawful demand to submit to testing under sections 169A.50 to 169A.53 or
122.23 171.177, or an ordinance in conformity with ~~it~~ any of these sections, the person ~~shall be~~ is
122.24 prohibited from operating a motorboat for ~~a period of~~ one year. The commissioner shall
122.25 notify the person of the period during which the person is prohibited from operating a
122.26 motorboat.

122.27 (d) Administrative and judicial review of the operating privileges prohibition is governed
122.28 by section 169A.53 or 171.177.

122.29 (e) The court shall promptly forward to the commissioner and the Department of Public
122.30 Safety copies of all convictions and criminal and civil sanctions imposed under: (1) this
122.31 section; (2) chapter 169 relating to motorboats; (3) chapter 169A; and (4) section 171.177.

122.32 (f) A person who violates paragraph (a) or (b), or an ordinance in conformity with either
122.33 of them, is guilty of a misdemeanor.

123.1 (g) For purposes of this subdivision, a motorboat "in operation" does not include a
123.2 motorboat that is anchored, beached, or securely fastened to a dock or other permanent
123.3 mooring, or a motorboat that is being rowed or propelled by other than mechanical means.

123.4 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
123.5 committed on or after that date.

123.6 Sec. 3. Minnesota Statutes 2018, section 169A.03, subdivision 18, is amended to read:

123.7 Subd. 18. **Peace officer.** "Peace officer" means:

123.8 (1) a State Patrol officer;

123.9 (2) a University of Minnesota peace officer;

123.10 (3) a police officer of any municipality, including towns having powers under section
123.11 368.01, or county; and

123.12 (4) ~~for purposes of violations of this chapter in or on an off-road recreational vehicle or~~
123.13 ~~motorboat, or for violations of section 97B.065 or 97B.066,~~ a state conservation officer.

123.14 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
123.15 committed on or after that date.

123.16 Sec. 4. Minnesota Statutes 2018, section 169A.37, subdivision 1, is amended to read:

123.17 Subdivision 1. **Crime described.** It is a crime for a person:

123.18 (1) to fail to comply with an impoundment order under section 169A.60 (administrative
123.19 plate impoundment);

123.20 (2) to file a false statement under section 169A.60, subdivision 7, 8, or 14;

123.21 (3) to operate a self-propelled motor vehicle on a street or highway when the vehicle is
123.22 subject to an impoundment order issued under section 169A.60, unless specially coded
123.23 plates have been issued for the vehicle pursuant to section 169A.60, subdivision 13;

123.24 (4) to fail to notify the commissioner of the impoundment order when requesting new
123.25 plates;

123.26 (5) who is subject to a plate impoundment order under section 169A.60, to drive, operate,
123.27 or be in control of any motor vehicle during the impoundment period, unless the vehicle is
123.28 employer-owned and is not required to be equipped with an ignition interlock device pursuant
123.29 to section 171.306, subdivision 4, paragraph (b), or Laws 2013, chapter 127, section 70, or

124.1 has specially coded plates issued pursuant to section 169A.60, subdivision 13, and the person
124.2 is validly licensed to drive; ~~or~~

124.3 (6) who is the transferee of a motor vehicle and who has signed a sworn statement under
124.4 section 169A.60, subdivision 14, to allow the previously registered owner to drive, operate,
124.5 or be in control of the vehicle during the impoundment period; or

124.6 (7) to intentionally remove all or a portion of or to otherwise obliterate or damage a
124.7 permanent sticker affixed on and invalidating a registration plate under section 169A.60,
124.8 subdivision 4.

124.9 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
124.10 committed on or after that date.

124.11 Sec. 5. Minnesota Statutes 2018, section 169A.55, subdivision 2, is amended to read:

124.12 Subd. 2. **Reinstatement of driving privileges; notice.** Upon expiration of a period of
124.13 revocation under section 169A.52 (license revocation for test failure or refusal), 169A.54
124.14 (impaired driving convictions and adjudications; administrative penalties), or 171.177
124.15 (revocation; search warrant), the commissioner shall notify the person of the terms upon
124.16 which driving privileges can be reinstated, and new registration plates issued, which terms
124.17 are: (1) ~~successful completion of an examination and~~ proof of compliance with any terms
124.18 of alcohol treatment or counseling previously prescribed, if any; and (2) any other
124.19 requirements imposed by the commissioner and applicable to that particular case. The
124.20 commissioner shall notify the owner of a motor vehicle subject to an impoundment order
124.21 under section 169A.60 (administrative impoundment of plates) as a result of the violation
124.22 of the procedures for obtaining new registration plates, if the owner is not the violator. The
124.23 commissioner shall also notify the person that if driving is resumed without reinstatement
124.24 of driving privileges or without valid registration plates and registration certificate, the
124.25 person will be subject to criminal penalties.

124.26 Sec. 6. Minnesota Statutes 2018, section 169A.60, subdivision 4, is amended to read:

124.27 Subd. 4. **Peace officer as agent for notice of impoundment.** On behalf of the
124.28 commissioner, a peace officer issuing a notice of intent to revoke and of revocation for a
124.29 plate impoundment violation shall also serve a notice of intent to impound and an order of
124.30 impoundment. On behalf of the commissioner, a peace officer who is arresting a person for
124.31 or charging a person with a plate impoundment violation described in subdivision 1,
124.32 paragraph (d), clause (5), shall also serve a notice of intent to impound and an order of
124.33 impoundment. If the vehicle involved in the plate impoundment violation is accessible to

125.1 the officer at the time the impoundment order is issued, the officer shall seize the registration
125.2 plates subject to the impoundment order. The officer shall destroy all plates seized or
125.3 impounded under this section. Alternatively, the officer may invalidate the plates by affixing
125.4 a permanent sticker on them. The officer shall send to the commissioner copies of the notice
125.5 of intent to impound and the order of impoundment and a notice that registration plates
125.6 impounded and seized under this section have been destroyed or have been affixed with the
125.7 permanent sticker.

125.8 Sec. 7. Minnesota Statutes 2018, section 169A.60, subdivision 5, is amended to read:

125.9 Subd. 5. **Temporary permit.** If the motor vehicle is registered to the violator and the
125.10 plate impoundment violation is predicated on the results of a chemical test of the violator's
125.11 breath or on a refusal to submit to a chemical test, the officer shall issue a temporary vehicle
125.12 permit that is valid for ~~seven~~ 14 days when the officer issues the notices under subdivision
125.13 4. The temporary permit is valid for 45 days if the violator submits to a chemical test of
125.14 the violator's blood or urine. If the motor vehicle is registered in the name of another, the
125.15 officer shall issue a temporary vehicle permit that is valid for 45 days when the notices are
125.16 issued under subdivision 3. The permit must be in a form determined by the registrar and
125.17 whenever practicable must be posted on the left side of the inside rear window of the vehicle.
125.18 A permit is valid only for the vehicle for which it is issued.

125.19 Sec. 8. Minnesota Statutes 2018, section 169A.60, subdivision 8, is amended to read:

125.20 Subd. 8. **Reissuance of registration plates.** (a) The commissioner shall rescind the
125.21 impoundment order of a person subject to an order under this section, other than the violator,
125.22 if:

125.23 (1) the violator had a valid driver's license on the date of the plate impoundment violation
125.24 and the person files with the commissioner an acceptable sworn statement containing the
125.25 following information:

125.26 (i) that the person is the registered owner of the vehicle from which the plates have been
125.27 impounded under this section;

125.28 (ii) that the person is the current owner and possessor of the vehicle used in the violation;

125.29 (iii) the date on which the violator obtained the vehicle from the registered owner;

125.30 (iv) the residence addresses of the registered owner and the violator on the date the
125.31 violator obtained the vehicle from the registered owner;

126.1 (v) that the person was not a passenger in the vehicle at the time of the plate impoundment
126.2 violation; and

126.3 (vi) that the person knows that the violator may not drive, operate, or be in physical
126.4 control of a vehicle without a valid driver's license; or

126.5 (2) the violator did not have a valid driver's license on the date of the plate impoundment
126.6 violation and the person made a report to law enforcement before the violation stating that
126.7 the vehicle had been taken from the person's possession or was being used without
126.8 permission.

126.9 (b) A person who has failed to make a report as provided in paragraph (a), clause (2),
126.10 may be issued special registration plates under subdivision 13 for a period of one year from
126.11 the effective date of the impoundment order. Following this period, the person may apply
126.12 for regular registration plates.

126.13 (c) If the order is rescinded, the owner shall receive new registration plates at no cost,
126.14 if the plates were seized and destroyed or have been affixed with a permanent sticker.

126.15 Sec. 9. Minnesota Statutes 2018, section 169A.63, is amended by adding a subdivision to
126.16 read:

126.17 Subd. 13. **Exception.** (a) This section does not apply if the driver who committed the
126.18 designated offense or whose conduct resulted in the designated license revocation becomes
126.19 a program participant in the ignition interlock program under section 171.306 within 60
126.20 days following service of the Notice of Seizure and Intent to Forfeit under this section.

126.21 (b) Notwithstanding paragraph (a), if the program participant described in paragraph (a)
126.22 subsequently operates the motor vehicle to commit a designated offense or in a manner that
126.23 results in a designated license revocation, the vehicle must be seized and summarily forfeited.

126.24 (c) Notwithstanding paragraph (a), if the program participant described in paragraph (a)
126.25 either voluntarily or involuntarily ceases to participate in the program, or fails to successfully
126.26 complete it, the vehicle used in the underlying designated offense must be seized and
126.27 summarily forfeited.

126.28 (d) Paragraph (b) applies only if the described subsequent vehicle operation occurs
126.29 before the participant has been restored to full driving privileges or within three years of
126.30 the original designated offense or designated license revocation, whichever occurs latest.

126.31 **EFFECTIVE DATE.** This section is effective August 1, 2019.

127.1 Sec. 10. Minnesota Statutes 2018, section 171.29, subdivision 1, is amended to read:

127.2 Subdivision 1. **Examination required.** (a) No person whose driver's license has been
127.3 revoked by reason of conviction, plea of guilty, or forfeiture of bail not vacated, under
127.4 section 169.791, 169.797, 171.17, or 171.172, or revoked under section 169.792, 169A.52,
127.5 or 171.177 shall be issued another license unless and until that person shall have successfully
127.6 passed an examination as required by the commissioner of public safety. This subdivision
127.7 does not apply to an applicant for early reinstatement under section 169.792, subdivision
127.8 7a.

127.9 (b) The requirement to successfully pass the examination described in paragraph (a)
127.10 does not apply to a person whose driver's license has been revoked because of an impaired
127.11 driving offense.

127.12 Sec. 11. **DWI STUDY; MEASUREMENT OF CONTROLLED SUBSTANCES.**

127.13 (a) The commissioner of public safety, in consultation with stakeholders and experts,
127.14 shall study and report on the use of screening tests that measure the marijuana or
127.15 tetrahydrocannabinols level of a person stopped or arrested for driving while impaired. The
127.16 commissioner shall also study the threshold measurement level for the legal impairment of
127.17 persons who are driving under the influence of marijuana or tetrahydrocannabinols. The
127.18 study must include the identification, review, and evaluation of:

127.19 (1) marijuana or tetrahydrocannabinols screening tests, including at a minimum oral
127.20 fluid roadside tests;

127.21 (2) the measured amount of marijuana or tetrahydrocannabinols in a driver's blood or
127.22 urine that is the legal threshold for impairment of the driver;

127.23 (3) the practices and laws in other states for drug screening tests and measurement of
127.24 marijuana or tetrahydrocannabinols in persons suspected of driving while impaired by
127.25 controlled substances; and

127.26 (4) any other necessary information relating to the measurement of marijuana or
127.27 tetrahydrocannabinols in persons who are suspected of driving under the influence of a
127.28 controlled substance.

127.29 (b) The commissioner shall submit a report of its study by March 15, 2020, to the chairs
127.30 and ranking minority members of the legislative committees and divisions with jurisdiction
127.31 over public safety.

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

ARTICLE 8

VEHICLE OPERATIONS

128.1
128.2

128.3 Section 1. Minnesota Statutes 2018, section 169.92, subdivision 4, is amended to read:

128.4 Subd. 4. **Suspension of driver's license.** (a) Upon receiving a report from the court, or
128.5 from the driver licensing authority of a state, district, territory, or possession of the United
128.6 States or a province of a foreign country which has an agreement in effect with this state
128.7 pursuant to section 169.91, that a resident of this state or a person licensed as a driver in
128.8 this state did not appear in court in compliance with the terms of a citation, the commissioner
128.9 of public safety shall notify the driver that the driver's license will be suspended unless the
128.10 commissioner receives notice within 30 days that the driver has appeared in the appropriate
128.11 court ~~or, if the offense is a petty misdemeanor for which a guilty plea was entered under~~
128.12 ~~section 609.491, that the person has paid any fine imposed by the court.~~ If the commissioner
128.13 does not receive notice of the appearance in the appropriate court or payment of the fine
128.14 within 30 days of the date of the commissioner's notice to the driver, the commissioner may
128.15 suspend the driver's license, subject to the notice requirements of section 171.18, subdivision
128.16 2. Notwithstanding the requirements in this section, the commissioner is prohibited from
128.17 suspending the driver's license of a person based solely on the fact that the person did not
128.18 appear in court (1) in compliance with the terms of a citation for a petty misdemeanor, or
128.19 (2) for a violation of section 171.24, subdivision 1.

128.20 (b) The order of suspension shall indicate the reason for the order and shall notify the
128.21 driver that the driver's license ~~shall remain~~ remains suspended until the driver has furnished
128.22 evidence, satisfactory to the commissioner, of compliance with any order entered by the
128.23 court.

128.24 (c) Suspension shall be ordered under this subdivision only when the report clearly
128.25 identifies the person arrested; describes the violation, specifying the section of the traffic
128.26 law, ordinance or rule violated; indicates the location and date of the offense; and describes
128.27 the vehicle involved and its registration number.

128.28 Sec. 2. Minnesota Statutes 2018, section 171.16, subdivision 2, is amended to read:

128.29 Subd. 2. **Commissioner shall suspend.** (a) The court may recommend the suspension
128.30 of the driver's license of the person so convicted, and the commissioner shall suspend such
128.31 license as recommended by the court, without a hearing ~~as provided herein.~~

128.32 (b) The commissioner is prohibited from suspending a person's driver's license if the
128.33 person was convicted only under section 171.24, subdivision 1 or 2.

129.1 Sec. 3. Minnesota Statutes 2018, section 171.16, subdivision 3, is amended to read:

129.2 Subd. 3. ~~Subd. 3. **Suspension for Failure to pay fine.** When any court reports to~~ The
129.3 commissioner must not suspend a person's driver's license based solely on the fact that a
129.4 person: (1) has been convicted of violating a law of this state or an ordinance of a political
129.5 subdivision which regulates the operation or parking of motor vehicles, (2) has been
129.6 sentenced to the payment of a fine or had a surcharge levied against that person, or sentenced
129.7 to a fine upon which a surcharge was levied, and (3) has refused or failed to comply with
129.8 that sentence or to pay the surcharge, ~~notwithstanding the fact that the court has determined~~
129.9 ~~that the person has the ability to pay the fine or surcharge, the commissioner shall suspend~~
129.10 ~~the driver's license of such person for 30 days for a refusal or failure to pay or until notified~~
129.11 ~~by the court that the fine or surcharge, or both if a fine and surcharge were not paid, has~~
129.12 ~~been paid.~~

129.13 Sec. 4. Minnesota Statutes 2018, section 171.18, subdivision 1, is amended to read:

129.14 Subdivision 1. **Offenses.** (a) The commissioner may suspend the license of a driver
129.15 without preliminary hearing upon a showing by department records or other sufficient
129.16 evidence that the licensee:

129.17 (1) has committed an offense for which mandatory revocation of license is required upon
129.18 conviction;

129.19 (2) has been convicted by a court for violating a provision of chapter 169 or an ordinance
129.20 regulating traffic, other than a conviction for a petty misdemeanor, and department records
129.21 show that the violation contributed in causing an accident resulting in the death or personal
129.22 injury of another, or serious property damage;

129.23 (3) is an habitually reckless or negligent driver of a motor vehicle;

129.24 (4) is an habitual violator of the traffic laws;

129.25 (5) is incompetent to drive a motor vehicle as determined in a judicial proceeding;

129.26 (6) has permitted an unlawful or fraudulent use of the license;

129.27 (7) has committed an offense in another state that, if committed in this state, would be
129.28 grounds for suspension;

129.29 (8) has committed a violation of section 169.444, subdivision 2, paragraph (a), within
129.30 five years of a prior conviction under that section;

130.1 (9) has committed a violation of section 171.22, except that the commissioner may not
130.2 suspend a person's driver's license based solely on the fact that the person possessed a
130.3 fictitious or fraudulently altered Minnesota identification card;

130.4 (10) has failed to appear in court as provided in section 169.92, subdivision 4;

130.5 (11) has failed to report a medical condition that, if reported, would have resulted in
130.6 cancellation of driving privileges;

130.7 (12) has been found to have committed an offense under section 169A.33; or

130.8 (13) has paid or attempted to pay a fee required under this chapter for a license or permit
130.9 by means of a dishonored check issued to the state or a driver's license agent, which must
130.10 be continued until the registrar determines or is informed by the agent that the dishonored
130.11 check has been paid in full.

130.12 However, an action taken by the commissioner under clause (2) or (5) must conform to the
130.13 recommendation of the court when made in connection with the prosecution of the licensee.

130.14 (b) The commissioner ~~may not suspend~~ is prohibited from suspending the driver's license
130.15 of an individual under paragraph (a) who was convicted of a violation of section 171.24,
130.16 subdivision 1, ~~whose license was under suspension at the time solely because of the~~
130.17 ~~individual's failure to appear in court or failure to pay a fine or 2.~~

130.18 Sec. 5. **[171.2405] LICENSE REINSTATEMENT DIVERSION PROGRAM.**

130.19 Subdivision 1. Establishment. (a) A city or county may establish a license reinstatement
130.20 diversion program for holders of class D drivers' licenses who have been charged with
130.21 violating section 171.24, subdivision 1 or 2. An individual charged with driving after
130.22 revocation under section 171.24, subdivision 2, is eligible for diversion only if the revocation
130.23 was due to a violation of section 169.791; 169.797; 169A.52; 169A.54; 171.17, subdivision
130.24 1, paragraph (a), clause (6); or 171.177. An individual who is a holder of a commercial
130.25 driver's license or who has committed an offense in a commercial motor vehicle is not
130.26 eligible to participate in the diversion program. Nothing in this section authorizes the issuance
130.27 of a driver's license to a diversion program participant during the underlying suspension or
130.28 revocation period at issue in the violation of section 171.24, subdivision 1 or 2.

130.29 (b) Notwithstanding any law or ordinance to the contrary, a city or county may contract
130.30 with a third party to create and administer the diversion program under this section. Any
130.31 participating city or county, at its own expense, may request an audit of the administrator.

131.1 (c) For purposes of this section, "administrator" means the city, county, or administrator
131.2 of the program.

131.3 Subd. 2. **Diversion of an individual.** (a) A prosecutor for a participating city or county
131.4 may determine whether to accept an individual for diversion. When making the determination,
131.5 the prosecutor must consider:

131.6 (1) whether the individual has a record of driving without a valid license or other criminal
131.7 record, or has previously participated in a diversion program;

131.8 (2) the strength of the evidence against the individual, along with any mitigating factors;
131.9 and

131.10 (3) the apparent ability and willingness of the individual to participate in the diversion
131.11 program and comply with program requirements.

131.12 (b) A city or county attorney may request that an individual be reviewed for a diversion
131.13 program without a formal city or county diversion program being established. The city or
131.14 county attorney must follow the requirements of subdivisions 1 and 2 and may submit the
131.15 individual's application to an administrator for processing in collaboration with DVS to
131.16 determine if an individual is eligible for approval into the diversion program. The participant
131.17 must meet the requirements in subdivision 4.

131.18 (c) A judge may submit a request for an individual to apply for entry into a diversion
131.19 program under subdivisions 1 and 2. The participant must meet the requirements in
131.20 subdivision 4.

131.21 Subd. 3. **Diversion driver's license.** (a) Notwithstanding any law to the contrary, the
131.22 commissioner may issue a diversion driver's license to a person who is a participant in a
131.23 diversion program, after receiving an application and payment of:

131.24 (1) the reinstatement fee under section 171.20, subdivision 4, by a participant whose
131.25 driver's license has been suspended;

131.26 (2) the reinstatement fee under section 171.29, subdivision 2, paragraph (a), by a
131.27 participant whose driver's license has been revoked under section 169.791; 169.797; or
131.28 171.17, subdivision 1, paragraph (a), clause (6); or

131.29 (3) the reinstatement fee under section 171.29, subdivision 2, paragraph (a), by a
131.30 participant whose driver's license has been revoked under section 169A.52, 169A.54, or
131.31 171.177. The reinstatement fee and surcharge under section 171.29, subdivision 2, paragraph
131.32 (b), must also be paid during the course of and as a condition of the diversion program.

132.1 (b) The commissioner may impose restrictions on a diversion driver's license that are
132.2 suitable to the licensee's driving ability or applicable to the licensee as the commissioner
132.3 deems appropriate to ensure the safe operation of a motor vehicle by the licensee. The
132.4 participant must follow all requirements of this section, the requirements set out by DVS
132.5 and court restrictions.

132.6 (c) Payments made by participants in the diversion program of the reinstatement fee and
132.7 surcharge under section 171.29, subdivision 2, paragraph (b), must be applied first toward
132.8 payment of the reinstatement fee and, after the reinstatement fee has been fully paid, toward
132.9 payment of the surcharge. Each payment that is applied toward the reinstatement fee must
132.10 be credited as provided in section 171.29, subdivision 2, paragraph (b), and each payment
132.11 that is applied toward the surcharge must be credited as provided in section 171.29,
132.12 subdivision 2, paragraphs (c) and (d). After the reinstatement fee and surcharge are satisfied,
132.13 the participant must pay the program participation fee.

132.14 (d) Notwithstanding any law to the contrary, a diversion driver's license issued to a
132.15 participant in the program must not be revoked or suspended for convictions entered due
132.16 to payments made under subdivision 4.

132.17 Subd. 4. **Program components.** (a) At a minimum, the diversion program must require
132.18 individuals to:

132.19 (1) successfully attend and complete, at the individual's expense, educational classes
132.20 that provide, among other things, information on driver's licensure;

132.21 (2) pay to the administrator, under a schedule approved by the prosecutor, all required
132.22 related fees, fines, and charges, including applicable statutory license reinstatement fees
132.23 and costs of participation in the program;

132.24 (3) comply with all traffic laws; and

132.25 (4) demonstrate compliance with motor vehicle insurance requirements.

132.26 (b) Individuals whose underlying citations cost less than \$250 shall receive a 60 percent
132.27 discount on the diversion program fee. Individuals whose underlying citations cost \$250 to
132.28 \$500 shall receive a 40 percent discount on the diversion program fee.

132.29 Subd. 5. **Termination of participation; reinstatement of driver's license.** (a) An
132.30 individual's participation in the diversion program must be terminated if:

132.31 (1) the individual is found guilty of a moving traffic violation;

132.32 (2) the individual fails to provide proof of vehicle insurance; or

133.1 (3) the administrator of the diversion program informs the commissioner that the
133.2 individual is no longer satisfying the conditions of the diversion program.

133.3 (b) The commissioner must cancel an individual's diversion driver's license upon receiving
133.4 notice from the administrator that the individual is not complying with the requirements of
133.5 the program.

133.6 (c) The original charge against the individual of a violation of section 171.24 may be
133.7 reinstated against an individual whose participation in the diversion program terminates
133.8 under paragraph (a), clause (1) or (2).

133.9 (d) If an individual satisfies all requirements of the diversion program, including, at a
133.10 minimum, satisfactory fulfillment of the components under subdivision 4, the administrator
133.11 must inform the court, the prosecutor, and the commissioner of the individual's satisfactory
133.12 completion of the diversion program.

133.13 (e) Upon receiving notice under paragraph (d), the commissioner must reinstate the
133.14 individual's driver's license.

133.15 (f) Upon receiving notice under paragraph (d), the court must dismiss the charge or the
133.16 prosecutor must decline to prosecute the individual.

133.17 **Subd. 6. Fees held on termination of participant.** (a) Upon termination of the participant
133.18 in the program under subdivision 5, where there are any held funds and only after the
133.19 administrator has made payouts on citations and fees, the third-party administrator shall
133.20 hold remaining participant fees for 12 months from the date of termination under subdivision
133.21 5, paragraph (a), clause (1) or (2).

133.22 (b) A participant who meets DVS requirements to re-enter the diversion program may
133.23 use held funds to pay fees to be reinstated into the program.

133.24 (c) After 12 months, the administrator shall retain the funds for the work performed
133.25 during the participant's enrollment period, prior to the participant's termination date in the
133.26 diversion program.

133.27 **Subd. 7. Biennial report.** (a) By February 1 of each even-numbered year, the
133.28 administrator must report on each city and county that participated in the diversion program
133.29 and provide a report to each participating city and county, the commissioner, and the
133.30 legislative committees with jurisdiction over transportation and the judiciary concerning
133.31 the results of the program. The report must be made available electronically and, upon
133.32 request, in print. The report must include, without limitation, the effect of the program on:

133.33 (1) recidivism rates for participants in the diversion program;

- 134.1 (2) the number of participants who successfully completed the program;
- 134.2 (3) the amount charged to individuals for program fees;
- 134.3 (4) payment of the fees and fines collected in the diversion program to cities, counties,
- 134.4 and the state;
- 134.5 (5) the total amount of money collected from participants in the program;
- 134.6 (6) the total amount of money, by category, paid or applied to reinstatement;
- 134.7 (7) educational support provided to participants in the diversion program;
- 134.8 (8) the total number of participants in the diversion program;
- 134.9 (9) the total number of participants terminated from the program under subdivision 5,
- 134.10 paragraph (a), clauses (1) to (3);
- 134.11 (10) the reimbursement policy for all payments listed under clause (4); and
- 134.12 (11) the amount of all payments listed under clause (4) retained from participants who
- 134.13 were terminated from the program.
- 134.14 (b) The report must include all recommendations made by cities or counties regarding
- 134.15 the future of the program and any necessary or suggested legislative changes.
- 134.16 **EFFECTIVE DATE.** This section is effective July 1, 2019. A city or county participating
- 134.17 in the diversion program may accept an individual into the program until June 30, 2019.
- 134.18 The third party administering the diversion program may collect and disperse fees collected
- 134.19 pursuant to Minnesota Statutes, section 171.2405, subdivision 6, paragraph (a), clause (2),
- 134.20 through June 30, 2019.
- 134.21 **Sec. 6. [171.325] DRIVER'S LICENSE SUSPENSIONS AND REVOCATIONS;**
- 134.22 **REPORTS.**
- 134.23 **Subdivision 1. Issuance, suspensions, and revocations.** (a) Annually by February 15,
- 134.24 the commissioner of public safety must report to the chairs and ranking minority members
- 134.25 of the house of representatives and senate committees and divisions with jurisdiction over
- 134.26 public safety and transportation on the status of driver's licenses issued, suspended, and
- 134.27 revoked. The commissioner must make the report available on the department's website.
- 134.28 (b) At a minimum, the report must include:
- 134.29 (1) the total number of driver's licenses issued, suspended, and revoked as of January 1
- 134.30 the year the report is submitted, broken down by county;

135.1 (2) for each of the previous eight calendar years, the total number of driver's licenses
135.2 suspended and the number of suspended licenses reinstated; and

135.3 (3) for each of the previous eight calendar years, the total number of driver's licenses
135.4 revoked and the number of revoked licenses reinstated.

135.5 (c) For purposes of paragraph (b), clauses (1), (2), and (3), the report must identify each
135.6 type of suspension or revocation authorized by statute or rule and include the number of
135.7 licenses suspended or revoked for each type.

135.8 Subd. 2. Charges, convictions, and fines. (a) Annually by February 15, the state court
135.9 administrator must report to the chairs and ranking minority members of the house of
135.10 representatives and senate committees and divisions with jurisdiction over public safety
135.11 and transportation on (1) charges and convictions for driving after suspension or revocation,
135.12 and (2) payment of fines for violations related to operation of a motor vehicle. The
135.13 administrator must make the report available on the state court's website.

135.14 (b) At a minimum, the report must include:

135.15 (1) for each of the previous eight calendar years, the number of charges under section
135.16 171.24, subdivisions 1 and 2, broken down by the charges for each subdivision and indicating
135.17 whether the court appointed the public defender to represent the defendant;

135.18 (2) for each of the previous eight calendar years, the number of convictions under section
135.19 171.24, subdivisions 1 and 2, broken down by the convictions for each subdivision and
135.20 indicating whether the court appointed the public defender to represent the defendant; and

135.21 (3) for the past calendar year, for all charges on violations related to the operation of a
135.22 motor vehicle and included on the uniform fine schedule authorized under section 609.101,
135.23 subdivision 4, the percentage of fines, broken down by whether the court appointed the
135.24 public defender to represent the defendant, which:

135.25 (i) were paid in full by the due date on the citation;

135.26 (ii) were paid in full through a payment plan;

135.27 (iii) accrued late charges;

135.28 (iv) were sent to court collections; and

135.29 (v) were sent to the Department of Revenue for collection.

136.1 Sec. 7. Minnesota Statutes 2018, section 299A.12, subdivision 1, is amended to read:

136.2 Subdivision 1. **General requirements.** ~~Except as provided in subdivision 4,~~ Any vehicle
136.3 used by an operator to provide transportation service ~~shall~~ must be equipped with wheelchair
136.4 securement devices ~~which are approved by the commissioner of public safety as meeting~~
136.5 that meet the specifications of subdivisions 1 and 2. Only securement devices that meet the
136.6 requirements of the Americans with Disabilities Act may be used. A wheelchair securement
136.7 device ~~shall prevent any forward, backward, or lateral movement of an occupied wheelchair~~
136.8 ~~when the device is engaged and the vehicle is in motion, accelerating or braking, and shall~~
136.9 ~~attach to the frame of the wheelchair without damaging it~~ must be installed and used
136.10 according to the manufacturer's instructions and Code of Federal Regulations, title 49,
136.11 section 38.23. Wheelchair securement devices installed in any vehicle ~~shall~~ must be
136.12 maintained in working order and according to the manufacturer's recommendations.

136.13 Sec. 8. Minnesota Statutes 2018, section 299A.12, subdivision 2, is amended to read:

136.14 Subd. 2. **Strength Design requirements.** The strength design requirements for ~~securing~~
136.15 ~~the part of a wheelchair that is forward in the vehicle shall be one-half of those required for~~
136.16 ~~the rear. Where the wheelchair securement device and the seat belt are combined in a~~
136.17 ~~common system, those parts which provide the combined restraining force shall have a~~
136.18 ~~combined strength of both according to the strength requirements of each as adopted by the~~
136.19 ~~commissioner of public safety~~ securement devices must meet the specifications in Code of
136.20 Federal Regulations, title 49, section 38.23.

136.21 Sec. 9. Minnesota Statutes 2018, section 299A.12, subdivision 3, is amended to read:

136.22 Subd. 3. **Maximum number of persons transported.** A vehicle used to provide
136.23 transportation service ~~shall~~ must carry only as many persons seated in wheelchairs as the
136.24 number of securement devices approved by the commissioner of public safety as meeting
136.25 the specifications of subdivisions 1 and 2 with which the vehicle is equipped, and each
136.26 occupied wheelchair ~~shall~~ must be secured by such a securement device before the vehicle
136.27 is set in motion.

136.28 Sec. 10. Minnesota Statutes 2018, section 299A.13, is amended to read:

136.29 **299A.13 ADDITIONAL SAFETY REQUIREMENTS.**

136.30 Subdivision 1. **Seat belt.** Any vehicle used to provide transportation service ~~shall~~ must
136.31 be equipped with seat belts ~~which~~ that are approved by the commissioner of public safety.
136.32 The seat belts required by this subdivision ~~shall~~ must be adequate to secure the occupant

137.1 of a wheelchair who is being transported by the vehicle. ~~These~~ The seat belts shall must be
137.2 used only to secure the person and ~~shall must~~ not be used to secure the wheelchair unless
137.3 the wheelchair securement force is not cumulative to the seat belt. The seat belts ~~shall must~~
137.4 meet all other applicable state and federal requirements for safety.

137.5 Subd. 2. **Electric wheelchair.** When transportation service is provided to an individual
137.6 in an electrically powered wheelchair, the main power switch of the wheelchair ~~shall must~~
137.7 be placed in the "off" position at all times while the vehicle is in motion.

137.8 Subd. 3. **Mobility aid accessibility.** (a) Vehicles equipped with wheelchair securement
137.9 devices must provide a level-change mechanism or boarding device such as a lift or ramp
137.10 that complies with Code of Federal Regulations, title 49, section 38.23.

137.11 (b) Wheelchair lifts must comply with the National Highway Traffic Safety
137.12 Administration's Federal Motor Vehicle Safety Standards for public use lifts as outlined in
137.13 Code of Federal Regulations, title 49, sections 571.403 and 571.404.

137.14 Subd. 4. **Driver's responsibility.** (a) The driver of a vehicle equipped with a wheelchair
137.15 securement device has the duties outlined in this subdivision.

137.16 (b) The driver or a person designated by the driver shall ensure that an occupied
137.17 wheelchair is properly secured before the driver sets the vehicle in motion.

137.18 (c) The driver or a person designated by the driver shall ensure that the seat belt assembly
137.19 is properly adjusted and fastened around the wheelchair user in a manner consistent with
137.20 the manufacturer's recommendations before the driver sets the vehicle in motion when:

137.21 (1) requested by the wheelchair user;

137.22 (2) the wheelchair user is unable to communicate;

137.23 (3) seat belt usage is required of all passengers in the vehicle; or

137.24 (4) the vehicle is a school bus.

137.25 The seat belt assembly must not be fastened if the wheelchair user or other responsible
137.26 person advises the driver that to do so would aggravate a physical condition of the wheelchair
137.27 user. If a restraint device is available that would not aggravate the physical condition of the
137.28 user, it must be fastened in the required manner.

137.29 (d) The driver or a person designated by the driver shall ensure that securement devices
137.30 and seat belt assemblies are retracted, removed, or otherwise stored when not in use to
137.31 prevent tripping of persons and damage to devices.

138.1 Sec. 11. Minnesota Statutes 2018, section 299A.14, subdivision 3, is amended to read:

138.2 Subd. 3. **Standards.** The inspection shall be made to determine that the vehicle complies
138.3 with the provisions of sections 299A.12, ~~subdivisions 1 and 4,~~ and 299A.13, ~~subdivision~~
138.4 ~~4;~~ and that the securement device is and level-change mechanism or boarding device such
138.5 as a lift or ramp are in working order; and ~~that the securement device is not in need of~~
138.6 obvious repair. The inspection may include testing the use of a securement device while
138.7 the vehicle is in motion.

138.8 Sec. 12. Minnesota Statutes 2018, section 480.15, is amended by adding a subdivision to
138.9 read:

138.10 Subd. 8a. **Motor vehicle charges and conviction data; report.** The court administrator
138.11 shall collect, compile, and report the data on (1) charges and convictions for driving after
138.12 suspension or revocation, and (2) payment of fines for violations related to operation of a
138.13 motor vehicle, as required under section 171.325.

138.14 Sec. 13. Minnesota Statutes 2018, section 609.2112, subdivision 1, is amended to read:

138.15 Subdivision 1. **Criminal vehicular homicide.** (a) Except as provided in paragraph (b),
138.16 a person is guilty of criminal vehicular homicide and may be sentenced to imprisonment
138.17 for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the
138.18 person causes the death of a human being not constituting murder or manslaughter as a
138.19 result of operating a motor vehicle:

138.20 (1) in a grossly negligent manner;

138.21 (2) in a negligent manner while under the influence of:

138.22 (i) alcohol;

138.23 (ii) a controlled substance; or

138.24 (iii) any combination of those elements;

138.25 (3) while having an alcohol concentration of 0.08 or more;

138.26 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
138.27 of the time of driving;

138.28 (5) in a negligent manner while under the influence of an intoxicating substance and the
138.29 person knows or has reason to know that the substance has the capacity to cause impairment;

139.1 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
139.2 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
139.3 person's body;

139.4 (7) where the driver who causes the collision leaves the scene of the collision in violation
139.5 of section 169.09, subdivision 1 or 6; ~~or~~

139.6 (8) where the driver had actual knowledge that a peace officer had previously issued a
139.7 citation or warning that the motor vehicle was defectively maintained, the driver had actual
139.8 knowledge that remedial action was not taken, the driver had reason to know that the defect
139.9 created a present danger to others, and the death was caused by the defective maintenance;

139.10 (9) in a negligent manner while the driver is in violation of section 169.475; or

139.11 (10) in a negligent manner while the person's driver's license or driving privilege has
139.12 been suspended, revoked, or canceled or the person has been disqualified from holding a
139.13 commercial driver's license or been denied the privilege to operate a commercial motor
139.14 vehicle pursuant to:

139.15 (i) section 169.89, subdivision 5; 169A.52; 169A.54; 171.05, subdivision 2b, paragraph
139.16 (d); 171.13, subdivision 3 or 4; 171.17, subdivision 1, paragraph (a), clause (1) or (10);
139.17 171.177; 171.18, subdivision 1, paragraph (a), clause (2), (3), (4), (5), or (11); 171.32; or
139.18 260B.225, subdivision 9; or a violation of section 169.13; 169.21; 169.444; 609.19,
139.19 subdivision 1, clause (2); or 609.487, subdivisions 3 to 5; or any violation of chapter 169A;
139.20 or

139.21 (ii) a law from another state similar to those described in item (i).

139.22 (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a),
139.23 clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory
139.24 maximum sentence of imprisonment is 15 years.

139.25 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
139.26 committed on or after that date.

139.27 Sec. 14. Minnesota Statutes 2018, section 609.2113, subdivision 1, is amended to read:

139.28 Subdivision 1. **Great bodily harm.** A person is guilty of criminal vehicular operation
139.29 resulting in great bodily harm and may be sentenced to imprisonment for not more than five
139.30 years or to payment of a fine of not more than \$10,000, or both, if the person causes great
139.31 bodily harm to another not constituting attempted murder or assault as a result of operating
139.32 a motor vehicle:

- 140.1 (1) in a grossly negligent manner;
- 140.2 (2) in a negligent manner while under the influence of:
- 140.3 (i) alcohol;
- 140.4 (ii) a controlled substance; or
- 140.5 (iii) any combination of those elements;
- 140.6 (3) while having an alcohol concentration of 0.08 or more;
- 140.7 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
- 140.8 of the time of driving;
- 140.9 (5) in a negligent manner while under the influence of an intoxicating substance and the
- 140.10 person knows or has reason to know that the substance has the capacity to cause impairment;
- 140.11 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
- 140.12 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
- 140.13 person's body;
- 140.14 (7) where the driver who causes the accident leaves the scene of the accident in violation
- 140.15 of section 169.09, subdivision 1 or 6; ~~or~~
- 140.16 (8) where the driver had actual knowledge that a peace officer had previously issued a
- 140.17 citation or warning that the motor vehicle was defectively maintained, the driver had actual
- 140.18 knowledge that remedial action was not taken, the driver had reason to know that the defect
- 140.19 created a present danger to others, and the injury was caused by the defective maintenance;
- 140.20 (9) in a negligent manner while the driver is in violation of section 169.475; or
- 140.21 (10) in a negligent manner while the person's driver's license or driving privilege has
- 140.22 been suspended, revoked, or canceled or the person has been disqualified from holding a
- 140.23 commercial driver's license or been denied the privilege to operate a commercial motor
- 140.24 vehicle pursuant to:
- 140.25 (i) section 169.89, subdivision 5; 169A.52; 169A.54; 171.05, subdivision 2b, paragraph
- 140.26 (d); 171.13, subdivision 3 or 4; 171.17, subdivision 1, paragraph (a), clause (1) or (10);
- 140.27 171.177; 171.18, subdivision 1, paragraph (a), clause (2), (3), (4), (5), or (11); 171.32; or
- 140.28 260B.225, subdivision 9; or a violation of section 169.13; 169.21; 169.444; 609.19,
- 140.29 subdivision 1, clause (2); or 609.487, subdivisions 3 to 5; or any violation of chapter 169A;
- 140.30 or
- 140.31 (ii) a law from another state similar to those described in item (i).

141.1 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
141.2 committed on or after that date.

141.3 Sec. 15. Minnesota Statutes 2018, section 609.2113, subdivision 2, is amended to read:

141.4 Subd. 2. **Substantial bodily harm.** A person is guilty of criminal vehicular operation
141.5 resulting in substantial bodily harm and may be sentenced to imprisonment for not more
141.6 than three years or to payment of a fine of not more than \$10,000, or both, if the person
141.7 causes substantial bodily harm to another as a result of operating a motor vehicle:

141.8 (1) in a grossly negligent manner;

141.9 (2) in a negligent manner while under the influence of:

141.10 (i) alcohol;

141.11 (ii) a controlled substance; or

141.12 (iii) any combination of those elements;

141.13 (3) while having an alcohol concentration of 0.08 or more;

141.14 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
141.15 of the time of driving;

141.16 (5) in a negligent manner while under the influence of an intoxicating substance and the
141.17 person knows or has reason to know that the substance has the capacity to cause impairment;

141.18 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
141.19 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
141.20 person's body;

141.21 (7) where the driver who causes the accident leaves the scene of the accident in violation
141.22 of section 169.09, subdivision 1 or 6; ~~or~~

141.23 (8) where the driver had actual knowledge that a peace officer had previously issued a
141.24 citation or warning that the motor vehicle was defectively maintained, the driver had actual
141.25 knowledge that remedial action was not taken, the driver had reason to know that the defect
141.26 created a present danger to others, and the injury was caused by the defective maintenance;

141.27 (9) in a negligent manner while the driver is in violation of section 169.475; or

141.28 (10) in a negligent manner while the person's driver's license or driving privilege has
141.29 been suspended, revoked, or canceled or the person has been disqualified from holding a
141.30 commercial driver's license or been denied the privilege to operate a commercial motor
141.31 vehicle pursuant to:

142.1 (i) section 169.89, subdivision 5; 169A.52; 169A.54; 171.05, subdivision 2b, paragraph
142.2 (d); 171.13, subdivision 3 or 4; 171.17, subdivision 1, paragraph (a), clause (1) or (10);
142.3 171.177; 171.18, subdivision 1, paragraph (a), clause (2), (3), (4), (5), or (11); 171.32; or
142.4 260B.225, subdivision 9; or a violation of section 169.13; 169.21; 169.444; 609.19,
142.5 subdivision 1, clause (2); or 609.487, subdivisions 3 to 5; or any violation of chapter 169A;
142.6 or

142.7 (ii) a law from another state similar to those described in item (i).

142.8 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
142.9 committed on or after that date.

142.10 Sec. 16. Minnesota Statutes 2018, section 609.2113, subdivision 3, is amended to read:

142.11 Subd. 3. **Bodily harm.** A person is guilty of criminal vehicular operation resulting in
142.12 bodily harm and may be sentenced to imprisonment for not more than one year or to payment
142.13 of a fine of not more than \$3,000, or both, if the person causes bodily harm to another as a
142.14 result of operating a motor vehicle:

142.15 (1) in a grossly negligent manner;

142.16 (2) in a negligent manner while under the influence of:

142.17 (i) alcohol;

142.18 (ii) a controlled substance; or

142.19 (iii) any combination of those elements;

142.20 (3) while having an alcohol concentration of 0.08 or more;

142.21 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
142.22 of the time of driving;

142.23 (5) in a negligent manner while under the influence of an intoxicating substance and the
142.24 person knows or has reason to know that the substance has the capacity to cause impairment;

142.25 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
142.26 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
142.27 person's body;

142.28 (7) where the driver who causes the accident leaves the scene of the accident in violation
142.29 of section 169.09, subdivision 1 or 6; ~~or~~

142.30 (8) where the driver had actual knowledge that a peace officer had previously issued a
142.31 citation or warning that the motor vehicle was defectively maintained, the driver had actual

143.1 knowledge that remedial action was not taken, the driver had reason to know that the defect
143.2 created a present danger to others, and the injury was caused by the defective maintenance;

143.3 (9) in a negligent manner while the driver is in violation of section 169.475; or

143.4 (10) in a negligent manner while the person's driver's license or driving privilege has
143.5 been suspended, revoked, or canceled or the person has been disqualified from holding a
143.6 commercial driver's license or been denied the privilege to operate a commercial motor
143.7 vehicle pursuant to:

143.8 (i) section 169.89, subdivision 5; 169A.52; 169A.54; 171.05, subdivision 2b, paragraph

143.9 (d); 171.13, subdivision 3 or 4; 171.17, subdivision 1, paragraph (a), clause (1) or (10);

143.10 171.177; 171.18, subdivision 1, paragraph (a), clause (2), (3), (4), (5), or (11); 171.32; or

143.11 260B.225, subdivision 9; or a violation of section 169.13; 169.21; 169.444; 609.19,

143.12 subdivision 1, clause (2); or 609.487, subdivisions 3 to 5; or any violation of chapter 169A;

143.13 or

143.14 (ii) a law from another state similar to those described in item (i).

143.15 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes

143.16 committed on or after that date.

143.17 Sec. 17. Laws 2009, chapter 59, article 3, section 4, subdivision 9, as amended by Laws
143.18 2010, chapter 197, section 1, Laws 2011, chapter 87, section 1, subdivision 9, Laws 2013,
143.19 chapter 127, section 60, and Laws 2017, chapter 95, article 3, section 29, is amended to
143.20 read:

143.21 Subd. 9. **Sunset; transition.** A city or county participating in this pilot program may
143.22 accept an individual for diversion into the pilot program ~~until June 30, 2019.~~ and the third
143.23 party administering the diversion program may collect and disburse fees collected pursuant
143.24 to subdivision 6, paragraph (a), clause (2), ~~through December 31, 2020~~ until the day following
143.25 the date the permanent diversion program established under Minnesota Statutes, section
143.26 171.2405, is effective, at which time the pilot program under this section expires. An
143.27 individual participating in but who has not completed the pilot program on the date the pilot
143.28 program expires is automatically transferred and enrolled in the permanent diversion program
143.29 under Minnesota Statutes, section 171.2405, and credited for any fees paid or activities
143.30 completed under the pilot program.

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

144.1 **Sec. 18. RETROACTIVE DRIVER'S LICENSE REINSTATEMENT.**

144.2 (a) The commissioner of public safety must make an individual's driver's license eligible
144.3 for reinstatement if the license is solely suspended pursuant to:

144.4 (1) Minnesota Statutes 2018, section 169.92, subdivision 4;

144.5 (2) Minnesota Statutes 2018, section 171.16, subdivision 2, if the person was convicted
144.6 only under Minnesota Statutes, section 171.24, subdivision 1 or 2;

144.7 (3) Minnesota Statutes 2018, section 171.16, subdivision 3; or

144.8 (4) any combination of clauses (1), (2), and (3).

144.9 (b) By December 1, 2019, the commissioner must provide written notice to an individual
144.10 whose license has been made eligible for reinstatement under paragraph (a), addressed to
144.11 the licensee at the licensee's last known address.

144.12 (c) Notwithstanding any law to the contrary, before the license is reinstated, an individual
144.13 whose driver's license is eligible for reinstatement under paragraph (a) must pay a
144.14 reinstatement fee of \$20.

144.15 (d) The following applies for an individual who is eligible for reinstatement under
144.16 paragraph (a), and whose license was suspended, revoked, or canceled under any other
144.17 provision in Minnesota Statutes:

144.18 (1) the suspension, revocation, or cancellation under any other provision in Minnesota
144.19 Statutes remains in effect;

144.20 (2) subject to clause (1), the individual may become eligible for reinstatement under
144.21 paragraph (a); and

144.22 (3) the commissioner is not required to send the notice described in paragraph (b).

144.23 (e) Paragraph (a) applies notwithstanding Minnesota Statutes 2018, sections 169.92,
144.24 subdivision 4; 171.16, subdivision 2 or 3; or any other law to the contrary.

144.25 **EFFECTIVE DATE.** This section is effective August 1, 2019.

144.26 **Sec. 19. TRAFFIC STOP STUDY.**

144.27 Subdivision 1. **Study requirements.** (a) The commissioner of public safety must identify
144.28 a qualified research organization which shall conduct a study to determine what impact, if
144.29 any, changes in traffic laws since 2003 have had on traffic stops in Minnesota including
144.30 whether changes resulted in a disproportionate impact in any geographic area or on any
144.31 demographic group.

145.1 (b) The study shall identify significant changes in traffic law enacted since 2003 including,
145.2 but not limited to:

145.3 (1) the adoption of Minnesota Statutes, section 169.475;

145.4 (2) amendments to Minnesota Statutes, section 169.475, effective August 1, 2019;

145.5 (3) changes to Minnesota Statutes, section 169.686, enacted pursuant to Laws 2009,
145.6 chapter 165, section 2; and

145.7 (4) changes to Minnesota Statutes, section 169A.20, enacted pursuant to Laws 2004,
145.8 chapter 283, section 3.

145.9 (c) The grant recipient shall coordinate with local law enforcement agencies and the
145.10 Minnesota State Patrol to obtain and collect relevant data on traffic stops. Data shall be
145.11 collected as provided by law, rule, or policy of the law enforcement agency. Nothing in this
145.12 section requires any law enforcement agency to collect additional data.

145.13 (d) The grant recipient shall analyze the data obtained or collected based on factors
145.14 including, but not limited to, the geographic area in which the stop took place and
145.15 demographic information of the driver.

145.16 (e) To the extent possible, the study shall compare data obtained and collected under
145.17 paragraph (c) with data collected pursuant to Laws 2001, First Special Session chapter 8,
145.18 article 7, section 6.

145.19 (f) The grant recipient shall coordinate with the commissioner of public safety and law
145.20 enforcement agencies to ensure the confidentiality of data obtained or collected.

145.21 Subd. 2. **Report.** By February 15, 2021, the grant recipient must provide a report to the
145.22 commissioner of public safety and the chairs and ranking minority members of the legislative
145.23 committees and divisions with jurisdiction over transportation and criminal justice policy
145.24 on the results of the study.

145.25 Sec. 20. **REPEALER.**

145.26 Minnesota Statutes 2018, sections 299A.12, subdivision 4; and 299A.18, are repealed.

146.1 **ARTICLE 9**146.2 **PRETRIAL RELEASE, SENTENCING, PROBATION, AND DIVERSION**

146.3 Section 1. Minnesota Statutes 2018, section 244.05, subdivision 4, is amended to read:

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

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

146.11 (c) An inmate serving a mandatory life sentence under section 609.385 must not be given
146.12 supervised release under this section without having served a minimum term of imprisonment
146.13 of 17 years.

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

146.17 (e) An inmate serving a mandatory life sentence under section 609.106, subdivision 3,
146.18 or 609.3455, subdivision 2, paragraph (c), must not be given supervised release under this
146.19 section without having served a minimum term of imprisonment of 25 years.

146.20 (f) An inmate serving a mandatory life sentence for a crime described in paragraph (b)
146.21 who was under 18 years of age at the time of the commission of the offense must not be
146.22 given supervised release under this section without having served a minimum term of
146.23 imprisonment of 25 years.

146.24 Sec. 2. Minnesota Statutes 2018, section 244.05, subdivision 5, is amended to read:

146.25 Subd. 5. **Supervised release, life sentence.** (a) The commissioner of corrections may,
146.26 under rules promulgated by the commissioner, give supervised release to an inmate serving
146.27 a mandatory life sentence under section 609.106, subdivision 3; 609.185, paragraph (a),
146.28 clause (3), (5), or (6); 609.3455, subdivision 2, paragraph (c), 3, or 4; 609.385; or Minnesota
146.29 Statutes 2004, section 609.109, subdivision 3, after the inmate has served the minimum
146.30 term of imprisonment specified in subdivision 4.

146.31 (b) The commissioner shall require the preparation of a community investigation report
146.32 and shall consider the findings of the report when making a supervised release decision

147.1 under this subdivision. The report shall reflect the sentiment of the various elements of the
147.2 community toward the inmate, both at the time of the offense and at the present time. The
147.3 report shall include the views of the sentencing judge, the prosecutor, any law enforcement
147.4 personnel who may have been involved in the case, and any successors to these individuals
147.5 who may have information relevant to the supervised release decision. The report shall also
147.6 include the views of the victim and the victim's family unless the victim or the victim's
147.7 family chooses not to participate.

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

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

147.21 (1) while in prison:

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

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

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

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

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

148.1 Sec. 3. Minnesota Statutes 2018, section 244.09, subdivision 6, is amended to read:

148.2 Subd. 6. **Clearinghouse and information center.** The commission, in addition to
148.3 establishing Sentencing Guidelines, shall serve as a clearinghouse and information center
148.4 for the collection, preparation, analysis and dissemination of information on state and local
148.5 sentencing and probation practices, and shall conduct ongoing research regarding Sentencing
148.6 Guidelines, use of imprisonment and alternatives to imprisonment, probation terms,
148.7 conditions of probation, probation revocations, plea bargaining, recidivism, and other matters
148.8 relating to the improvement of the criminal justice system. The commission shall from time
148.9 to time make recommendations to the legislature regarding changes in the Criminal Code,
148.10 criminal procedures, and other aspects of sentencing and probation.

148.11 This information shall include information regarding the impact of statutory changes to
148.12 the state's criminal laws related to controlled substances, including those changes enacted
148.13 by the legislature in Laws 2016, chapter 160.

148.14 **EFFECTIVE DATE.** This section is effective July 1, 2019.

148.15 Sec. 4. Minnesota Statutes 2018, section 244.09, subdivision 8, is amended to read:

148.16 Subd. 8. **Administrative services.** The commissioner of corrections shall provide
148.17 adequate office space and administrative services for the commission, and the commission
148.18 shall reimburse the commissioner for the space and services provided. The commission
148.19 may also utilize, with their consent, the services, equipment, personnel, information and
148.20 resources of other state agencies; and may accept voluntary and uncompensated services,
148.21 contract with individuals, public and private agencies, and request information, reports and
148.22 data from, and establish data integrations with, any agency of the state, or any of its political
148.23 subdivisions, to the extent authorized by law.

148.24 **EFFECTIVE DATE.** This section is effective July 1, 2019.

148.25 Sec. 5. **[260B.008] USE OF RESTRAINTS.**

148.26 (a) As used in this section, "restraints" means a mechanical or other device that constrains
148.27 the movement of a person's body or limbs.

148.28 (b) Restraints may not be used on a child appearing in court in a proceeding under this
148.29 chapter unless the court finds that:

148.30 (1) the use of restraints is necessary:

148.31 (i) to prevent physical harm to the child or another; or

149.1 (ii) to prevent the child from fleeing in situations in which the child presents a substantial
149.2 risk of flight from the courtroom; and

149.3 (2) there are no less restrictive alternatives to restraints that will prevent flight or physical
149.4 harm to the child or another, including but not limited to the presence of court personnel,
149.5 law enforcement officers, or bailiffs.

149.6 The finding in clause (1), item (i), may be based, among other things, on the child having
149.7 a history of disruptive courtroom behavior or behavior while in custody for any current or
149.8 prior offense that has placed others in potentially harmful situations, or presenting a
149.9 substantial risk of inflicting physical harm on the child or others as evidenced by past
149.10 behavior. The court may take into account the physical structure of the courthouse in
149.11 assessing the applicability of the above factors to the individual child.

149.12 (c) The court shall be provided the child's behavior history and shall provide the child
149.13 an opportunity to be heard in person or through counsel before ordering the use of restraints.
149.14 If restraints are ordered, the court shall make findings of fact in support of the order.

149.15 **Sec. 6. [260B.1755] ALTERNATIVE TO ARREST OF CERTAIN JUVENILE**
149.16 **OFFENDERS AUTHORIZED.**

149.17 (a) A peace officer may refer a child that the officer has the lawful authority to arrest or
149.18 has arrested to a program that the law enforcement agency with jurisdiction over the child
149.19 deems appropriate.

149.20 (b) This section does not apply to violent felony offenses or to peace officers acting
149.21 pursuant to an order or warrant described in section 260B.175, subdivision 1, paragraph
149.22 (a), or other court order to take a child into custody.

149.23 (c) A program authorized by this section may defer prosecution of juvenile offenders
149.24 who agree to complete appropriate conditions. Upon completion of the conditions, the
149.25 charge shall be dismissed. Both petty offenders and delinquents are eligible for referrals
149.26 under this section.

149.27 **Sec. 7. Minnesota Statutes 2018, section 260B.176, is amended by adding a subdivision**
149.28 **to read:**

149.29 **Subd. 1a. Risk assessment instrument. A person making a release decision under**
149.30 **subdivision 1 shall use an objective and racially, ethnically, and gender-responsive juvenile**
149.31 **detention risk assessment instrument developed by the commissioner, county, group of**
149.32 **counties, or judicial district, in consultation with the state coordinator or coordinators of**

150.1 the Minnesota Juvenile Detention Alternative Initiative. The risk assessment instrument
150.2 must assess the likelihood that a child released from preadjudication detention under this
150.3 section or section 260B.178 would endanger others or not return for a court hearing. The
150.4 instrument must identify the appropriate setting for a child who might endanger others or
150.5 not return for a court hearing pending adjudication, with either continued detention or
150.6 placement in a noncustodial community-based supervision setting. The instrument must
150.7 also identify the type of noncustodial community-based supervision setting necessary to
150.8 minimize the risk that a child who is released from custody will endanger others or not
150.9 return for a court hearing.

150.10 **EFFECTIVE DATE.** This section is effective January 1, 2020.

150.11 Sec. 8. Minnesota Statutes 2018, section 590.01, subdivision 4, is amended to read:

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

150.14 (1) the entry of judgment of conviction or sentence if no direct appeal is filed; or

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

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

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

150.20 (2) the petitioner alleges the existence of newly discovered evidence, including scientific
150.21 evidence, that could not have been ascertained by the exercise of due diligence by the
150.22 petitioner or petitioner's attorney within the two-year time period for filing a postconviction
150.23 petition, and the evidence is not cumulative to evidence presented at trial, is not for
150.24 impeachment purposes, and establishes by a clear and convincing standard that the petitioner
150.25 is innocent of the offense or offenses for which the petitioner was convicted;

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

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

150.31 (5) the petitioner establishes to the satisfaction of the court that the petition is not frivolous
150.32 and is in the interests of justice; or

151.1 (6) the petitioner: (i) is placed into immigration removal proceedings; (ii) is detained
151.2 for the purpose of removal from the United States; (iii) can provide evidence showing that
151.3 removal from the United States has become more likely than not; or (iv) is unable to apply
151.4 for an immigration benefit, such as naturalization or travel, due to the criminal conviction.

151.5 (c) Any petition invoking an exception provided in paragraph (b) must be filed within
151.6 two years of the date the claim arises. A claim arises when the petitioner has actual
151.7 knowledge of the legal or factual basis for that claim.

151.8 Sec. 9. Minnesota Statutes 2018, section 590.11, subdivision 1, is amended to read:

151.9 Subdivision 1. ~~Definition~~ Definitions. (a) For purposes of this section, the following
151.10 terms have the meanings given them.

151.11 (b) "Exonerated" means that:

151.12 (1) a court ~~of this state:~~

151.13 (i) ~~vacated or~~ reversed, or set aside a judgment of conviction on grounds consistent with
151.14 innocence and there are no remaining felony charges in effect against the petitioner from
151.15 the same behavioral incident, or if there are remaining felony charges against the petitioner
151.16 from the same behavioral incident, the prosecutor ~~dismissed the~~ dismisses those remaining
151.17 felony charges; or

151.18 (ii) ordered a new trial on grounds consistent with innocence and the prosecutor dismissed
151.19 ~~the charges or the petitioner was found not guilty at the new trial~~ all felony charges against
151.20 the petitioner arising from the same behavioral incident or the petitioner was found not
151.21 guilty of all felony charges arising from the same behavioral incident at the new trial; and

151.22 (2) the time for appeal of the order resulting in exoneration has expired or the order has
151.23 been affirmed and is final; and

151.24 (3) 60 days have passed since the judgment of conviction was reversed or vacated, and
151.25 the prosecutor has not filed any felony charges against the petitioner from the same behavioral
151.26 incident, or if the prosecutor did file felony charges against the petitioner from the same
151.27 behavioral incident, those felony charges were dismissed or the defendant was found not
151.28 guilty of those charges at the new trial.

151.29 (c) "On grounds consistent with innocence" means either:

151.30 (1) exonerated, through a pardon or sentence commutation, based on factual innocence;

151.31 or

152.1 (2) exonerated because the judgment of conviction was vacated or reversed, or a new
152.2 trial was ordered, and there is any evidence of factual innocence whether it was available
152.3 at the time of investigation or trial or is newly discovered evidence.

152.4 **EFFECTIVE DATE.** This section is effective July 1, 2019.

152.5 Sec. 10. Minnesota Statutes 2018, section 590.11, subdivision 2, is amended to read:

152.6 Subd. 2. **Procedure.** A petition for an order declaring eligibility for compensation based
152.7 on exoneration under sections 611.362 to 611.368 must be brought before the district court
152.8 where the original conviction was obtained. The state must be represented by the office of
152.9 the prosecutor that obtained the conviction or the prosecutor's successor. Within 60 days
152.10 after the filing of the petition, the prosecutor must respond to the petition. A petition must
152.11 be brought within two years, but no less than 60 days after the petitioner is exonerated.
152.12 ~~Persons released from custody after being exonerated before July 1, 2014, must commence~~
152.13 ~~an action under this section within two years of July 1, 2014. If before July 1, 2019, a person~~
152.14 did not meet both requirements of Minnesota Statutes 2018, section 590.11, subdivision 1,
152.15 clause (1), item (i), and did not file a petition or the petition was denied, that person may
152.16 commence an action meeting the requirements under subdivision 1, paragraph (b), clause
152.17 (1), item (i), on or after July 1, 2019, and before July 1, 2021.

152.18 **EFFECTIVE DATE.** This section is effective July 1, 2019.

152.19 Sec. 11. Minnesota Statutes 2018, section 590.11, subdivision 5, is amended to read:

152.20 Subd. 5. **Elements.** (a) A claim for compensation arises if a person is eligible for
152.21 compensation under subdivision 3 and:

152.22 (1) the person was convicted of a felony and served any part of the imposed sentence
152.23 ~~in prison;~~

152.24 (2) in cases where the person was convicted of multiple charges arising out of the same
152.25 behavioral incident, the person was exonerated for all of those charges;

152.26 (3) the person did not commit or induce another person to commit perjury or fabricate
152.27 evidence to cause or bring about the conviction; and

152.28 (4) the person was not serving a term of ~~imprisonment~~ incarceration for another crime
152.29 at the same time, ~~provided that~~ except:

153.1 (i) if the person served additional time in prison or jail due to the conviction that is the
153.2 basis of the claim, the person may make a claim for that portion of time served in prison or
153.3 jail during which the person was serving no other sentence; or

153.4 (ii) if the person served additional executed sentences that had been previously stayed,
153.5 and the reason the additional stayed sentences were executed was due to the conviction that
153.6 is the basis for the claim.

153.7 (b) A claimant may make a claim only for that portion of time served in prison or jail
153.8 during which the claimant was serving no other sentence, unless the other sentence arose
153.9 from the circumstances described in paragraph (a), clause (4), item (ii).

153.10 (c) A confession or admission later found to be false or a guilty plea to a crime the
153.11 claimant did not commit does not constitute bringing about the claimant's conviction for
153.12 purposes of paragraph (a), clause (3).

153.13 **EFFECTIVE DATE.** This section is effective July 1, 2019.

153.14 Sec. 12. Minnesota Statutes 2018, section 590.11, subdivision 7, is amended to read:

153.15 Subd. 7. **Order.** If, after considering all the files and records admitted and any evidence
153.16 admitted at a hearing held pursuant to subdivision 4, the court determines that the petitioner
153.17 is eligible for compensation, the court shall issue an order containing its findings and, if
153.18 applicable, indicate the portion of the term of ~~imprisonment~~ incarceration for which the
153.19 petitioner is entitled to make a claim. The court shall notify the petitioner of the right to file
153.20 a claim for compensation under sections 611.362 to 611.368 and provide the petitioner with
153.21 a copy of those sections. The petitioner must acknowledge receipt of the notice and a copy
153.22 of those sections in writing or on the record before the court.

153.23 **EFFECTIVE DATE.** This section is effective July 1, 2019.

153.24 Sec. 13. Minnesota Statutes 2018, section 609.106, subdivision 2, is amended to read:

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

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

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

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

154.4 Sec. 14. Minnesota Statutes 2018, section 609.106, is amended by adding a subdivision
154.5 to read:

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

154.9 Sec. 15. Minnesota Statutes 2018, section 609.115, is amended by adding a subdivision
154.10 to read:

154.11 Subd. 11. **Family impact statement.** (a) If the defendant is a parent, guardian, or
154.12 caregiver of a minor child, and if the defendant may be sentenced to a term of imprisonment,
154.13 the court may order that the officer preparing the report under subdivision 1 prepare a family
154.14 impact statement for the purpose of providing the court with information regarding sentencing
154.15 options other than a term of imprisonment. The family impact statement must address the
154.16 impact on any minor child and other family members that would result if the defendant is
154.17 sentenced to a term of imprisonment including, but not limited to, the impact on the financial
154.18 needs of the child and other family members; the relationship between the defendant and
154.19 the child; the defendant's duties and responsibilities as a parent, guardian, or caregiver of
154.20 the child; the availability of community and family support for the child; and the likely
154.21 impact on the child's health, safety, and education.

154.22 (b) At sentencing, the court may consider whether, based on the information in the family
154.23 impact statement, the defendant is particularly amenable to probation.

154.24 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to presentence
154.25 investigation reports caused to be made on or after that date.

154.26 Sec. 16. Minnesota Statutes 2018, section 609.135, subdivision 1a, is amended to read:

154.27 Subd. 1a. **Failure to pay restitution.** If the court orders payment of restitution as a
154.28 condition of probation and if the defendant fails to pay the restitution in accordance with
154.29 the payment schedule or structure established by the court or the probation officer, the
154.30 prosecutor or the defendant's probation officer may, on the prosecutor's or the officer's own
154.31 motion or at the request of the victim, ask the court to hold a hearing to determine whether
154.32 or not the conditions of probation should be changed or probation should be revoked. The

155.1 defendant's probation officer shall ask for the hearing if the restitution ordered has not been
155.2 paid prior to 60 days before the term of probation expires. The court shall schedule and hold
155.3 this hearing and take appropriate action, including action under subdivision 2, paragraph
155.4 ~~(g)~~ (i), before the defendant's term of probation expires.

155.5 Nothing in this subdivision limits the court's ability to refer the case to collections under
155.6 section 609.104 when a defendant fails to pay court-ordered restitution.

155.7 Sec. 17. Minnesota Statutes 2018, section 609.135, subdivision 1c, is amended to read:

155.8 Subd. 1c. **Failure to complete court-ordered treatment.** If the court orders a defendant
155.9 to undergo treatment as a condition of probation and if the defendant fails to successfully
155.10 complete treatment at least 60 days before the term of probation expires, the prosecutor or
155.11 the defendant's probation officer may ask the court to hold a hearing to determine whether
155.12 the conditions of probation should be changed or probation should be revoked. The court
155.13 shall schedule and hold this hearing and take appropriate action, including action under
155.14 subdivision 2, paragraph ~~(h)~~ (i), before the defendant's term of probation expires.

155.15 Sec. 18. Minnesota Statutes 2018, section 609.135, subdivision 2, is amended to read:

155.16 Subd. 2. **Stay of sentence maximum periods.** (a) If the conviction is for a felony other
155.17 than ~~section 609.2113, subdivision 1 or 2, or 609.2114, subdivision 2, or Minnesota Statutes~~
155.18 ~~2012, section 609.21, subdivision 1a, paragraph (b) or (c)~~ an offense listed in paragraph
155.19 (b), the stay shall be for not more than ~~four~~ five years ~~or the maximum period for which the~~
155.20 ~~sentence of imprisonment might have been imposed, whichever is longer.~~

155.21 (b) If the conviction is for a felony violation of section 609.19, 609.195, 609.20, 609.2662,
155.22 609.2663, 609.2664, 609.268, 609.342, 609.343, 609.344, 609.345, or 609.3451, the stay
155.23 shall be for the maximum time period for which the sentence of imprisonment might have
155.24 been imposed by the court.

155.25 ~~(b)~~ (c) If the conviction is for a gross misdemeanor violation of section 169A.20,
155.26 ~~609.2113, subdivision 3, or 609.3451, or for a felony described in section 609.2113,~~
155.27 ~~subdivision 1 or 2, or 609.2114, subdivision 2,~~ the stay shall be for not more than ~~six~~ five
155.28 years. The court shall provide for unsupervised probation for the last year of the stay unless
155.29 the court finds that the defendant needs supervised probation for all or part of the last year.

155.30 ~~(c)~~ (d) If the conviction is for a gross misdemeanor not specified in paragraph ~~(b)~~ (c),
155.31 the stay shall be for not more than two years.

156.1 ~~(d)~~ (e) If the conviction is for any misdemeanor under section 169A.20; 609.746,
156.2 subdivision 1; 609.79; or 617.23; or for a misdemeanor under section 609.2242 or 609.224,
156.3 subdivision 1, in which the victim of the crime was a family or household member as defined
156.4 in section 518B.01, the stay shall be for not more than two years. The court shall provide
156.5 for unsupervised probation for the second year of the stay unless the court finds that the
156.6 defendant needs supervised probation for all or part of the second year.

156.7 ~~(e)~~ (f) If the conviction is for a misdemeanor not specified in paragraph ~~(d)~~ (e), the stay
156.8 shall be for not more than one year.

156.9 ~~(f)~~ (g) The defendant shall be discharged six months after the term of the stay expires,
156.10 unless the stay has been revoked or extended under ~~paragraph (g)~~ paragraphs (h) through
156.11 (l), or the defendant has already been discharged.

156.12 (h) If the defendant has received a stayed sentence for a conviction of a felony offense
156.13 and as a condition of probation was ordered by the court to pay restitution, the probation
156.14 officer, or the court if the defendant is on unsupervised probation, shall notify the prosecuting
156.15 authority six months prior to the expiration or early discharge of a stayed sentence, the
156.16 amount of any unpaid court-ordered restitution. Notwithstanding the maximum periods
156.17 specified for stays of sentences under paragraph (a) or (b), a court may extend a defendant's
156.18 term of probation for up to three years if it finds, at a hearing conducted under subdivision
156.19 1a, that:

156.20 (1) the defendant has not paid court-ordered restitution in accordance with the payment
156.21 schedule or structure; and

156.22 (2) the defendant is likely to not pay the restitution the defendant owes before the term
156.23 of probation expires.

156.24 The extension of probation for failure to pay restitution may be extended by the court for
156.25 up to two additional years if the court finds, at another hearing conducted under subdivision
156.26 1a, that the defendant still has not paid the court-ordered restitution that the defendant owes.
156.27 Nothing in this subdivision limits the court's ability to refer the case to collections under
156.28 section 609.104.

156.29 (i) If the defendant has received a stayed sentence for a conviction of a felony offense
156.30 and as a condition of probation was ordered to successfully complete treatment, the probation
156.31 officer, or the court if the defendant is on unsupervised probation, shall notify the prosecuting
156.32 authority six months prior to the expiration or early discharge of a stayed sentence as to
156.33 whether the defendant has successfully completed court-ordered treatment. Notwithstanding
156.34 the maximum periods specified for stays of sentences under paragraph (a) or (b), a court

157.1 may extend a defendant's term of probation for up to three years if it finds, at a hearing
157.2 conducted under subdivision 1c, that:

157.3 (1) the defendant has failed to complete court-ordered treatment successfully; and

157.4 (2) the defendant is likely not to complete court-ordered treatment before the term of
157.5 probation expires.

157.6 The extension of probation for failure to successfully complete court-ordered treatment may
157.7 be extended by the court for up to an additional two years if the court finds, at another
157.8 hearing conducted under subdivision 1c, that the defendant still has not successfully
157.9 completed the court-ordered treatment.

157.10 ~~(g)~~ (j) Notwithstanding the maximum periods specified for stays of sentences under
157.11 paragraphs ~~(a)~~ (c) to (f), a court may extend a defendant's term of probation for up to one
157.12 year if it finds, at a hearing conducted under subdivision 1a, that:

157.13 (1) the defendant has not paid court-ordered restitution in accordance with the payment
157.14 schedule or structure; and

157.15 (2) the defendant is likely to not pay the restitution the defendant owes before the term
157.16 of probation expires.

157.17 This one-year extension of probation for failure to pay restitution may be extended by the
157.18 court for up to one additional year if the court finds, at another hearing conducted under
157.19 subdivision 1a, that the defendant still has not paid the court-ordered restitution that the
157.20 defendant owes.

157.21 Nothing in this subdivision limits the court's ability to refer the case to collections under
157.22 section 609.104.

157.23 ~~(h)~~ (k) Notwithstanding the maximum periods specified for stays of sentences under
157.24 paragraphs ~~(a)~~ (c) to (f), a court may extend a defendant's term of probation for up to three
157.25 years if it finds, at a hearing conducted under subdivision 1c, that:

157.26 (1) the defendant has failed to complete court-ordered treatment successfully; and

157.27 (2) the defendant is likely not to complete court-ordered treatment before the term of
157.28 probation expires.

157.29 (l) If the defendant has received a stayed sentence for a conviction of a violent crime as
157.30 defined under section 609.1095, subdivision 1, paragraph (d), except violations of any
157.31 provisions of chapter 152, the probation officer, or the court if the defendant is on
157.32 unsupervised probation, shall notify the prosecuting authority six months prior to the

158.1 expiration or early discharge of a stayed sentence that the stayed sentence will expire or
158.2 that the defendant will be discharged early from a stayed sentence. Notwithstanding the
158.3 maximum periods specified for stays of sentences under paragraph (a) or (b), upon motion
158.4 by the prosecuting authority and hearing, a court may extend a defendant's term of probation
158.5 up to three years if it finds by a preponderance of the evidence that the defendant remains
158.6 a threat to public safety. In making this determination, the court shall consider the following:

158.7 (1) the seriousness and frequency of any previous violations of the conditions of
158.8 probation;

158.9 (2) any pending probation violations or criminal offenses for which a violation report
158.10 or criminal charge has been filed with a court;

158.11 (3) whether the defendant has been convicted of additional criminal offenses while on
158.12 probation; and

158.13 (4) whether the court issued a domestic abuse no contact order pursuant to section 629.75,
158.14 subdivision 1, and whether such an order remains in effect.

158.15 Upon motion of the prosecuting authority and hearing, the extension of probation on the
158.16 basis that the defendant remains a threat to public safety may be extended by the court for
158.17 up to two additional years if the court, using the same factors as above, finds by a
158.18 preponderance of the evidence that the defendant remains a threat to public safety. Any
158.19 extensions of probation ordered by the court under this subdivision may not exceed the
158.20 maximum period for which the sentence of imprisonment might have been imposed.

158.21 (m) Notwithstanding the time periods for stays of sentences under paragraphs (a) to (f),
158.22 a court may discharge a defendant from probation before the expiration of the maximum
158.23 period prescribed for the probation. If the defendant is discharged from probation before
158.24 the expiration of the maximum period prescribed for probation, the defendant shall not be
158.25 subject to a custody status point if charged and convicted of a subsequent crime during the
158.26 original pronounced probationary sentence.

158.27 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to stays of
158.28 sentence granted on or after that date.

158.29 Sec. 19. Minnesota Statutes 2018, section 609.135, is amended by adding a subdivision
158.30 to read:

158.31 Subd. 2a. **Stay of sentence maximum periods; sentence stayed before August 1,**
158.32 **2019.** (a) Notwithstanding the sentence announced by the court, an eligible offender shall

159.1 be discharged from probation on August 1, 2024, unless the court extends the defendant's
159.2 term of probation consistent with subdivision 2, paragraph (h), (i), or (l).

159.3 (b) As used in this section, "eligible offender" means a person who:

159.4 (1) was sentenced prior to August 1, 2019, for a felony offense other than an offense
159.5 listed in subdivision 2, paragraph (b);

159.6 (2) received a stay of imposition or execution of sentence pursuant to subdivision 1;

159.7 (3) has not been discharged from probation; and

159.8 (4) is serving a sentence that has not otherwise expired or been executed.

159.9 **EFFECTIVE DATE.** This section is effective August 1, 2019.

159.10 Sec. 20. Minnesota Statutes 2018, section 609.3455, subdivision 2, is amended to read:

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

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

159.17 (2) the person has a previous sex offense conviction for a violation of section 609.342,
159.18 609.343, or 609.344, and the fact finder determines that a heinous element exists for the
159.19 present offense.

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

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

159.26 Sec. 21. Minnesota Statutes 2018, section 609A.02, is amended by adding a subdivision
159.27 to read:

159.28 Subd. 1a. **Identity theft or mistaken identity.** (a) Upon the dismissal and discharge of
159.29 criminal proceedings brought against a person as a result of mistaken identity or another
159.30 person using the identifying information of the named person by identity theft under section

160.1 609.527, the prosecutor shall notify the court of the dismissal and discharge under section
160.2 609A.025. The court administrator under section 609A.03, subdivision 8, shall send a copy
160.3 of the expungement order to each state and federal agency and jurisdiction, including but
160.4 not limited to the Departments of Corrections and Public Safety and law enforcement
160.5 agencies, whose records are affected by the order.

160.6 (b) The condition under section 299C.11, subdivision 1, that an arrested person's criminal
160.7 records may only be destroyed or sealed if the arrested person has not been convicted of
160.8 any felony or gross misdemeanor within ten years immediately preceding the determination
160.9 of all criminal actions or proceedings in favor of the arrested person, does not apply to a
160.10 person who, as a result of mistaken identity or identity theft, is charged and:

160.11 (1) the charges are dismissed prior to a determination of probable cause or the prosecutor
160.12 declined to file charges and a grand jury did not return an indictment; or

160.13 (2) all criminal actions or proceedings are determined in favor of the arrested person.

160.14 (c) The effect of the court order to seal the record of the proceedings under paragraph
160.15 (a) shall be to restore the person, under the law, to the status the person occupied before the
160.16 arrest, indictment or information, trial, and dismissal and discharge. The person shall not
160.17 be guilty of perjury or otherwise of giving a false statement if the person fails to acknowledge
160.18 the arrest, indictment, information, or trial in response to any inquiry made for any purpose.
160.19 The person shall not be responsible for any fees or costs resulting from the court order
160.20 including but not limited to reinstatement fees of any licenses or the costs of sealing records.

160.21 (d) For the purposes of this section, the following terms have the meanings given them:

160.22 (1) "law enforcement agency" means a Minnesota municipal police department, the
160.23 Metropolitan Transit Police, the Metropolitan Airports Police, the University of Minnesota
160.24 Police Department, the Department of Corrections Fugitive Apprehension Unit, a Minnesota
160.25 county sheriff's department, the Enforcement Division of the Department of Natural
160.26 Resources, the Commerce Fraud Bureau, the Bureau of Criminal Apprehension, or the
160.27 Minnesota State Patrol; and

160.28 (2) "mistaken identity" means the erroneous arrest of a person for a crime as a result of
160.29 misidentification by a witness or law enforcement, confusion on the part of a witness or
160.30 law enforcement as to the identity of the person who committed the crime, misinformation
160.31 provided to law enforcement as to the identity of the person who committed the crime, or
160.32 some other mistake on the part of a witness or law enforcement as to the identity of the
160.33 person who committed the crime.

161.1 Sec. 22. Minnesota Statutes 2018, section 609A.025, is amended to read:

161.2 **609A.025 NO PETITION REQUIRED IN CERTAIN CASES WITH**
161.3 **PROSECUTOR AGREEMENT AND NOTIFICATION.**

161.4 (a) If the prosecutor agrees to the sealing of a criminal record, the court shall seal the
161.5 criminal record for a person described in section 609A.02, subdivision 1a or 3, without the
161.6 filing of a petition unless it determines that the interests of the public and public safety in
161.7 keeping the record public outweigh the disadvantages to the subject of the record in not
161.8 sealing it.

161.9 (b) Before agreeing to the sealing of a record under this section, the prosecutor shall
161.10 make a good faith effort to notify any identifiable victims of the offense of the intended
161.11 agreement and the opportunity to object to the agreement.

161.12 (c) Subject to paragraph (b), the agreement of the prosecutor to the sealing of records
161.13 for a person described in section 609A.02, subdivision 1a or 3, paragraph (a), clause (2),
161.14 may occur before or after the criminal charges are dismissed.

161.15 Sec. 23. Minnesota Statutes 2018, section 611.365, subdivision 2, is amended to read:

161.16 Subd. 2. **Reimbursement; monetary damages; attorney fees.** (a) The claimant is
161.17 entitled to reimbursement for all restitution, assessments, fees, court costs, and other sums
161.18 paid by the claimant as required by the judgment and sentence. In addition, the claimant is
161.19 entitled to monetary damages of not less than \$50,000 for each year of ~~imprisonment~~
161.20 incarceration, and not less than \$25,000 for each year served on supervised release or
161.21 probation or as a registered predatory offender, to be prorated for partial years served. In
161.22 calculating additional monetary damages, the panel shall consider:

161.23 (1) economic damages, including reasonable attorney fees, lost wages, reimbursement
161.24 for costs associated with the claimant's criminal defense;

161.25 (2) reimbursement for medical and dental expenses that the claimant already incurred
161.26 and future unpaid expenses expected to be incurred as a result of the claimant's ~~imprisonment~~
161.27 incarceration;

161.28 (3) noneconomic damages for personal physical injuries or sickness and any nonphysical
161.29 injuries or sickness incurred as a result of ~~imprisonment~~ incarceration;

161.30 (4) reimbursement for any tuition and fees paid for each semester successfully completed
161.31 by the claimant in an educational program or for employment skills and development training,
161.32 up to the equivalent value of a four-year degree at a public university, and reasonable

162.1 payment for future unpaid costs for education and training, not to exceed the anticipated
162.2 cost of a four-year degree at a public university;

162.3 (5) reimbursement for paid or unpaid child support payments owed by the claimant that
162.4 became due, and interest on child support arrearages that accrued, during the time served
162.5 in prison provided that there shall be no reimbursement for any child support payments
162.6 already owed before the claimant's incarceration; and

162.7 (6) reimbursement for reasonable costs of paid or unpaid reintegrative expenses for
162.8 immediate services secured by the claimant upon exoneration and release, including housing,
162.9 transportation and subsistence, reintegrative services, and medical and dental health care
162.10 costs.

162.11 (b) The panel shall award the claimant reasonable attorney fees incurred in bringing a
162.12 claim under sections 611.362 to 611.368 and in obtaining an order of eligibility for
162.13 compensation based on exoneration under chapter 590.

162.14 **EFFECTIVE DATE.** This section is effective July 1, 2019.

162.15 Sec. 24. Minnesota Statutes 2018, section 611.365, subdivision 3, is amended to read:

162.16 Subd. 3. **Limits on damages.** There is no limit on the aggregate amount of damages
162.17 that may be awarded under this section. Damages that may be awarded under subdivision
162.18 2, paragraph (a), clauses (1) and (4) to (6), are limited to \$100,000 per year of ~~imprisonment~~
162.19 incarceration and \$50,000 per year served on supervised release or probation or as a registered
162.20 predatory offender.

162.21 **EFFECTIVE DATE.** This section is effective July 1, 2019.

162.22 Sec. 25. Minnesota Statutes 2018, section 611.367, is amended to read:

162.23 **611.367 COMPENSATING EXONERATED PERSONS; APPROPRIATIONS**
162.24 **PROCESS.**

162.25 The compensation panel established in section 611.363 shall forward an award of damages
162.26 under section 611.365 to the commissioner of management and budget. The commissioner
162.27 shall submit the amount of the award to the legislature for consideration as an appropriation
162.28 ~~during the next session of the legislature.~~

162.29 **EFFECTIVE DATE.** This section is effective July 1, 2019.

163.1 Sec. 26. Minnesota Statutes 2018, section 611.368, is amended to read:

163.2 **611.368 SHORT TITLE.**

163.3 Sections 611.362 to 611.368 shall be cited as the "~~Imp~~Prisonment Incarceration and
163.4 Exoneration Remedies Act."

163.5 **EFFECTIVE DATE.** This section is effective July 1, 2019.

163.6 Sec. 27. Minnesota Statutes 2018, section 611A.039, subdivision 1, is amended to read:

163.7 Subdivision 1. **Notice required.** (a) Except as otherwise provided in subdivision 2,
163.8 within 15 working days after a conviction, acquittal, or dismissal in a criminal case in which
163.9 there is an identifiable crime victim, the prosecutor shall make reasonable good faith efforts
163.10 to provide to each affected crime victim oral or written notice of the final disposition of the
163.11 case.

163.12 (b) The probation agent or office responsible for supervising an offender, or the agent's
163.13 or office's designee, shall make a reasonable and good faith effort to notify each affected
163.14 crime victim within a reasonable time after the court orders an offender discharged early
163.15 from probation.

163.16 (c) When the court is considering modifying the sentence for a felony or a crime of
163.17 violence or an attempted crime of violence, the court or its designee shall make a reasonable
163.18 and good faith effort to notify the victim of the crime. If the victim is incapacitated or
163.19 deceased, notice must be given to the victim's family. If the victim is a minor, notice must
163.20 be given to the victim's parent or guardian. The notice must include:

163.21 (1) the date and approximate time of the review;

163.22 (2) the location where the review will occur;

163.23 (3) the name and telephone number of a person to contact for additional information;

163.24 and

163.25 (4) a statement that the victim and victim's family may provide input to the court
163.26 concerning the sentence modification.

163.27 (d) As used in this section, "crime of violence" has the meaning given in section 624.712,
163.28 subdivision 5, and also includes gross misdemeanor violations of section 609.224, and
163.29 nonfelony violations of sections 518B.01, 609.2231, 609.3451, 609.748, and 609.749.

164.1 Sec. 28. Minnesota Statutes 2018, section 629.53, is amended to read:

164.2 **629.53 PROVIDING RELEASE ON BAIL; COMMITMENT.**

164.3 Subdivision 1. **Pretrial release.** A person charged with a criminal offense may be
164.4 released with or without bail in accordance with rule 6.02 of the Rules of Criminal Procedure
164.5 and this section. To the extent a court determines there is a conflict between rule 6.02 of
164.6 the Rules of Criminal Procedure and this section, this section shall control.

164.7 Subd. 2. **Release of a person charged with a misdemeanor offense.** (a) A defendant
164.8 charged with a misdemeanor offense, other than a violation identified in paragraph (e), must
164.9 be released on personal recognizance unless the court determines that there is a substantial
164.10 likelihood that the defendant will not appear at future court proceedings or poses a threat
164.11 to a victim's safety.

164.12 (b) If the court determines that there is a substantial likelihood that a defendant will not
164.13 appear at future court appearances, the court must impose the least restrictive conditions of
164.14 release that will reasonably assure the person's appearance as ordered. These conditions of
164.15 release include but are not limited to an unsecured appearance bond or money bail on which
164.16 the defendant may be released by posting cash or sureties. If the court sets conditions of
164.17 release other than an unsecured appearance bond or money bail, it must also set money bail
164.18 without other conditions on which the defendant may be released.

164.19 (c) The court must not impose a financial condition of release on a defendant subject to
164.20 this subdivision that results in the pretrial detention of the defendant. Financial conditions
164.21 of release include but are not limited to money bail.

164.22 (d) If a defendant subject to this subdivision remains in custody for more than 48 hours
164.23 after the court imposes a financial condition of release, the court must review the conditions
164.24 of release and there exists a rebuttable presumption that the financial condition resulted in
164.25 the pretrial detention of the defendant.

164.26 (e) This subdivision does not apply to violations of:

164.27 (1) section 169A.20;

164.28 (2) section 518B.01;

164.29 (3) section 609.224;

164.30 (4) section 609.2242;

164.31 (5) section 609.748;

164.32 (6) section 609.749; and

165.1 (7) section 629.75.

165.2 (f) If a defendant released pursuant to paragraph (a) or (b) fails to appear at a required
165.3 court hearing, the court shall issue a summons or warrant directing that the defendant appear
165.4 in court pursuant to rule 6.03 of the Rules of Criminal Procedure.

165.5 Subd. 3. **Presumption of release on personal recognizance.** Except as described in
165.6 subdivision 2, on appearance before the court, a defendant charged with a misdemeanor
165.7 must be released on personal recognizance or an unsecured appearance bond unless otherwise
165.8 provided by law, or a court determines that release will endanger the public safety, a victim's
165.9 safety, or will not reasonably assure the defendant's appearance.

165.10 Subd. 4. **Money bail; disposition.** Money bail is the property of the accused, whether
165.11 deposited by that person or by a third person on the accused's behalf. When money bail is
165.12 accepted by a judge, that judge shall order it to be deposited with the court administrator.
165.13 The court administrator shall retain it until the final disposition of the case and the final
165.14 order of the court disposing of the case. Upon release, the amount released must be paid to
165.15 the accused personally or upon that person's written order. In case of conviction, the judge
165.16 may order the money bail deposit to be applied to any fine or restitution imposed on the
165.17 defendant by the court and, if the fine or restitution is less than the deposit, order the balance
165.18 to be paid to the defendant. Money bail deposited with the court or any officer of it is exempt
165.19 from garnishment or levy under attachment or execution.

165.20 **EFFECTIVE DATE.** This section is effective August 1, 2019.

165.21 Sec. 29. Minnesota Statutes 2018, section 638.02, subdivision 3, is amended to read:

165.22 Subd. 3. **Pardon extraordinary; filing; copies sent.** Upon granting a pardon
165.23 extraordinary, the Board of Pardons shall file a copy of it with the district court of the county
165.24 in which the conviction occurred, ~~and the court shall order the conviction set aside and~~
165.25 ~~include a copy of the pardon in the court file.~~ The court shall order all records wherever
165.26 held relating to the arrest, indictment or information, trial, verdict, and pardon sealed and
165.27 prohibit the disclosure of the existence of the records or the opening of the records except
165.28 under court order or pursuant to section 609A.03, subdivision 7a, paragraph (b), clause (1).
165.29 The court shall send a copy of its order and the pardon to the Bureau of Criminal
165.30 Apprehension and all other government entities that hold affected records.

166.1 Sec. 30. Laws 2017, chapter 95, article 3, section 30, is amended to read:

166.2 Sec. 30. **ALTERNATIVES TO INCARCERATION PILOT PROGRAM FUND.**

166.3 (a) Agencies providing supervision to offenders on probation, parole, or supervised
166.4 release are eligible for grants to facilitate access to community options including, but not
166.5 limited to, inpatient chemical dependency treatment for nonviolent controlled substance
166.6 offenders to address and correct behavior that is, or is likely to result in, a technical violation
166.7 of the conditions of release. For purposes of this section, "nonviolent controlled substance
166.8 offender" is a person who meets the criteria described under Minnesota Statutes, section
166.9 244.0513, subdivision 2, clauses (1), (2), and (5), and "technical violation" means a violation
166.10 of a court order of probation, condition of parole, or condition of supervised release, except
166.11 an allegation of a subsequent criminal act that is alleged in a formal complaint, citation, or
166.12 petition.

166.13 (b) The Department of Corrections shall establish criteria for selecting grant recipients
166.14 and the amount awarded to each grant recipient.

166.15 (c) ~~By January 15, 2019,~~ The commissioner of corrections shall submit a an annual
166.16 report to the chairs of the house of representatives and senate committees with jurisdiction
166.17 over public safety policy and finance by January 15 of each year. At a minimum, the report
166.18 must include:

166.19 (1) the total number of grants issued under this program;

166.20 (2) the average amount of each grant;

166.21 (3) the community services accessed as a result of the grants;

166.22 (4) a summary of the type of supervision offenders were under when a grant was used
166.23 to help access a community option;

166.24 (5) the number of individuals who completed, and the number who failed to complete,
166.25 programs accessed as a result of this grant; ~~and~~

166.26 (6) the number of individuals who violated the terms of release following participation
166.27 in a program accessed as a result of this grant, separating technical violations and new
166.28 criminal offenses;

166.29 (7) the number of individuals who completed or were discharged from probation after
166.30 participating in the program;

166.31 (8) the number of individuals identified in clause (7) who committed a new offense
166.32 within four years after discharge from the program;

167.1 (9) identification of barriers nonviolent controlled substance offenders face in accessing
167.2 community services and a description of how the program navigates those barriers; and

167.3 (10) identification of gaps in existing community services for nonviolent controlled
167.4 substance offenders.

167.5 **EFFECTIVE DATE.** This section is effective July 1, 2019.

167.6 Sec. 31. **GRANTS TO FACILITATE EXIT FROM SUPERVISED RELEASE.**

167.7 (a) The commissioner of corrections shall provide grants to facilitate access to community
167.8 options for supervised offenders. The commissioner shall establish criteria for selecting
167.9 grant recipients and the amount awarded to each grant recipient, with a preference for how
167.10 recipients will enhance existing supervision and services.

167.11 (b) By January 15, 2021, the commissioner of corrections shall submit a report to the
167.12 chairs and ranking minority members of the senate and house of representatives committees
167.13 and divisions having jurisdiction over public safety policy and finance. At a minimum, the
167.14 report must include:

167.15 (1) the total number of grants issued under this program;

167.16 (2) the average amount of each grant;

167.17 (3) the community services accessed as a result of the grants;

167.18 (4) a summary of the type of supervision offenders were under when a grant was used
167.19 to help access a community option;

167.20 (5) the number of individuals who completed, and the number who failed to complete,
167.21 programs accessed as a result of this grant; and

167.22 (6) the number of individuals who violated the terms of release following participation
167.23 in a program accessed as a result of this grant, separating technical violations and new
167.24 criminal offenses.

167.25 **EFFECTIVE DATE.** This section is effective July 1, 2019.

167.26 Sec. 32. **RULE SUPERSEDED.**

167.27 Minnesota Rules of Juvenile Delinquency Procedure, rule 2.03, subdivision 1, is
167.28 superseded to the extent it conflicts with Minnesota Statutes, section 260B.008.

168.1 Sec. 33. **COMPLIANCE WITH JUVENILE RESTRAINT PROVISION.**

168.2 By July 1, 2020, each judicial district shall develop a protocol to address how to
168.3 implement and comply with Minnesota Statutes, section 260B.008. In developing the
168.4 protocol, a district shall consult with law enforcement agencies, prosecutors, and public
168.5 defenders within the district, as well as any other entity deemed necessary by the district's
168.6 chief judge.

168.7 Sec. 34. **ADOPTION OF JUVENILE DETENTION RISK ASSESSMENT**
168.8 **INSTRUMENT.**

168.9 Subdivision 1. **Adoption required.** By September 15, 2020, the commissioner of
168.10 corrections shall adopt an objective and racially, ethnically, and gender-responsive juvenile
168.11 detention risk assessment instrument.

168.12 Subd. 2. **Consultation required.** In adopting the risk assessment instrument required
168.13 in subdivision 1, the commissioner shall consult and collaborate with the commissioners
168.14 of public safety and human services, state coordinator or coordinators of the Minnesota
168.15 Juvenile Detention Alternative Initiative, and individuals throughout the state who are
168.16 knowledgeable in matters relating to the detention and treatment of juvenile offenders and
168.17 at-risk juveniles including but not limited to individuals from the courts, probation, law
168.18 enforcement, prosecutorial offices, public defender's offices, communities of color, social
168.19 services, juvenile detention and shelter care facilities, and juvenile residential treatment and
168.20 correctional facilities. The commissioner shall also review similar risk assessment instruments
168.21 in use both inside and outside of the state.

168.22 Sec. 35. **SPECIALIZED MENTAL HEALTH COMMUNITY SUPERVISION.**

168.23 Subdivision 1. **Authorization.** The commissioner of corrections shall award grants to
168.24 up to two counties with no mental health specialty court to develop and implement a pilot
168.25 project to evaluate the impact of a coordinated, multidisciplinary service delivery approach
168.26 for offenders on probation, parole, supervised release, or pretrial status struggling with
168.27 mental illness in the community. The pilot project is from July 1, 2019, to June 30, 2021.

168.28 Subd. 2. **Pilot project goals and design.** (a) The pilot project must provide enhanced
168.29 assessment, case management, treatment services, and community supervision for criminal
168.30 justice clients with mental illness struggling to manage symptoms and behavior resulting
168.31 in heightened risk to harm self or others, recidivate, commit violations of supervision, or
168.32 face incarceration or reincarceration.

169.1 (b) The goals of the pilot project are to:

169.2 (1) improve mental health service delivery and supervision coordination through the
169.3 establishment of a multidisciplinary caseload management team that must include at least
169.4 one probation officer and one social services professional who share case management
169.5 responsibilities;

169.6 (2) provide expedited assessment, diagnosis, and community-based treatment and
169.7 programming for acute symptom and behavior management;

169.8 (3) enhance community supervision through a specialized caseload and team specifically
169.9 trained to work with individuals with mental illness;

169.10 (4) offer community-based mental health treatment and programming alternatives to jail
169.11 or prison incarceration if available and appropriate;

169.12 (5) reduce the number of incarceration days related to unmanaged mental illness and
169.13 technical violations;

169.14 (6) eliminate or reduce duplication of services between county social services and
169.15 corrections; and

169.16 (7) improve collaboration and reduce barriers among criminal justice system partners,
169.17 county social services, and community service providers.

169.18 Subd. 3. **Target population.** The target population of the pilot project is:

169.19 (1) adult offenders on probation, parole, supervised release, or pretrial status assessed
169.20 with significant or unmanaged mental illness or acute symptoms who may pose a risk to
169.21 self or others, pose an increased risk to recidivate, or commit technical violations of
169.22 supervision;

169.23 (2) adult offenders receiving county social service case management for mental illness
169.24 and under correctional supervision in a county with no mental health specialty court; and

169.25 (3) adult offenders incarcerated in jail with significant or unmanaged mental illness who
169.26 may be safely treated in a community setting under correctional supervision.

169.27 Subd. 4. **Evaluation and report.** By October 1, 2021, grant recipients must report to
169.28 the chairs and ranking members of the legislative committees and divisions with jurisdiction
169.29 over public safety and corrections, and the commissioner of corrections, on the impact and
169.30 outcomes of the project.

- 170.1 Sec. 36. **TASK FORCE ON THE IMPLEMENTATION OF DOSAGE PROBATION.**
- 170.2 **Subdivision 1. Establishment.** A task force on the implementation of dosage probation
170.3 is established to analyze dosage probation and earned time credit programs, develop a
170.4 comprehensive plan for implementation of dosage probation in Minnesota, and recommend
170.5 possible legislative action.
- 170.6 **Subd. 2. Membership.** (a) The task force consists of 16 members as follows:
- 170.7 (1) the chief justice of the supreme court or a designee;
- 170.8 (2) one district court judge appointed by the chief justice of the supreme court;
- 170.9 (3) the state public defender or a designee;
- 170.10 (4) one county attorney appointed by the board of directors of the Minnesota County
170.11 Attorneys Association;
- 170.12 (5) one city attorney;
- 170.13 (6) the commissioner of corrections or a designee;
- 170.14 (7) one probation officer from a Community Corrections Act county in the metropolitan
170.15 area;
- 170.16 (8) one probation officer from a Community Corrections Act county in greater Minnesota;
- 170.17 (9) one probation officer from the Department of Corrections;
- 170.18 (10) one county probation officer as described in Minnesota Statutes, section 244.19;
- 170.19 (11) one peace officer, as defined in Minnesota Statutes, section 626.84, from the
170.20 metropolitan area;
- 170.21 (12) one peace officer, as defined in Minnesota Statutes, section 626.84, from greater
170.22 Minnesota;
- 170.23 (13) two individuals who have been convicted of a felony offense and served a sentence
170.24 of probation;
- 170.25 (14) a representative from a nonprofit agency providing treatment services to individuals
170.26 on probation in the metropolitan area; and
- 170.27 (15) a representative from a nonprofit agency providing treatment services to individuals
170.28 on probation in greater Minnesota.

171.1 (b) For purposes of this subdivision, "metropolitan area" has the meaning given in
171.2 Minnesota Statutes, section 473.121, subdivision 2, and "greater Minnesota" has the meaning
171.3 given in Minnesota Statutes, section 116J.8738, subdivision 1, paragraph (e).

171.4 (c) Members of the task force serve without compensation.

171.5 (d) Unless otherwise specified, members shall be appointed by the commissioner of
171.6 corrections. Members of the task force serve at the pleasure of the appointing authority or
171.7 until the task force expires. Vacancies shall be filled by the appointing authority consistent
171.8 with the qualifications of the vacating member required by this subdivision.

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

171.11 (b) The commissioner of corrections shall convene the first meeting of the task force no
171.12 later than August 1, 2019, and shall provide meeting space and administrative assistance
171.13 as necessary for the task force to conduct its work.

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

171.17 (d) The task force shall request the cooperation and assistance of tribal governments,
171.18 nongovernmental organizations, community and advocacy organizations working with
171.19 adults on probation, and academic researchers and experts.

171.20 Subd. 4. **Duties.** (a) The duties of the task force shall, at a minimum, include:

171.21 (1) reviewing and examining the dosage probation model of the National Institute of
171.22 Corrections;

171.23 (2) reviewing and assessing current supervision models in use in Minnesota, including
171.24 specialty courts and any pilot projects;

171.25 (3) reviewing and assessing probation models in use in other states;

171.26 (4) recommending training for judges, county attorneys, city attorneys, public defenders,
171.27 and probation agents;

171.28 (5) identifying gaps in existing services, supports, and housing for individuals on
171.29 probation;

171.30 (6) developing a comprehensive plan to implement a dosage probation model in
171.31 Minnesota; and

172.1 (7) reviewing existing Minnesota law and proposing amendments or new statutory
172.2 provisions.

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

172.5 Subd. 5. **Report.** On or before January 15, 2020, the task force shall report to the chairs
172.6 and ranking members of the legislative committees and divisions with jurisdiction over
172.7 public safety on the work of the task force including but not limited to the issues to be
172.8 examined in subdivision 1. The report shall include an assessment of the effect adopting
172.9 dosage probation would be expected to have on public safety, probation supervision, and
172.10 the Department of Corrections; the comprehensive plan developed under subdivision 4; and
172.11 any recommended legislative action.

172.12 **EFFECTIVE DATE.** This section is effective July 1, 2019.

172.13 Sec. 37. **SENTENCING GUIDELINES; MODIFICATIONS.**

172.14 (a) By January 15, 2020, the Sentencing Guidelines Commission shall propose to the
172.15 legislature modifications to the sentencing guidelines, including the guidelines grid,
172.16 establishing probation guidelines or early discharge targets. When proposing the
172.17 modifications, the commission must advise the legislature how the probation guidelines or
172.18 early discharge targets will work in conjunction with the procedural requirements imposed
172.19 by the U.S. Supreme Court decision in Blakely v. Washington, 542 U.S. 296 (2004), and
172.20 make recommendations regarding statutory changes that may be needed to facilitate their
172.21 operation.

172.22 (b) Modifications proposed by the commission under this section are effective August
172.23 1, 2020, unless the legislature by law provides otherwise.

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

172.25 Sec. 38. **EFFECTIVE DATE.**

172.26 Sections 1, 2, 13, 14, and 20 are effective the day following final enactment and apply
172.27 to offenders sentenced on or after that date, and retroactively to offenders sentenced to life
172.28 imprisonment without possibility of release following a conviction under Minnesota Statutes,
172.29 section 609.185, paragraph (a), clause (1), (2), (4), or (7), for an offense committed when
172.30 the offender was under 18 years of age and when a sentence was imposed pursuant to
172.31 Minnesota Statutes, section 609.106, subdivision 2, clause (1).

173.1

ARTICLE 10

173.2

FIREFIGHTERS

173.3 Section 1. Minnesota Statutes 2018, section 299N.01, subdivision 2, is amended to read:

173.4 Subd. 2. **Fire department.** "Fire department" means a regularly organized fire
173.5 department, fire protection district, or fire company, ~~as defined in the State Fire Code adopted~~
173.6 ~~under section 326B.02, subdivision 6,~~ regularly charged with the responsibility of providing
173.7 fire protection to the state or a local government and includes a private nonprofit fire
173.8 department directly serving a local government. It does not include industrial fire brigades
173.9 that do not have a fire department identification number issued by the state fire marshal.

173.10 Sec. 2. Minnesota Statutes 2018, section 299N.01, subdivision 3, is amended to read:

173.11 Subd. 3. **Firefighter.** "Firefighter" means a volunteer, paid on-call, part-time, or ~~career~~
173.12 full-time firefighter serving a general population within the boundaries of the state.

173.13 Sec. 3. Minnesota Statutes 2018, section 299N.02, subdivision 1, is amended to read:

173.14 Subdivision 1. **Membership.** Notwithstanding any provision of chapter 15 to the contrary,
173.15 the Board of Firefighter Training and Education consists of the following members:

173.16 (1) five members representing the Minnesota State Fire Department Association, four
173.17 of whom must be volunteer firefighters and one of whom may be a ~~career~~ full-time firefighter,
173.18 appointed by the governor;

173.19 (2) two members representing the Minnesota State Fire Chiefs Association, one of whom
173.20 must be a volunteer fire chief, appointed by the governor;

173.21 (3) two members representing the Minnesota Professional Firefighters Association,
173.22 appointed by the governor;

173.23 (4) two members representing Minnesota home rule charter and statutory cities, appointed
173.24 by the governor;

173.25 (5) two members representing Minnesota towns, appointed by the governor;

173.26 (6) the commissioner of public safety or the commissioner's designee; and

173.27 (7) one public member not affiliated or associated with any member or interest represented
173.28 in clauses (1) to (6), appointed by the governor.

173.29 The Minnesota State Fire Department Association shall recommend five persons to be the
173.30 members described in clause (1), the Minnesota State Fire Chiefs Association shall

174.1 recommend two persons to be the members described in clause (2), the Minnesota
174.2 Professional Firefighters Association shall recommend two persons to be the members
174.3 described in clause (3), the League of Minnesota Cities shall recommend two persons to be
174.4 the members described in clause (4), and the Minnesota Association of Townships shall
174.5 recommend two persons to be the members described in clause (5). In making the
174.6 appointments the governor shall try to achieve representation from all geographic areas of
174.7 the state.

174.8 Sec. 4. Minnesota Statutes 2018, section 299N.02, subdivision 2, is amended to read:

174.9 Subd. 2. **Terms; chair; compensation.** Members of the board shall serve for terms of
174.10 four years and ~~annually~~ biennially elect a chair from among the members. Terms and filling
174.11 of vacancies are subject to section 15.0575, subdivisions 2, 4, and 5. Members serve without
174.12 compensation.

174.13 Sec. 5. Minnesota Statutes 2018, section 299N.02, subdivision 3, is amended to read:

174.14 Subd. 3. **Powers and duties.** (a) The board shall:

174.15 (1) review fire service training needs and make recommendations on training to Minnesota
174.16 fire service organizations;

174.17 (2) establish standards for educational programs for the fire service and develop
174.18 procedures for continuing oversight of the programs;

174.19 (3) establish qualifications for fire service training instructors in programs established
174.20 under clause (2); ~~and~~

174.21 (4) maintain a list of instructors that have met the qualifications established under clause
174.22 (3), subject to application procedures and requirements established by the board; and

174.23 ~~(4)~~ (5) license full-time firefighters and volunteer firefighters under this chapter.

174.24 (b) The board may:

174.25 (1) hire or contract for technical or professional services according to section 15.061;

174.26 (2) pay expenses necessary to carry out its duties;

174.27 (3) apply for, receive, and accept grants, gifts, devises, and endowments that any entity
174.28 may make to the board for the purposes of this chapter and may use any money given to it
174.29 consistent with the terms and conditions under which the money was received and for the
174.30 purposes stated;

- 175.1 (4) accept funding from the fire safety account and allocate funding to Minnesota fire
 175.2 departments in the form of reimbursements that are consistent with the board's
 175.3 recommendations and the Department of Public Safety firefighter training;
- 175.4 (5) set guidelines regarding how the allocated reimbursement funds must be disbursed;
- 175.5 (6) set and make available to the fire service standards governing the use of funds
 175.6 reimbursed under this section;
- 175.7 ~~(4)~~ (7) make recommendations to the legislature to improve the quality of firefighter
 175.8 training;
- 175.9 ~~(5)~~ (8) collect and provide data, subject to section 13.03;
- 175.10 ~~(6)~~ (9) conduct studies and surveys and make reports; and
- 175.11 ~~(7)~~ (10) conduct other activities necessary to carry out its duties.

175.12 Sec. 6. Minnesota Statutes 2018, section 299N.03, subdivision 4, is amended to read:

175.13 Subd. 4. **Fire department.** "Fire department" has the meaning given it in section
 175.14 299F.092, subdivision 6. For purposes of sections 299N.04 and 299N.05, fire department
 175.15 also includes a division of a state agency, regularly charged with the responsibility of
 175.16 providing fire protection to the state or a local government, to include a private, nonprofit
 175.17 fire department directly serving a local government, but does not include ~~an~~ industrial fire
 175.18 ~~brigade~~ brigades that do not have a fire department identification number issued by the state
 175.19 fire marshal.

175.20 Sec. 7. Minnesota Statutes 2018, section 299N.03, subdivision 5, is amended to read:

175.21 Subd. 5. **Full-time firefighter.** A "full-time firefighter" means a person who is employed
 175.22 and charged with the prevention ~~and~~ or suppression of fires within the boundaries of the
 175.23 state on a full-time, ~~salaried~~ basis and who is directly engaged in the hazards of firefighting
 175.24 or is in charge of a designated fire ~~company~~ or companies, as defined in section 299N.01,
 175.25 subdivision 2, that are directly engaged in the hazards of firefighting. Full-time firefighter
 175.26 does not include a volunteer, part-time, or paid-on-call firefighter.

175.27 Sec. 8. Minnesota Statutes 2018, section 299N.03, subdivision 6, is amended to read:

175.28 Subd. 6. **Licensed firefighter.** "Licensed firefighter" means a full-time firefighter, to
 175.29 include a fire department employee, member, supervisor, state employee, or appointed
 175.30 official, who is licensed by the board and charged with the prevention or suppression of

176.1 fires within the boundaries of the state. Licensed firefighter may also include a volunteer
176.2 firefighter.

176.3 Sec. 9. Minnesota Statutes 2018, section 299N.03, is amended by adding a subdivision to
176.4 read:

176.5 Subd. 8. **NFPA 1001 standard.** "NFPA 1001 standard" means the standard for firefighter
176.6 professional qualifications established by the National Fire Protection Association.

176.7 Sec. 10. Minnesota Statutes 2018, section 299N.04, is amended to read:

176.8 **299N.04 FIREFIGHTER CERTIFICATION EXAMINATION.**

176.9 Subdivision 1. ~~Certification Examination; requirements.~~ (a) The board must appoint
176.10 an organization that is accredited by the International Fire Service Accreditation Congress
176.11 to prepare and administer firefighter certification examinations. Firefighter certification
176.12 examinations ~~shall~~ must be designed to ensure and demonstrate competency ~~in at least the~~
176.13 ~~following areas:~~ that meets the NFPA 1001 standard or a national standard in areas including
176.14 but not limited to:

176.15 (1) fire prevention;

176.16 (2) fire suppression; and

176.17 (3) hazardous materials operations.

176.18 ~~(b) To receive a certificate, an individual must demonstrate competency in fire prevention~~
176.19 ~~and fire suppression.~~

176.20 (b) Certification must be obtained by the individual demonstrating competency in fire
176.21 prevention and protection under the NFPA 1001 standard.

176.22 (c) Nothing in this section shall be construed to prohibit any requirement imposed by a
176.23 local fire department for more comprehensive training.

176.24 Subd. 2. **Eligibility for certification examination.** Except as provided in subdivision
176.25 3, any person may take the firefighter certification examination who has successfully
176.26 completed the following:

176.27 (1)(i) a firefighter course from a postsecondary educational institution, an accredited
176.28 institution of higher learning, or another entity that teaches a course that has been approved
176.29 by the board; or (ii) an apprenticeship or cadet program maintained by a Minnesota fire
176.30 department ~~employing the person~~ that has been approved by the board; and

177.1 (2) a skills-oriented basic training course.

177.2 Subd. 3. **Certain baccalaureate or associate degree holders eligible to take**
177.3 **certification examination.** A person with a baccalaureate degree or an associate degree in
177.4 applied fire science technology from an accredited college or university, who has successfully
177.5 completed the skills-oriented basic training course under subdivision 2, clause (2), is eligible
177.6 to take the firefighter certification examination notwithstanding the requirements of
177.7 subdivision 2, clause (1).

177.8 Sec. 11. Minnesota Statutes 2018, section 299N.05, subdivision 1, is amended to read:

177.9 Subdivision 1. **Licensure requirement.** A firefighter employed full time by a fire
177.10 department is not eligible for permanent employment without being licensed by the board
177.11 and meeting the following requirements:

177.12 (1) the firefighter successfully completes a firefighter examination under section 299N.04
177.13 or completes the examination while serving a probationary period, if any, as determined by
177.14 the hiring authority; and

177.15 (2) the chief firefighting officer or the chief designee completes the employment
177.16 verification portion of the licensing process.

177.17 Sec. 12. Minnesota Statutes 2018, section 299N.05, subdivision 2, is amended to read:

177.18 Subd. 2. **Optional licensing.** A volunteer firefighter affiliated with a department may
177.19 receive or apply for licensure under ~~this section~~ subdivision 1 and section 299N.04 under
177.20 the same terms as full-time firefighters.

177.21 Sec. 13. Minnesota Statutes 2018, section 299N.05, subdivision 5, is amended to read:

177.22 Subd. 5. **Obtaining a firefighter license.** To obtain a license, a firefighter must be
177.23 affiliated with a fire department, complete the board application process, and meet the
177.24 requirements of this section or section 299N.04 or 299N.06. A license is valid for a three-year
177.25 period determined by the board, and the fee for the license is \$75. Fees under this subdivision
177.26 may be prorated by the board for licenses issued with a three-year licensure period.

177.27 Sec. 14. Minnesota Statutes 2018, section 299N.05, subdivision 6, is amended to read:

177.28 Subd. 6. **License renewal; expiration and reinstatement.** (a) A license ~~shall~~ must be
177.29 renewed ~~so long as~~ if the firefighter and the chief firefighting officer ~~provide evidence to~~
177.30 ~~the board that the licensed firefighter has had 72 hours of approved firefighting training in~~

178.1 ~~the preceding three years and the firefighter completes the renewal application. The fee for~~
178.2 ~~renewing a firefighter license is \$75, and the license is valid for an additional three years;~~
178.3 or chief designee completes the renewal application and:

178.4 (1) attests to the board that the licensed firefighter has met the required 72 hours of
178.5 approved firefighter training in the preceding three years;

178.6 (2) upon request, provides evidence the licensed firefighter completed the required 72
178.7 hours of approved firefighter training in the preceding three years;

178.8 (3) verifies that the licensed firefighter is actively serving on a department; and

178.9 (4) attests that the licensed firefighter has not been convicted of or pled guilty or nolo
178.10 contendere to a felony, any arson-related charge, or another offense arising from the same
178.11 set of circumstances.

178.12 (b) The fee to renew a firefighter license is \$75. The license is valid for an additional
178.13 three-year period, unless submitted within the triennial period. Fees under this subdivision
178.14 may be prorated by the board for licenses reinstated or renewed within the three-year
178.15 licensure period.

178.16 ~~(b)~~ (c) If a license expires, a firefighter may apply to have it reinstated. In order to receive
178.17 reinstatement, the firefighter must:

178.18 (1) complete a reinstatement application;

178.19 (2) satisfy all ~~prior firefighter training~~ requirements listed in paragraph (a);

178.20 (3) pay any outstanding renewal fees; and

178.21 (4) pay the delayed renewal fee set by the board.

178.22 ~~(e)~~ (d) In lieu of a reinstatement application under paragraph ~~(b)~~ (c), a firefighter may
178.23 complete a new application for licensure under section 299N.04.

178.24 Sec. 15. Minnesota Statutes 2018, section 299N.05, subdivision 7, is amended to read:

178.25 Subd. 7. **Duties of chief firefighting officer.** (a) Every chief firefighting officer has a
178.26 duty to ensure that every full-time firefighter has a license issued by the board.

178.27 (b) Every chief firefighting officer or designee has the duty to verify that every full-time
178.28 and volunteer individual applying, reinstating, or renewing a license is affiliated with a
178.29 Minnesota fire department.

179.1 ~~(b)~~ (c) Every chief firefighting officer, provider, and individual licensee has a duty to
179.2 ensure proper training records and reports are retained. Records must include, for the
179.3 three-year period subsequent to the license renewal date:

179.4 (1) the dates, subjects, and duration of programs;

179.5 (2) sponsoring organizations;

179.6 (3) fire training hours earned;

179.7 (4) registration receipts to prove attendance at training sessions; and

179.8 (5) other pertinent information.

179.9 ~~(e)~~ (d) The board may require a licensee, provider, or fire department to provide the
179.10 information under paragraph ~~(b)~~ (c) to demonstrate compliance with the 72-hour firefighting
179.11 training requirement under subdivision 6, paragraph (a).

179.12 Sec. 16. Minnesota Statutes 2018, section 299N.05, subdivision 9, is amended to read:

179.13 Subd. 9. **Fees; appropriation.** Fees collected under this section must be deposited in
179.14 the state treasury and credited to a special account and are appropriated to the board to pay
179.15 costs incurred under this section and sections 299N.04 and 299N.05 and 299N.06.

179.16 Sec. 17. Minnesota Statutes 2018, section 299N.06, is amended to read:

179.17 **299N.06 ELIGIBILITY FOR RECIPROCITY AND EXAMINATION BASED ON**
179.18 **RELEVANT MILITARY EXPERIENCE.**

179.19 Subdivision 1. **Reciprocity license requirements for out-of-state certified applicants.** A
179.20 person may apply for licensure if the person (1) becomes employed by or becomes an active
179.21 member of a fire department, (2) has the appropriately certified accreditation by the
179.22 International Fire Service Accreditation Congress or Pro Board, and (3) has met the
179.23 requirements of section 299N.04.

179.24 Subd. 2. **Examination based on relevant military experience.** (a) For purposes of this
179.25 section:

179.26 (1) "active service" has the meaning given in section 190.05, subdivision 5; and

179.27 (2) "relevant military experience" means:

179.28 (i) four years' cumulative service experience in a military firefighting occupational
179.29 specialty;

180.1 (ii) two years' cumulative service experience in a military firefighting occupational
 180.2 specialty, and completion of at least a two-year degree from a regionally accredited
 180.3 postsecondary education institution; or

180.4 (iii) four years' cumulative experience as a full-time firefighter in another state combined
 180.5 with cumulative service experience in a military firefighting occupational specialty.

180.6 (b) A person is eligible to take ~~the reciprocity~~ a firefighter examination and does not
 180.7 have to otherwise meet the requirements of section 299N.04, subdivisions 2 and 3, if the
 180.8 person has:

180.9 (1) relevant military experience; and

180.10 (2) been honorably discharged from military active service as evidenced by the most
 180.11 recent form DD-214 or is currently in active service, as evidenced by:

180.12 (i) active duty orders providing service time in a military firefighting specialty;

180.13 (ii) a United States Department of Defense Manpower Data Center status report pursuant
 180.14 to the Service Members Civil Relief Act, active duty status report; or

180.15 (iii) Military Personnel Center assignment information.

180.16 (c) A person who passed the examination under paragraph (b), clause (2), shall not be
 180.17 eligible to be licensed as a firefighter until honorably discharged as evidenced by the most
 180.18 recent form DD-214.

180.19 (d) To receive a firefighter license, a person who passed ~~the reciprocity certification~~ a
 180.20 firefighter examination must meet the requirements of section 299N.05, ~~subdivision 4~~.

180.21 ARTICLE 11

180.22 STATEWIDE EMERGENCY COMMUNICATION

180.23 Section 1. Minnesota Statutes 2018, section 403.21, subdivision 7a, is amended to read:

180.24 Subd. 7a. **Statewide Radio Emergency Communication Board.** "Statewide Radio
 180.25 Emergency Communication Board," "radio emergency communication board," or "board"
 180.26 means the ~~Statewide Radio Board established under section 403.36 and where the Statewide~~
 180.27 ~~Radio Board has affirmatively elected to become a~~ Statewide Emergency Communication
 180.28 Board as provided in section 403.382 ~~it shall mean the Statewide Emergency Communication~~
 180.29 ~~Board as and is~~ the successor to the Statewide Radio Board.

181.1 Sec. 2. Minnesota Statutes 2018, section 403.36, subdivision 1, is amended to read:

181.2 Subdivision 1. **Membership.** (a) The commissioner of public safety shall convene and
181.3 chair the Statewide ~~Radio~~ Emergency Communication Board to develop a project plan for
181.4 a statewide, shared, trunked public safety radio communication system. The system may
181.5 be referred to as "Allied Radio Matrix for Emergency Response," or "ARMER."

181.6 (b) The board consists of the following members or their designees:

181.7 (1) the commissioner of public safety;

181.8 (2) the commissioner of transportation;

181.9 (3) the state chief information officer;

181.10 (4) the commissioner of natural resources;

181.11 (5) the chief of the Minnesota State Patrol;

181.12 (6) the chair of the Metropolitan Council;

181.13 (7) the commissioner of corrections;

181.14 (8) a representative from the Minnesota Indian Affairs Council;

181.15 ~~(7)~~ (9) two elected city officials, one from the ~~nine-county~~ ten-county metropolitan area
181.16 and one from Greater Minnesota, appointed by the governing body of the League of
181.17 Minnesota Cities;

181.18 ~~(8)~~ (10) two elected county officials, one from the ~~nine-county~~ ten-county metropolitan
181.19 area and one from Greater Minnesota, appointed by the governing body of the Association
181.20 of Minnesota Counties;

181.21 ~~(9)~~ (11) two sheriffs, one from the ~~nine-county~~ ten-county metropolitan area and one
181.22 from Greater Minnesota, appointed by the governing body of the Minnesota Sheriffs'
181.23 Association;

181.24 ~~(10)~~ (12) two chiefs of police, one from the ~~nine-county~~ ten-county metropolitan area
181.25 and one from Greater Minnesota, appointed by the ~~governor after considering~~
181.26 ~~recommendations made by the~~ Minnesota Chiefs' of Police Association;

181.27 ~~(11)~~ (13) two fire chiefs, one from the ~~nine-county~~ ten-county metropolitan area and
181.28 one from Greater Minnesota, appointed by the ~~governor after considering recommendations~~
181.29 ~~made by the~~ Minnesota Fire Chiefs' Association;

181.30 ~~(12)~~ (14) two representatives of emergency medical service providers, one from the
181.31 ~~nine-county~~ ten-county metropolitan area and one from Greater Minnesota, appointed by

182.1 the ~~governor after considering recommendations made by the~~ Minnesota Ambulance
182.2 Association;

182.3 ~~(13)~~ (15) the chair of the ~~regional radio board for the metropolitan area~~ Metropolitan
182.4 Emergency Services Board; and

182.5 ~~(14)~~ (16) a representative of Greater Minnesota elected by those units of government in
182.6 phase three and any subsequent phase of development as defined in the statewide, shared
182.7 radio and communication plan, who have submitted a plan to the Statewide ~~Radio~~ Emergency
182.8 Communication Board and where development has been initiated.

182.9 (c) The Statewide ~~Radio~~ Emergency Communication Board shall coordinate the
182.10 appointment of board members representing Greater Minnesota with the appointing
182.11 authorities and may designate the geographic region or regions from which an appointed
182.12 board member is selected where necessary to provide representation from throughout the
182.13 state.

182.14 Sec. 3. Minnesota Statutes 2018, section 403.36, subdivision 1b, is amended to read:

182.15 Subd. 1b. **Compensation; removal; vacancies.** Compensation, removal, and filling of
182.16 vacancies of board members are governed by section 15.0575, except that appointments to
182.17 the board are not subject to the open appointments process of sections 15.0597 to 15.0599.
182.18 Pursuant to subdivision 1a, members appointed to fill vacancies under this subdivision shall
182.19 have no set term.

182.20 Sec. 4. Minnesota Statutes 2018, section 403.36, subdivision 1c, is amended to read:

182.21 Subd. 1c. **Voting.** Each member has one vote. The majority of the voting power of the
182.22 board constitutes a quorum, although a smaller number may adjourn from time to time. Any
182.23 motion, other than adjournment, must be favored by a majority of the voting power of the
182.24 board in order to carry. In the event of a conflict between the board's bylaws and state law,
182.25 state law shall prevail.

182.26 Sec. 5. Minnesota Statutes 2018, section 403.36, subdivision 1d, is amended to read:

182.27 Subd. 1d. **Calling meeting.** The board shall convene upon the call of the chair, vice-chair,
182.28 other officer, or any six members of the board.

183.1 Sec. 6. Minnesota Statutes 2018, section 403.37, subdivision 12, is amended to read:

183.2 Subd. 12. **Allocation of money.** (a) The board shall allocate money available to the
183.3 Statewide Radio Emergency Communication Board among regional radio boards or to local
183.4 entities within a region to encourage local and regional participation in the system. This
183.5 does not limit the authority of regional radio boards and local entities to individually or
183.6 collectively seek funding of local and regional enhancements and subsystems to the system
183.7 backbone.

183.8 (b) The Statewide Emergency Communication Board, which encompasses other
183.9 emergency communication networks, including but not limited to wireless broadband, the
183.10 Integrated Public Alert and Warning System, 911 service, and the ARMER system, may
183.11 grant money as available to support the goals set forth in the board's strategic plan.

183.12 Sec. 7. Minnesota Statutes 2018, section 403.382, subdivision 1, is amended to read:

183.13 Subdivision 1. **Statewide Emergency Communication Board.** ~~(a) By an affirmative~~
183.14 ~~vote of a majority of the members of the Statewide Radio Board, the board may elect to~~
183.15 ~~become a Statewide Emergency Communication Board.~~

183.16 ~~(b) As a~~ The Statewide Emergency Communication Board, the board shall be is
183.17 responsible for the statewide coordination of 911 service in addition to, existing
183.18 responsibilities for the ARMER system provided for in sections 403.21 to 403.37, wireless
183.19 broadband, and the Integrated Public Alert and Warning System.

183.20 Sec. 8. Minnesota Statutes 2018, section 403.382, subdivision 8, is amended to read:

183.21 Subd. 8. **Other emergency communication system planning and coordination.** In
183.22 addition to powers provided for in this section for the coordination of 911 service, the board
183.23 shall be responsible for planning and coordination of the following public safety emergency
183.24 communication networks:

183.25 (1) developing and maintaining a plan for the implementation of ~~a statewide public~~
183.26 ~~safety broadband network~~ the National Public Safety Broadband Network, as approved by
183.27 the board, including the definition of technical and operational standards for that network;
183.28 and

183.29 (2) other wireless communication technologies or wireless communication networks for
183.30 public safety communications, such as the Integrated Public Alert and Warning System,
183.31 where the board finds that coordination and planning on a regional or statewide basis is
183.32 appropriate or where regional or statewide coordination has been requested by the Federal

184.1 Communications Commission or the Department of Homeland Security which is coordinating
184.2 the technology or network on a national level.

184.3 Sec. 9. **REVISOR INSTRUCTION.**

184.4 In Minnesota Statutes, the revisor of statutes shall substitute the term "Statewide
184.5 Emergency Communication Board" for "Statewide Radio Board" or "radio board" wherever
184.6 the term refers to the powers, duties, and responsibilities of the Statewide Radio Board,
184.7 consistent with the changes in this article. The revisor shall also make grammatical changes
184.8 related to the change in terms.

184.9 **ARTICLE 12**

184.10 **UNIFORM COLLATERAL CONSEQUENCES OF CONVICTION ACT**

184.11 Section 1. Minnesota Statutes 2018, section 245C.22, is amended by adding a subdivision
184.12 to read:

184.13 Subd. 4a. **Disqualification decisions related to chapter 638.** The requirements regarding
184.14 a decision to disqualify an individual under section 638.17 are met by the commissioner
184.15 when implementing the requirements of this section and the exclusion under section 245C.24,
184.16 subdivision 4a.

184.17 Sec. 2. Minnesota Statutes 2018, section 245C.24, is amended by adding a subdivision to
184.18 read:

184.19 Subd. 4a. **Disqualification decisions related to chapter 638.** (a) Notwithstanding
184.20 statutory limits on the commissioner's authority to set aside an individual's disqualification
184.21 under this section, the commissioner may consider issuing a set-aside according to section
184.22 245C.22 if the disqualified individual has been issued an order of limited relief under section
184.23 638.19 that provides this specific relief.

184.24 (b) An individual who received a set-aside of a disqualification as a result of paragraph
184.25 (a) must immediately inform the commissioner upon restriction or revocation of an order
184.26 of limited relief under section 638.22.

184.27 (c) Upon receipt of information regarding a restriction or revocation of an order of limited
184.28 relief according to section 638.22, the commissioner shall rescind a set-aside of a
184.29 disqualification and the individual shall have the appeal rights stated in section 245C.22,
184.30 subdivision 6.

185.1 Sec. 3. Minnesota Statutes 2018, section 364.07, is amended to read:

185.2 **364.07 APPLICATION.**

185.3 The provisions of sections 364.01 to 364.10 shall prevail over any other laws and rules,
185.4 except for sections 638.10 to 638.25, which purport to govern the granting, denial, renewal,
185.5 suspension, or revocation of a license or the initiation, suspension, or termination of public
185.6 employment on the grounds of conviction of a crime or crimes. In deciding to grant, deny,
185.7 revoke, suspend, or renew a license, or to deny, suspend, or terminate public employment
185.8 for a lack of good moral character or the like, the hiring or licensing authority may consider
185.9 evidence of conviction of a crime or crimes but only in the same manner and to the same
185.10 effect as provided for in sections 364.01 to 364.10. Nothing in sections 364.01 to 364.10
185.11 shall be construed to otherwise affect relevant proceedings involving the granting, denial,
185.12 renewal, suspension, or revocation of a license or the initiation, suspension, or termination
185.13 of public employment.

185.14 Sec. 4. **638.10 SHORT TITLE.**

185.15 Sections 638.10 to 638.25 may be cited as the "Uniform Collateral Consequences of
185.16 Conviction Act."

185.17 Sec. 5. **638.11 DEFINITIONS.**

185.18 (a) For the purposes of sections 638.10 to 638.25, the terms defined in this section have
185.19 the meanings given them.

185.20 (b) "Collateral consequence" means a collateral sanction or a disqualification.

185.21 (c) "Collateral sanction" means a penalty, disability, or disadvantage, however
185.22 denominated, imposed on an individual as a result of the individual's conviction of an offense
185.23 which applies by operation of law whether or not the penalty, disability, or disadvantage is
185.24 included in the judgment or sentence. The term does not include imprisonment, probation,
185.25 parole, supervised release, forfeiture, restitution, fine, assessment, or costs of prosecution.

185.26 (d) "Conviction" or "convicted" includes a child adjudicated delinquent.

185.27 (e) "Decision maker" means the state acting through a department, agency, officer, or
185.28 instrumentality, including a political subdivision, educational institution, board, or
185.29 commission, or its employees, or a government contractor, including a subcontractor, made
185.30 subject to sections 638.10 to 638.25 by contract, other law, or ordinance.

186.1 (f) "Disqualification" means a penalty, disability, or disadvantage, however denominated,
186.2 that an administrative agency, governmental official, or court in a civil proceeding is
186.3 authorized, but not required, to impose on an individual on grounds relating to the individual's
186.4 conviction of an offense.

186.5 (g) "Offense" means a felony, gross misdemeanor, misdemeanor, or adjudication as a
186.6 delinquent under the laws of this state, another state, or the United States.

186.7 (h) "Person" means an individual, corporation, business trust, estate, trust, partnership,
186.8 limited liability company, association, joint venture, public corporation, government or
186.9 governmental subdivision, agency, or instrumentality, or any other legal or commercial
186.10 entity.

186.11 (i) "State" means a state of the United States, the District of Columbia, Puerto Rico, the
186.12 United States Virgin Islands, or any territory or insular possession subject to the jurisdiction
186.13 of the United States.

186.14 **Sec. 6. [638.12] LIMITATION ON SCOPE.**

186.15 (a) Sections 638.10 to 638.25 do not provide a basis for:

186.16 (1) invalidating a plea, conviction, or sentence;

186.17 (2) a cause of action for money damages; or

186.18 (3) a claim for relief from or defense to the application of a collateral consequence based
186.19 on a failure to comply with section 638.13, 638.14, or 638.15.

186.20 (b) Sections 638.10 to 638.25 do not affect:

186.21 (1) the duty an individual's attorney owes to the individual; or

186.22 (2) a right or remedy under law other than sections 638.10 to 638.25 available to an
186.23 individual convicted of an offense.

186.24 **Sec. 7. [638.13] IDENTIFICATION, COLLECTION, AND PUBLICATION OF**
186.25 **LAWS REGARDING COLLATERAL CONSEQUENCES.**

186.26 (a) The revisor of statutes shall:

186.27 (1) identify or cause to be identified any provision in this state's constitution, statutes,
186.28 and administrative rules which imposes a collateral sanction or authorizes the imposition
186.29 of a disqualification, and any provision of law that may afford relief from a collateral
186.30 consequence;

187.1 (2) in a timely manner after the effective date of sections 638.10 to 638.25, prepare a
187.2 collection of citations to, and the text or short descriptions of, the provisions identified under
187.3 clause (1); and

187.4 (3) annually update the collection in a timely manner after the regular or last special
187.5 session of the legislature in a calendar year.

187.6 In complying with clauses (1) and (2), the revisor may rely on the study of this state's
187.7 collateral sanctions, disqualifications, and relief provisions prepared by the National Institute
187.8 of Justice described in section 510 of the Court Security Improvement Act of 2007, Public
187.9 Law 110-177.

187.10 (b) The revisor of statutes shall include the following statements or substantially similar
187.11 language in a prominent manner at the beginning of the collection required under paragraph
187.12 (a):

187.13 (1) This collection has not been enacted into law and does not have the force of law.

187.14 (2) An error or omission in this collection or in any reference work cited in this collection
187.15 is not a reason for invalidating a plea, conviction, or sentence or for not imposing a collateral
187.16 sanction or authorizing a disqualification.

187.17 (3) The laws of other jurisdictions and local governments which impose additional
187.18 collateral sanctions and authorize additional disqualifications are not included in this
187.19 collection.

187.20 (4) This collection does not include any law or other provision regarding the imposition
187.21 of or relief from a collateral sanction or a disqualification enacted or adopted after (date the
187.22 collection was prepared or last updated.)

187.23 (c) The Office of the Revisor of Statutes shall publish the collection prepared and updated
187.24 as required under paragraph (a). If available, it shall publish as part of the collection the
187.25 title and website address of the most recent collection of:

187.26 (1) the collateral consequences imposed by federal law; and

187.27 (2) any provision of federal law that may afford relief from a collateral consequence.

187.28 (d) The collection described under paragraph (c) must be available to the public on the
187.29 Internet without charge in a reasonable time after it is created or updated.

188.1 Sec. 8. **[638.14] NOTICE OF COLLATERAL CONSEQUENCES IN CITATION,**
188.2 **PRETRIAL PROCEEDING, AND AT GUILTY PLEA.**

188.3 (a) When a peace officer issues a citation to a person for an offense, the officer shall
188.4 ensure that the person receives a notice of additional legal consequences substantially similar
188.5 to that described in paragraph (b). This requirement may be satisfied by using the uniform
188.6 traffic ticket described in section 169.99 or the statewide standard citation if that document
188.7 addresses collateral consequences of a criminal conviction.

188.8 (b) When an individual receives formal notice that the individual is charged with an
188.9 offense, the prosecuting attorney of the county or city in which the individual is charged
188.10 shall provide information substantially similar to the following to the individual:

188.11 **NOTICE OF ADDITIONAL LEGAL CONSEQUENCES**

188.12 If you pled guilty or are convicted of an offense you may suffer additional legal
188.13 consequences beyond the sentence imposed by the court. These consequences may include,
188.14 among many others, ineligibility to keep or obtain some licenses, permits or jobs, public
188.15 housing or education benefits, and to vote or possess a firearm. You may be denied
188.16 citizenship and be deported. It is your responsibility to learn what consequences may
188.17 apply to you. Ask your attorney. Most consequences can be found at
188.18 <https://niccc.csgjusticecenter.org/about/>.

188.19 (c) Before the court accepts a plea of guilty from an individual, the court shall confirm
188.20 that the individual received and understands the notice required by paragraphs (a) and (b),
188.21 and had an opportunity to discuss the notice with counsel.

188.22 Sec. 9. **[638.15] NOTICE OF COLLATERAL CONSEQUENCES AT SENTENCING**
188.23 **AND UPON RELEASE.**

188.24 (a) As provided in paragraphs (b) and (c), an individual convicted of an offense shall be
188.25 given the following notice:

188.26 (1) that collateral consequences may apply because of this conviction;

188.27 (2) the website address of the collection of laws published under section 638.13, paragraph
188.28 (c);

188.29 (3) that there may be ways to obtain relief from collateral consequences;

188.30 (4) contact information for government or nonprofit agencies, groups, or organizations,
188.31 if any, offering assistance to individuals seeking relief from collateral consequences; and

188.32 (5) when an individual convicted of an offense may vote under state law.

189.1 (b) The court shall provide the notice in paragraph (a) as a part of sentencing.

189.2 (c) If an individual is sentenced to imprisonment or other incarceration, the officer or
189.3 agency releasing the individual shall provide the notice in paragraph (a) not more than 30
189.4 days and, if practicable, at least ten days before release.

189.5 **Sec. 10. [638.16] AUTHORIZATION REQUIRED FOR COLLATERAL SANCTION;**
189.6 **AMBIGUITY.**

189.7 (a) A collateral sanction may be imposed only by statute or ordinance, or by rule
189.8 authorized by law and adopted under chapter 14.

189.9 (b) A law creating a collateral consequence that is ambiguous as to whether it imposes
189.10 a collateral sanction or authorizes a disqualification must be construed as authorizing a
189.11 disqualification.

189.12 **Sec. 11. [638.17] DECISION TO DISQUALIFY.**

189.13 In deciding whether to impose a disqualification, a decision maker shall undertake an
189.14 individualized assessment to determine whether the benefit or opportunity at issue shall be
189.15 denied the individual. In making that decision, the decision maker may consider, if
189.16 substantially related to the benefit or opportunity at issue, the particular facts and
189.17 circumstances involved in the offense and the essential elements of the offense. A conviction
189.18 itself may not be considered except as having established the elements of the offense. The
189.19 decision maker shall also consider other relevant information including, at a minimum, the
189.20 effect on third parties of granting the benefit or opportunity and whether the individual has
189.21 been granted relief such as an order of limited relief.

189.22 **Sec. 12. [638.18] EFFECT OF CONVICTION BY ANOTHER STATE OR THE**
189.23 **UNITED STATES; RELIEVED OR PARDONED CONVICTION.**

189.24 (a) For purposes of authorizing or imposing a collateral consequence in this state, a
189.25 conviction of an offense in a court of another state or the United States is deemed a conviction
189.26 of the offense in this state with the same elements. If there is no offense in this state with
189.27 the same elements, the conviction is deemed a conviction of the most serious offense in this
189.28 state which is established by the elements of the offense. A misdemeanor in the jurisdiction
189.29 of conviction may not be deemed a felony in this state, and an offense lesser than a
189.30 misdemeanor in the jurisdiction of conviction may not be deemed a conviction of a felony,
189.31 gross misdemeanor, or misdemeanor in this state.

190.1 (b) For purposes of authorizing or imposing a collateral consequence in this state, a
190.2 juvenile adjudication in another state or the United States may not be deemed a conviction
190.3 of a felony, gross misdemeanor, misdemeanor, or offense lesser than a misdemeanor in this
190.4 state, but may be deemed a juvenile adjudication for the delinquent act in this state with the
190.5 same elements. If there is no delinquent act in this state with the same elements, the juvenile
190.6 adjudication is deemed an adjudication of the most serious delinquent act in this state which
190.7 is established by the elements of the offense.

190.8 (c) A conviction that is reversed, overturned, or otherwise vacated by a court of competent
190.9 jurisdiction of this state, another state, or the United States on grounds other than
190.10 rehabilitation or good behavior may not serve as the basis for authorizing or imposing a
190.11 collateral consequence in this state.

190.12 (d) A pardon issued by another state or the United States has the same effect for purposes
190.13 of authorizing, imposing, and relieving a collateral consequence in this state as it has in the
190.14 issuing jurisdiction.

190.15 (e) A conviction that has been relieved by expungement, sealing, annulment, set-aside,
190.16 or vacation by a court of competent jurisdiction of another state or the United States on
190.17 grounds of rehabilitation or good behavior, or for which civil rights are restored pursuant
190.18 to statute, has the same effect for purposes of authorizing or imposing collateral consequences
190.19 in this state as it has in the jurisdiction of conviction. However, this relief or restoration of
190.20 civil rights does not relieve collateral consequences applicable under the law of this state
190.21 for which relief could not be granted under section 638.21 or for which relief was expressly
190.22 withheld by the court order or by the law of the jurisdiction that relieved the conviction. An
190.23 individual convicted in another jurisdiction may seek relief under section 638.19 from any
190.24 collateral consequence for which relief was not granted in the issuing jurisdiction, other
190.25 than those listed in section 638.21, and the judge shall consider that the conviction was
190.26 relieved or civil rights restored in deciding whether to issue an order of limited relief.

190.27 (f) A charge or prosecution in any jurisdiction which has been finally terminated without
190.28 a conviction and imposition of sentence based on participation in a deferred adjudication
190.29 or diversion program may not serve as the basis for authorizing or imposing a collateral
190.30 consequence in this state. This paragraph does not affect the validity of any restriction or
190.31 condition imposed by law as part of participation in the deferred adjudication or diversion
190.32 program, before or after the termination of the charge or prosecution.

191.1 Sec. 13. **[638.19] ORDER OF LIMITED RELIEF.**

191.2 (a) The court shall conduct proceedings, make determinations, and issue orders on
191.3 petitions for orders of limited relief filed under this section.

191.4 (b) An individual convicted of an offense may petition for an order of limited relief from
191.5 one or more collateral sanctions related to employment, education, housing, public benefits,
191.6 or occupational licensing. The petition may be brought before the court at any time after
191.7 sentencing.

191.8 (c) Except as otherwise provided in section 638.21, the judge may issue an order of
191.9 limited relief relieving one or more of the collateral sanctions described in paragraph (b) if,
191.10 after reviewing the petition, the individual's criminal history, and any other relevant evidence,
191.11 the judge finds the individual has established by a preponderance of the evidence that:

191.12 (1) granting the petition will materially assist the individual in obtaining or maintaining
191.13 employment, education, housing, public benefits, or occupational licensing;

191.14 (2) the individual has substantial need for the relief requested in order to live a
191.15 law-abiding life; and

191.16 (3) granting the petition would not pose an unreasonable risk to the safety or welfare of
191.17 the public.

191.18 (d) The order of limited relief must specify:

191.19 (1) the collateral sanction from which relief is granted; and

191.20 (2) any restriction imposed pursuant to section 638.22, paragraph (a).

191.21 (e) An order of limited relief relieves a collateral sanction to the extent provided in the
191.22 order.

191.23 (f) If a collateral sanction has been relieved pursuant to this section, a decision maker
191.24 may consider the conduct underlying a conviction as provided in section 638.17.

191.25 Sec. 14. **[638.21] COLLATERAL SANCTIONS NOT SUBJECT TO ORDER OF**
191.26 **LIMITED RELIEF.**

191.27 An order of limited relief may not be issued to relieve the following collateral sanctions:

191.28 (1) requirements imposed by sections 243.166 and 243.167;

191.29 (2) a motor vehicle license suspension, revocation, limitation, or ineligibility for driving
191.30 while intoxicated pursuant to section 169A.20, or sections 169.792, 169.797, 169A.52,

192.1 169A.54, 171.17, 171.172, 171.173, 171.18, and 171.186, for which restoration or relief is
192.2 available pursuant to sections 171.30 and 171.306;

192.3 (3) ineligibility for employment pursuant to sections 387.36 and 419.06 or other law
192.4 restricting employment of convicted individuals by law enforcement agencies, such as the
192.5 Department of Corrections, Department of Public Safety, Office of the Attorney General,
192.6 sheriff's offices, police departments, and judicial offices; or

192.7 (4) eligibility to purchase, possess, use, transfer, or own a firearm.

192.8 **Sec. 15. [638.22] ISSUANCE, MODIFICATION, AND REVOCATION OF ORDER**
192.9 **OF LIMITED RELIEF.**

192.10 (a) When a petition is filed under section 638.19, including a petition for enlargement
192.11 of an existing order of limited relief, the judge may issue an order subject to restriction,
192.12 condition, or additional requirement. When issuing, denying, modifying, or revoking an
192.13 order, the judge may impose conditions for reapplication.

192.14 (b) The judge may restrict or revoke an order of limited relief issued by a court in this
192.15 state if it finds just cause by a preponderance of the evidence. An order of restriction or
192.16 revocation may be issued:

192.17 (1) on motion of the judge;

192.18 (2) after notice to the individual; and

192.19 (3) after a hearing if requested by the individual.

192.20 (c) The judge shall order any test, report, investigation, or disclosure by the individual
192.21 it reasonably believes necessary to its decision to issue, modify, or revoke an order of limited
192.22 relief.

192.23 (d) The court shall maintain a public record of the issuance, modification, and revocation
192.24 of orders of limited relief and certificates of restoration of rights. The criminal history record
192.25 system of the Bureau of Criminal Apprehension must include issuance, modification, and
192.26 revocation of orders and certificates.

192.27 **Sec. 16. [638.23] RELIANCE ON ORDER AS EVIDENCE OF DUE CARE.**

192.28 In a judicial or administrative proceeding alleging negligence or other fault, an order of
192.29 limited relief may be introduced as evidence of a person's due care in hiring, retaining,
192.30 licensing, leasing to, admitting to a school or program, or otherwise transacting business or

193.1 engaging in activity with the individual to whom the order was issued, if the person knew
193.2 of the order at the time of the alleged negligence or other fault.

193.3 Sec. 17. **[638.24] UNIFORMITY OF APPLICATION AND CONSTRUCTION.**

193.4 In applying and construing this uniform act, consideration must be given to the need to
193.5 promote uniformity of the law with respect to its subject matter among states that enact it.

193.6 Sec. 18. **[638.25] SAVINGS AND TRANSITIONAL PROVISIONS.**

193.7 (a) Sections 638.10 to 638.25 apply to collateral consequences whenever enacted or
193.8 imposed, unless the law creating the collateral consequence expressly states that sections
193.9 638.10 to 638.25 do not apply.

193.10 (b) Sections 638.10 to 638.25 do not invalidate the imposition of a collateral sanction
193.11 on an individual before the effective date of sections 638.10 to 638.25, but a collateral
193.12 sanction validly imposed before the effective date of sections 638.10 to 638.25 may be the
193.13 subject of relief under these sections.

193.14 Sec. 19. **CHANGE TO UNIFORM TRAFFIC TICKET AND STATEWIDE**
193.15 **STANDARD CITATION.**

193.16 By January 1, 2021, the uniform traffic ticket described in Minnesota Statutes, section
193.17 169.99, and the statewide standard citation must include a notice of additional legal
193.18 consequences substantially similar to that described in Minnesota Statutes, section 638.14,
193.19 paragraph (b). If this is determined not to be feasible, the ticket and citation must, at a
193.20 minimum, inform the offender generally of the issue of potential collateral consequences
193.21 and provide the following website address: <https://niccc.csgjusticecenter.org/about/>.

193.22 Sec. 20. **REPEALER.**

193.23 Minnesota Statutes 2018, sections 609B.050; 609B.100; 609B.101; 609B.102; 609B.103;
193.24 609B.104; 609B.105; 609B.106; 609B.107; 609B.108; 609B.109; 609B.110; 609B.111;
193.25 609B.112; 609B.113; 609B.120; 609B.121; 609B.122; 609B.123; 609B.124; 609B.125;
193.26 609B.126; 609B.127; 609B.128; 609B.129; 609B.130; 609B.132; 609B.133; 609B.134;
193.27 609B.135; 609B.136; 609B.139; 609B.140; 609B.141; 609B.142; 609B.143; 609B.144;
193.28 609B.146; 609B.147; 609B.148; 609B.149; 609B.1495; 609B.150; 609B.151; 609B.152;
193.29 609B.153; 609B.155; 609B.157; 609B.158; 609B.159; 609B.160; 609B.161; 609B.162;
193.30 609B.164; 609B.1641; 609B.1645; 609B.165; 609B.168; 609B.170; 609B.171; 609B.172;
193.31 609B.173; 609B.174; 609B.175; 609B.176; 609B.177; 609B.179; 609B.180; 609B.181;

194.1 609B.183; 609B.184; 609B.185; 609B.187; 609B.188; 609B.189; 609B.191; 609B.192;
194.2 609B.193; 609B.194; 609B.195; 609B.200; 609B.201; 609B.203; 609B.205; 609B.206;
194.3 609B.216; 609B.231; 609B.235; 609B.237; 609B.241; 609B.245; 609B.255; 609B.262;
194.4 609B.263; 609B.265; 609B.271; 609B.273; 609B.275; 609B.277; 609B.301; 609B.310;
194.5 609B.311; 609B.312; 609B.320; 609B.321; 609B.330; 609B.331; 609B.332; 609B.333;
194.6 609B.340; 609B.341; 609B.342; 609B.343; 609B.344; 609B.345; 609B.400; 609B.405;
194.7 609B.410; 609B.415; 609B.425; 609B.430; 609B.435; 609B.445; 609B.450; 609B.455;
194.8 609B.460; 609B.465; 609B.500; 609B.505; 609B.510; 609B.515; 609B.518; 609B.520;
194.9 609B.525; 609B.530; 609B.535; 609B.540; 609B.545; 609B.600; 609B.610; 609B.611;
194.10 609B.612; 609B.613; 609B.614; 609B.615; 609B.700; 609B.710; 609B.720; 609B.721;
194.11 609B.722; 609B.723; 609B.724; and 609B.725, are repealed.

194.12 Sec. 21. **EFFECTIVE DATE.**

194.13 (a) Except as provided in paragraph (b), sections 1 to 20 are effective January 1, 2020.

194.14 (b) Section 8, paragraph (a), is effective July 1, 2024.

194.15

ARTICLE 13

194.16

PREDATORY OFFENDERS

194.17 Section 1. Minnesota Statutes 2018, section 171.07, subdivision 1a, is amended to read:

194.18 Subd. 1a. **Filing photograph or image; data classification.** The department shall file,
194.19 or contract to file, all photographs or electronically produced images obtained in the process
194.20 of issuing drivers' licenses or Minnesota identification cards. The photographs or
194.21 electronically produced images shall be private data pursuant to section 13.02, subdivision
194.22 12. Notwithstanding section 13.04, subdivision 3, the department shall not be required to
194.23 provide copies of photographs or electronically produced images to data subjects. The use
194.24 of the files is restricted:

194.25 (1) to the issuance and control of drivers' licenses;

194.26 (2) to criminal justice agencies, as defined in section 299C.46, subdivision 2, for the
194.27 investigation and prosecution of crimes, service of process, enforcement of no contact
194.28 orders, location of missing persons, investigation and preparation of cases for criminal,
194.29 juvenile, and traffic court, location of individuals required to register under section 243.166
194.30 or 243.167, and supervision of offenders;

194.31 (3) to public defenders, as defined in section 611.272, for the investigation and preparation
194.32 of cases for criminal, juvenile, and traffic courts;

195.1 (4) to child support enforcement purposes under section 256.978; and

195.2 (5) to a county medical examiner or coroner as required by section 390.005 as necessary
195.3 to fulfill the duties under sections 390.11 and 390.25.

195.4 Sec. 2. Minnesota Statutes 2018, section 243.166, subdivision 1a, is amended to read:

195.5 Subd. 1a. **Definitions.** (a) As used in this section, unless the context clearly indicates
195.6 otherwise, the following terms have the meanings given them.

195.7 (b) "Bureau" means the Bureau of Criminal Apprehension.

195.8 (c) "Corrections agent" means a county or state probation agent or other corrections
195.9 employee. Corrections agent also includes employees of the federal government who work
195.10 with a person subject to this section.

195.11 ~~(e)~~ (d) "Dwelling" means the building where the person lives under a formal or informal
195.12 agreement to do so. However, dwelling does not include a supervised publicly or privately
195.13 operated shelter or facility designed to provide temporary living accommodations for
195.14 homeless individuals as defined in section 116L.361, subdivision 5.

195.15 ~~(d)~~ (e) "Incarceration" and "confinement" do not include electronic home monitoring.

195.16 ~~(e)~~ (f) "Law enforcement authority" or "authority" means, ~~with respect to the chief of~~
195.17 police of a home rule charter or statutory city, the chief of police, and with respect to the
195.18 county sheriff of an unincorporated area, the county sheriff in that county. An authority
195.19 must be located in Minnesota.

195.20 ~~(f)~~ (g) "Motor vehicle" has the meaning given in section 169.011, subdivision 92.

195.21 ~~(g)~~ (h) "Primary address" means the mailing address of the person's dwelling. If the
195.22 mailing address is different from the actual location of the dwelling, primary address also
195.23 includes the physical location of the dwelling described with as much specificity as possible.

195.24 ~~(h)~~ (i) "School" includes any public or private educational institution, including any
195.25 secondary school, trade, or professional institution, or institution of higher education, that
195.26 the person is enrolled in on a full-time or part-time basis.

195.27 ~~(i)~~ (j) "Secondary address" means the mailing address of any place where the person
195.28 regularly or occasionally stays overnight when not staying at the person's primary address.
195.29 If the mailing address is different from the actual location of the place, secondary address
195.30 also includes the physical location of the place described with as much specificity as possible.
195.31 However, the location of a supervised publicly or privately operated shelter or facility

196.1 designated to provide temporary living accommodations for homeless individuals as defined
196.2 in section 116L.361, subdivision 5, does not constitute a secondary address.

196.3 ~~(j)~~ (k) "Treatment facility" means a residential facility, as defined in section 244.052,
196.4 subdivision 1, and residential chemical dependency treatment programs and halfway houses
196.5 licensed under chapter 245A, including, but not limited to, those facilities directly or
196.6 indirectly assisted by any department or agency of the United States.

196.7 ~~(k)~~ (l) "Work" includes employment that is full time or part time for a period of time
196.8 exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar
196.9 year, whether financially compensated, volunteered, or for the purpose of government or
196.10 educational benefit.

196.11 Sec. 3. Minnesota Statutes 2018, section 243.166, subdivision 1b, is amended to read:

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

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

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

196.18 (ii) kidnapping under section 609.25;

196.19 (iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451,
196.20 subdivision 3; or 609.3453; or

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

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

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

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

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

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

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

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

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

197.3 ~~and convicted of or adjudicated delinquent for that offense or another offense arising out~~

197.4 ~~of the same set of circumstances;~~

197.5 (3) the person was sentenced as a patterned sex offender under section 609.3455,

197.6 subdivision 3a; ~~or~~

197.7 (4) the person was charged with or petitioned for, including pursuant to a court martial,

197.8 violating a law of the United States, including the Uniform Code of Military Justice, similar

197.9 to the offenses described in clause (1), (2), or (3), and convicted of or adjudicated delinquent

197.10 for that offense or another offense arising out of the same set of circumstances; or

197.11 (5) the person was charged with or petitioned for a violation of a law similar to an offense

197.12 described in clause (1), (2), (3), or (4) in another country where there are sufficient safeguards

197.13 for fundamental fairness and due process for the accused and the person was convicted of

197.14 or adjudicated delinquent for that offense or another offense arising out of the same set of

197.15 circumstances.

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

197.17 (1) the person was charged with or petitioned for an offense in another state that would

197.18 be a violation of a law described in paragraph (a) if committed in this state and convicted

197.19 of or adjudicated delinquent for that offense or another offense arising out of the same set

197.20 of circumstances;

197.21 (2) the person enters this state to reside, work, or attend school, or enters this state and

197.22 remains for 14 days or longer or for an aggregate period of time exceeding 30 days during

197.23 any calendar year; and

197.24 (3) ten years have not elapsed since the person was released from confinement or, if the

197.25 person was not confined, since the person was convicted of or adjudicated delinquent for

197.26 the offense that triggers registration, unless the person is subject to a longer registration

197.27 period under the laws of another state or country in which the person has been convicted

197.28 or adjudicated, or is subject to lifetime registration.

197.29 If a person described in this paragraph is subject to a longer registration period in another

197.30 state or country or is subject to lifetime registration, the person shall register for that time

197.31 period regardless of when the person was released from confinement, convicted, or

197.32 adjudicated delinquent.

198.1 (c) A person also shall register under this section if the person was committed pursuant
198.2 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter
198.3 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state ~~or~~ the
198.4 United States, or another country, regardless of whether the person was convicted of any
198.5 offense.

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

198.7 (1) the person was charged with or petitioned for a felony violation or attempt to violate
198.8 any of the offenses listed in paragraph (a), clause (1), or a similar law of another state ~~or~~
198.9 the United States, or another country, or the person was charged with or petitioned for a
198.10 violation of any of the offenses listed in paragraph (a), clause (2), or a similar law of another
198.11 state ~~or~~ the United States, or another country;

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

198.15 (3) the person was committed pursuant to a court commitment order under section
198.16 253B.18 or a similar law of another state ~~or~~ the United States, or another country.

198.17 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
198.18 committed on or after that date.

198.19 Sec. 4. Minnesota Statutes 2018, section 243.166, subdivision 2, is amended to read:

198.20 Subd. 2. **Notice.** When a person who is required to register under subdivision 1b,
198.21 paragraph (a), is sentenced or becomes subject to a juvenile court disposition order, the
198.22 court shall tell the person of the duty to register under this section and that, if the person
198.23 fails to comply with the registration requirements, information about the offender may be
198.24 made available to the public through electronic, computerized, or other accessible means.
198.25 The court may not modify the person's duty to register in the pronounced sentence or
198.26 disposition order. The court shall require the person to read and sign a form stating that the
198.27 duty of the person to register under this section has been explained. The court shall ~~forward~~
198.28 make available the signed ~~sex-offender-registration~~ court notification form, the complaint,
198.29 and sentencing documents to the bureau. If a person required to register under subdivision
198.30 1b, paragraph (a), was not notified by the court of the registration requirement at the time
198.31 of sentencing or disposition, the assigned corrections agent shall notify the person of the
198.32 requirements of this section. If a person required to register under subdivision 1b, paragraph
198.33 (a), was not notified by the court of the registration requirement at the time of sentencing

199.1 or disposition and does not have a corrections agent, the law enforcement authority with
199.2 jurisdiction over the person's primary address shall notify the person of the requirements.
199.3 When a person who is required to register under subdivision 1b, paragraph (c) or (d), is
199.4 released from commitment, the treatment facility shall notify the person of the requirements
199.5 of this section. The treatment facility shall also obtain the registration information required
199.6 under this section and forward it to the bureau.

199.7 Sec. 5. Minnesota Statutes 2018, section 243.166, subdivision 4, is amended to read:

199.8 Subd. 4. **Contents of registration.** (a) The registration provided to the corrections agent
199.9 or law enforcement authority, must consist of a statement in writing signed by the person,
199.10 giving information required by the bureau, fingerprints, biological specimen for DNA
199.11 analysis as defined under section 299C.155, subdivision 1, and photograph of the person
199.12 taken at the time of the person's release from incarceration or, if the person was not
199.13 incarcerated, at the time the person initially registered under this section. The registration
199.14 information also must include a written consent form signed by the person allowing a
199.15 treatment facility or residential housing unit or shelter to release information to a law
199.16 enforcement officer about the person's admission to, or residence in, a treatment facility or
199.17 residential housing unit or shelter. Registration information on adults and juveniles may be
199.18 maintained together notwithstanding section 260B.171, subdivision 3.

199.19 (b) For persons required to register under subdivision 1b, paragraph (c), following
199.20 commitment pursuant to a court commitment under Minnesota Statutes 2012, section
199.21 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of
199.22 another state ~~or~~ the United States, or another country, in addition to other information
199.23 required by this section, the registration provided to the corrections agent or law enforcement
199.24 authority must include the person's offense history and documentation of treatment received
199.25 during the person's commitment. This documentation is limited to a statement of how far
199.26 the person progressed in treatment during commitment.

199.27 (c) Within three days of receipt, the corrections agent or law enforcement authority shall
199.28 forward the registration information to the bureau. The bureau shall ascertain whether the
199.29 person has registered with the law enforcement authority in the area of the person's primary
199.30 address, if any, or if the person lacks a primary address, where the person is staying, as
199.31 required by subdivision 3a. If the person has not registered with the law enforcement
199.32 authority, the bureau shall ~~send one copy to~~ notify that authority.

200.1 (d) The corrections agent or law enforcement authority may require that a person required
200.2 to register under this section appear before the agent or authority to be photographed. The
200.3 agent or authority shall ~~forward~~ submit the photograph to the bureau.

200.4 (1) Except as provided in clause (2), the agent or authority may photograph any offender
200.5 at a time and frequency chosen by the agent or authority.

200.6 (2) The requirements of this paragraph shall not apply during any period where the
200.7 person to be photographed is: (i) committed to the commissioner of corrections and
200.8 incarcerated, (ii) incarcerated in a regional jail or county jail, or (iii) committed to the
200.9 commissioner of human services and receiving treatment in a secure treatment facility.

200.10 (e) During the period a person is required to register under this section, the following
200.11 provisions apply:

200.12 (1) Except for persons registering under subdivision 3a, the bureau shall mail a
200.13 verification form to the person's last reported primary address. This verification form must
200.14 provide notice to the offender that, if the offender does not return the verification form as
200.15 required, information about the offender may be made available to the public through
200.16 electronic, computerized, or other accessible means. For persons who are registered under
200.17 subdivision 3a, the bureau shall mail an annual verification form to the law enforcement
200.18 authority where the offender most recently reported. The authority shall provide the
200.19 verification form to the person at the next weekly meeting and ensure that the person
200.20 completes and signs the form and returns it to the bureau. Notice is sufficient under this
200.21 paragraph; if the verification form is sent by first class mail to the person's last reported
200.22 primary address, or for persons registered under subdivision 3a, to the law enforcement
200.23 authority where the offender most recently reported.

200.24 (2) The person shall mail the signed verification form back to the bureau within ten days
200.25 after receipt of the form, ~~stating on the form the current and last address of the person's~~
200.26 ~~residence and the other information required under subdivision 4a.~~ The person cannot change
200.27 any registration information as part of the verification process.

200.28 (3) In addition to the requirements listed in this section, an offender who is no longer
200.29 under correctional supervision for a registration offense, or a failure to register offense, but
200.30 who resides, works, or attends school in Minnesota, shall have an in-person contact with a
200.31 law enforcement authority as provided in this section. If the person resides in Minnesota,
200.32 the in-person contact shall be with the law enforcement authority that has jurisdiction over
200.33 the person's primary address or, if the person has no address, the location where the person
200.34 is staying. If the person does not reside in Minnesota but works or attends school in this

201.1 state, the person shall have an in-person contact with the law enforcement authority or
201.2 authorities with jurisdiction over the person's school or workplace. During the month of the
201.3 person's birth date, the person shall report to the authority to verify the accuracy of the
201.4 registration information and to be photographed. Within three days of this contact, the
201.5 authority shall enter information as required by the bureau into the predatory offender
201.6 registration database and submit an updated photograph of the person to the bureau's
201.7 predatory offender registration unit.

201.8 (4) If the person fails to mail the completed and signed verification form to the bureau
201.9 within ten days after receipt of the form, or if the person fails to report to the law enforcement
201.10 authority during the month of the person's birth date, the person is in violation of this section.

201.11 (5) For any person who fails to mail the completed and signed verification form to the
201.12 bureau within ten days after receipt of the form and who has been determined to be subject
201.13 to community notification pursuant to section 253D.32 or is a risk level III offender under
201.14 section 244.052, the bureau shall immediately investigate and notify local law enforcement
201.15 authorities to investigate the person's location and to ensure compliance with this section.
201.16 The bureau also shall immediately give notice of the person's violation of this section to the
201.17 law enforcement authority having jurisdiction over the person's last registered primary
201.18 address ~~or addresses~~.

201.19 (6) A law enforcement authority may determine whether the person is at that person's
201.20 primary address, secondary address, or school or work location, if any, or the accuracy of
201.21 any other information required under subdivision 4a if the person whose primary address,
201.22 secondary address, or school or work location, if any, is within the authority's jurisdiction,
201.23 regardless of the assignment of a corrections agent.

201.24 For persons required to register under subdivision 1b, paragraph (c), following
201.25 commitment pursuant to a court commitment under Minnesota Statutes 2012, section
201.26 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of
201.27 another state ~~or~~ the United States, or another country, the bureau shall comply with clause
201.28 (1) at least ~~four~~ two times each year. For persons who, under section 244.052, are assigned
201.29 to risk level III and who are no longer under correctional supervision for a registration
201.30 offense or a failure to register offense, the bureau shall comply with clause (1) at least two
201.31 times each year. For all other persons required to register under this section, the bureau shall
201.32 comply with clause (1) each year within 30 days of the anniversary date of the person's
201.33 initial registration.

202.1 (f) ~~When sending out a verification form, the bureau shall determine whether the person~~
202.2 ~~to whom the verification form is being sent has signed a written consent form as provided~~
202.3 ~~for in paragraph (a). If the person has not signed such a consent form, the bureau shall send~~
202.4 ~~a written consent form to the person along with the verification form. A person who receives~~
202.5 ~~this written consent form shall sign and return it to the bureau at the same time as the~~
202.6 ~~verification form.~~ For persons registered under this section on the effective date of this
202.7 section, each person, on or before one year from that date, must provide a biological specimen
202.8 for the purpose of DNA analysis to the probation agency or law enforcement authority
202.9 where that person is registered. A person who provides or has provided a biological specimen
202.10 for the purpose of DNA analysis under chapter 299C or section 609.117 meets the
202.11 requirements of this paragraph.

202.12 (g) For persons registered under this section on the effective date of this section, each
202.13 person, on or before one year from that date, must provide fingerprints to the probation
202.14 agency or law enforcement authority where that person is registered.

202.15 Sec. 6. Minnesota Statutes 2018, section 243.166, subdivision 4a, is amended to read:

202.16 Subd. 4a. **Information required to be provided.** (a) A person required to register under
202.17 this section shall provide to the corrections agent or law enforcement authority the following
202.18 information:

202.19 (1) the person's primary address;

202.20 (2) all of the person's secondary addresses in Minnesota, including all addresses used
202.21 for residential or recreational purposes;

202.22 (3) the addresses of all Minnesota property owned, leased, or rented by the person;

202.23 (4) the addresses of all locations where the person is employed;

202.24 (5) the addresses of all schools where the person is enrolled; ~~and~~

202.25 (6) the year, model, make, license plate number, and color of all motor vehicles owned
202.26 or regularly driven by the person;

202.27 (7) the expiration year for the motor vehicle license plate tabs of all motor vehicles
202.28 owned by the person; and

202.29 (8) all telephone numbers including work, school, and home and any cellular telephone
202.30 service.

202.31 (b) The person shall report to the agent or authority the information required to be
202.32 provided under paragraph (a), clauses (2) to ~~(6)~~ (8), within five days of the date the clause

203.1 becomes applicable. If because of a change in circumstances any information reported under
203.2 paragraph (a), clauses (1) to ~~(6)~~ (8), no longer applies, the person shall immediately inform
203.3 the agent or authority that the information is no longer valid. If the person leaves a primary
203.4 address and does not have a new primary address, the person shall register as provided in
203.5 subdivision 3a.

203.6 Sec. 7. Minnesota Statutes 2018, section 243.166, subdivision 4b, is amended to read:

203.7 Subd. 4b. **Health care facility; notice of status.** (a) For the purposes of this subdivision:

203.8 (1) "health care facility" means a facility:

203.9 ~~(1)~~ (i) licensed by the commissioner of health as a hospital, boarding care home or
203.10 supervised living facility under sections 144.50 to 144.58, or a nursing home under chapter
203.11 144A;

203.12 ~~(2)~~ (ii) registered by the commissioner of health as a housing with services establishment
203.13 as defined in section 144D.01; or

203.14 ~~(3)~~ (iii) licensed by the commissioner of human services as a residential facility under
203.15 chapter 245A to provide adult foster care, adult mental health treatment, chemical dependency
203.16 treatment to adults, or residential services to persons with disabilities; and

203.17 (2) "home care provider" has the meaning given in section 144A.43.

203.18 (b) Prior to admission to a health care facility or home care services from a home care
203.19 provider, a person required to register under this section shall disclose to:

203.20 (1) the health care facility employee or the home care provider processing the admission
203.21 the person's status as a registered predatory offender under this section; and

203.22 (2) the person's corrections agent, or if the person does not have an assigned corrections
203.23 agent, the law enforcement authority with whom the person is currently required to register,
203.24 that ~~inpatient~~ admission will occur.

203.25 (c) A law enforcement authority or corrections agent who receives notice under paragraph
203.26 (b) or who knows that a person required to register under this section is planning to be
203.27 admitted and receive, or has been admitted and is receiving health care at a health care
203.28 facility or home care services from a home care provider, shall notify the administrator of
203.29 the facility or the home care provider and deliver a fact sheet to the administrator or provider
203.30 containing the following information: (1) name and physical description of the offender;
203.31 (2) the offender's conviction history, including the dates of conviction; (3) the risk level

204.1 classification assigned to the offender under section 244.052, if any; and (4) the profile of
204.2 likely victims.

204.3 (d) Except for a hospital licensed under sections 144.50 to 144.58, if a health care facility
204.4 receives a fact sheet under paragraph (c) that includes a risk level classification for the
204.5 offender, and if the facility admits the offender, the facility shall distribute the fact sheet to
204.6 all residents at the facility. If the facility determines that distribution to a resident is not
204.7 appropriate given the resident's medical, emotional, or mental status, the facility shall
204.8 distribute the fact sheet to the patient's next of kin or emergency contact.

204.9 (e) If a home care provider receives a fact sheet under paragraph (c) that includes a risk
204.10 level classification for the offender, the provider shall distribute the fact sheet to any
204.11 individual who will provide direct services to the offender before the individual begins to
204.12 provide the service.

204.13 Sec. 8. Minnesota Statutes 2018, section 243.166, subdivision 4c, is amended to read:

204.14 Subd. 4c. **Notices in writing; signed.** All notices required by this section must be in
204.15 writing and signed by the person required to register. For purposes of this section, a signature
204.16 is as defined in section 645.44, subdivision 14, by an electronic method established by the
204.17 bureau, or by use of a biometric for the person. If a biometric is used, the person must
204.18 provide a sample that is forwarded to the bureau so that it can be maintained for comparison
204.19 purposes to verify the person's identity.

204.20 Sec. 9. Minnesota Statutes 2018, section 243.166, is amended by adding a subdivision to
204.21 read:

204.22 Subd. 4d. **Travel.** (a) A person required to register under this section who intends to
204.23 travel outside the boundaries of the United States must appear in person to notify the person's
204.24 corrections agent or the law enforcement authority with jurisdiction over the person's primary
204.25 address of the travel plans. The person must provide:

204.26 (1) anticipated departure date;

204.27 (2) place of departure;

204.28 (3) place of arrival or return;

204.29 (4) carrier and flight numbers for air travel;

204.30 (5) destination country and address or other contact information;

204.31 (6) means and purpose of travel;

205.1 (7) visa information, if any; and

205.2 (8) any other itinerary information requested by the corrections agent or law enforcement
205.3 authority.

205.4 (b) The notice must be provided at least 21 calendar days before the departure date and
205.5 forwarded to the bureau within one business day of receipt. If it is not possible to give 21
205.6 calendar days' notice due to an emergency or a work assignment, the person is required to
205.7 notify the corrections agent or the law enforcement authority with jurisdiction over the
205.8 person's primary address as soon as possible prior to departure. If the travel is due to an
205.9 emergency, the person must provide a copy of the message conveying the emergency that
205.10 includes the date and time sent and the source of the information. If the travel is the result
205.11 of a work assignment, the employer must provide the date the employee was informed of
205.12 the need to travel and the nature of the work to be performed.

205.13 (c) The corrections agent or law enforcement authority must forward the notification to
205.14 the bureau as soon as possible after receipt. The bureau must forward the international travel
205.15 information to the United States Marshals Service pursuant to International Megan's Law,
205.16 Public Law 114-119.

205.17 (d) A person required to register under this section who is assigned a corrections agent
205.18 must receive the corrections agent's approval for all international travel. Nothing in this
205.19 subdivision requires a corrections agent to approve of travel that is inconsistent with the
205.20 terms of the offender's supervision.

205.21 Sec. 10. Minnesota Statutes 2018, section 243.166, subdivision 5, is amended to read:

205.22 Subd. 5. **Criminal penalty.** (a) A person required to register under this section who was
205.23 given notice, knows, or reasonably should know of the duty to register and who:

205.24 (1) knowingly commits an act or fails to fulfill a requirement that violates any of its
205.25 provisions provision of this section; or

205.26 (2) intentionally provides false information to a corrections agent, law enforcement
205.27 authority, or the bureau is guilty of a felony and may be sentenced to imprisonment for not
205.28 more than five years or to payment of a fine of not more than \$10,000, or both.

205.29 (b) Except as provided in paragraph (c), a person convicted of violating paragraph (a)
205.30 shall be committed to the custody of the commissioner of corrections for not less than a
205.31 year and a day, nor more than five years.

206.1 (c) A person convicted of violating paragraph (a), who has previously been convicted
206.2 of or adjudicated delinquent for violating this section or a similar statute of another state
206.3 ~~or~~ the United States, or another country, shall be committed to the custody of the
206.4 commissioner of corrections for not less than two years, nor more than five years.

206.5 (d) Prior to the time of sentencing, the prosecutor may file a motion to have the person
206.6 sentenced without regard to the mandatory minimum sentence established by this subdivision.
206.7 The motion must be accompanied by a statement on the record of the reasons for it. When
206.8 presented with the motion, or on its own motion, the court may sentence the person without
206.9 regard to the mandatory minimum sentence if the court finds substantial and compelling
206.10 reasons to do so. Sentencing a person in the manner described in this paragraph is a departure
206.11 from the Sentencing Guidelines.

206.12 (e) A person convicted and sentenced as required by this subdivision is not eligible for
206.13 probation, parole, discharge, work release, conditional release, or supervised release, until
206.14 that person has served the full term of imprisonment as provided by law, notwithstanding
206.15 the provisions of sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135.

206.16 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
206.17 committed on or after that date.

206.18 Sec. 11. Minnesota Statutes 2018, section 243.166, subdivision 6, is amended to read:

206.19 Subd. 6. **Registration period.** (a) Notwithstanding the provisions of section 609.165,
206.20 subdivision 1, and except as provided in paragraphs (b), (c), and (d), a person required to
206.21 register under this section shall continue to comply with this section until ten years have
206.22 elapsed since the person initially registered in connection with the offense, or until the
206.23 probation, supervised release, or conditional release period expires, whichever occurs later.
206.24 For a person required to register under this section who is committed under section 253B.18,
206.25 Minnesota Statutes 2012, section 253B.185, or chapter 253D, the ten-year registration period
206.26 does not include the period of commitment.

206.27 (b) The commissioner of public safety shall require a person to continue to register for
206.28 an additional period of five years if a the person required to register under this section fails
206.29 to:

206.30 (1) provide the person's primary address as required by subdivision 3, paragraph (b);
206.31 ~~fails to;~~

206.32 (2) comply with the requirements of subdivision 3a, ~~fails to;~~

206.33 (3) provide information as required by ~~subdivision~~ subdivisions 4a, or fails to and 4d;

207.1 (4) return the verification form referenced in subdivision 4 within ten days;~~the~~
207.2 ~~commissioner of public safety shall require the person to continue to register for an additional~~
207.3 ~~period of five years;~~₂

207.4 (5) remain at the primary address of record; or

207.5 (6) sign a registration form, verification form, or change of information form.

207.6 This five-year period is added to the end of the offender's registration period. In addition,
207.7 if the person is not in compliance at the end of the registration period, the commissioner
207.8 shall require the person to continue to register for an additional period of two years.

207.9 (c) If a person required to register under this section is incarcerated due to a conviction
207.10 for a new offense₂ or following a revocation of probation, supervised release, or conditional
207.11 release for any offense, the person shall continue to register until ten years have elapsed
207.12 since the person was last released from incarceration or until the person's probation,
207.13 supervised release, or conditional release period expires, whichever occurs later.

207.14 (d) A person shall continue to comply with this section for the life of that person:

207.15 (1) if the person is convicted of or adjudicated delinquent for any offense for which
207.16 registration is required under subdivision 1b, or any offense from another state, another
207.17 country, or any federal offense similar to the offenses described in subdivision 1b, and the
207.18 person has a prior conviction or adjudication for an offense for which registration was or
207.19 would have been required under subdivision 1b, or an offense from another state, another
207.20 country, or a federal offense similar to an offense described in subdivision 1b;

207.21 (2) if the person is required to register based upon a conviction or delinquency
207.22 adjudication for an offense under section 609.185, paragraph (a), clause (2), or a similar
207.23 statute from another state ~~or~~₂ the United States, or another country;

207.24 (3) if the person is required to register based upon a conviction for an offense under
207.25 section 609.342, subdivision 1, paragraph (a), (c), (d), (e), (f), or (h); 609.343, subdivision
207.26 1, paragraph (a), (c), (d), (e), (f), or (h); 609.344, subdivision 1, paragraph (a), (c), or (g);
207.27 or 609.345, subdivision 1, paragraph (a), (c), or (g); or a statute from another state ~~or~~₂ the
207.28 United States, or another country similar to the offenses described in this clause; or

207.29 (4) if the person is required to register under subdivision 1b, paragraph (c), following
207.30 commitment pursuant to a court commitment under Minnesota Statutes 2012, section
207.31 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of
207.32 another state ~~or~~₂ the United States, or another country.

208.1 (e) A person described in subdivision 1b, paragraph (b), who is required to register under
208.2 the laws of a state or another country in which the person has been previously convicted or
208.3 adjudicated delinquent, shall register under this section for the time period required by the
208.4 state of conviction or adjudication unless a longer time period is required elsewhere in this
208.5 section.

208.6 Sec. 12. Minnesota Statutes 2018, section 243.166, subdivision 7, is amended to read:

208.7 Subd. 7. **Use of data.** (a) Except as otherwise provided in subdivision 4b or 7a or sections
208.8 244.052 and 299C.093, the data provided under this section is private data on individuals
208.9 under section 13.02, subdivision 12.

208.10 (b) The data may be used only by law enforcement and corrections agencies for law
208.11 enforcement and corrections purposes. Law enforcement or a corrections agent may disclose
208.12 the status of an individual as a predatory offender to a child protection worker with a local
208.13 welfare agency for purposes of doing a family assessment under section 626.556. A
208.14 corrections agent may also disclose the status of an individual as a predatory offender to
208.15 comply with section 244.057.

208.16 (c) The commissioner of human services is authorized to have access to the data for:

208.17 (1) state-operated services, as defined in section 246.014, for the purposes described in
208.18 section 246.13, subdivision 2, paragraph (b); and

208.19 (2) purposes of completing background studies under chapter 245C.

208.20 Sec. 13. Minnesota Statutes 2018, section 243.166, subdivision 7a, is amended to read:

208.21 Subd. 7a. **Availability of information on offenders who are out of compliance with**
208.22 **registration law.** (a) The bureau may make information available to the public about
208.23 offenders who are 16 years of age or older and who are out of compliance with this section
208.24 for 30 days or longer for failure to:

208.25 (1) provide the offenders' primary ~~or secondary~~ addresses;

208.26 (2) comply with the requirements of subdivision 3a;

208.27 (3) provide information as required by subdivisions 4a and 4d;

208.28 (4) return the verification form referenced in subdivision 4 within 15 days;

208.29 (5) remain at the primary address of record; or

208.30 (6) sign a registration form, verification form, or change of information form.

209.1 This information may be made available to the public through electronic, computerized, or
209.2 other accessible means. The amount and type of information made available is limited to
209.3 the information necessary for the public to assist law enforcement in locating the offender.

209.4 (b) An offender who comes into compliance with this section after the bureau discloses
209.5 information about the offender to the public may send a written request to the bureau
209.6 requesting the bureau to treat information about the offender as private data, consistent with
209.7 subdivision 7. The bureau shall review the request and promptly take reasonable action to
209.8 treat the data as private, if the offender has complied with the requirement that the offender
209.9 provide the offender's primary and secondary addresses, has returned the verification form
209.10 or has returned to the primary address, or promptly notify the offender that the information
209.11 will continue to be treated as public information and the reasons for the bureau's decision.

209.12 (c) If an offender believes the information made public about the offender is inaccurate
209.13 or incomplete, the offender may challenge the data under section 13.04, subdivision 4.

209.14 (d) The bureau is immune from any civil or criminal liability that might otherwise arise,
209.15 based on the accuracy or completeness of any information made public under this subdivision,
209.16 if the bureau acts in good faith.

209.17 Sec. 14. Minnesota Statutes 2018, section 299C.093, is amended to read:

209.18 **299C.093 DATABASE OF REGISTERED PREDATORY OFFENDERS.**

209.19 The superintendent of the Bureau of Criminal Apprehension shall maintain a
209.20 computerized data system relating to individuals required to register as predatory offenders
209.21 under section 243.166. To the degree feasible, the system must include the data required to
209.22 be provided under section 243.166, subdivisions 4, 4a, and ~~4a~~ 4b, and indicate the time
209.23 period that the person is required to register. The superintendent shall maintain this data in
209.24 a manner that ensures that it is readily available to law enforcement agencies. This data is
209.25 private data on individuals under section 13.02, subdivision 12, but may be used for law
209.26 enforcement and corrections purposes. Law enforcement or a corrections agent may disclose
209.27 the status of an individual as a predatory offender to a child protection worker with a local
209.28 welfare agency for purposes of doing a family assessment under section 626.556. A
209.29 corrections agent may also disclose the status of an individual as a predatory offender to
209.30 comply with section 244.057. The commissioner of human services has access to the data
209.31 for state-operated services, as defined in section 246.014, for the purposes described in
209.32 section 246.13, subdivision 2, paragraph (b), and for purposes of conducting background
209.33 studies under chapter 245C. In addition, the data may be used as provided in section 243.166,
209.34 subdivisions 4b and 7a.

210.1 **ARTICLE 14**210.2 **FIREARM BACKGROUND CHECKS AND TRANSFERS**

210.3 Section 1. Minnesota Statutes 2018, section 624.7131, is amended to read:

210.4 **624.7131 TRANSFEREE PERMIT; PENALTY.**

210.5 Subdivision 1. **Information.** Any person may apply for a transferee permit by providing
210.6 the following information in writing to the chief of police of an organized full time police
210.7 department of the municipality in which the person resides or to the county sheriff if there
210.8 is no such local chief of police:

210.9 (1) the name, residence, telephone number, and driver's license number or
210.10 nonqualification certificate number, if any, of the proposed transferee;

210.11 (2) the sex, date of birth, height, weight, and color of eyes, and distinguishing physical
210.12 characteristics, if any, of the proposed transferee;

210.13 (3) a statement that the proposed transferee authorizes the release to the local police
210.14 authority of commitment information about the proposed transferee maintained by the
210.15 commissioner of human services, to the extent that the information relates to the proposed
210.16 transferee's eligibility to possess a pistol or semiautomatic military-style assault weapon
210.17 under section 624.713, subdivision 1; and

210.18 (4) a statement by the proposed transferee that the proposed transferee is not prohibited
210.19 by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon.

210.20 The statements shall be signed and dated by the person applying for a permit. At the
210.21 time of application, the local police authority shall provide the applicant with a dated receipt
210.22 for the application. The statement under clause (3) must comply with any applicable
210.23 requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect
210.24 to consent to disclosure of alcohol or drug abuse patient records.

210.25 Subd. 2. **Investigation.** The chief of police or sheriff shall check criminal histories,
210.26 records and warrant information relating to the applicant through the Minnesota Crime
210.27 Information System, the national criminal record repository, and the National Instant Criminal
210.28 Background Check System. The chief of police or sheriff shall also make a reasonable effort
210.29 to check other available state and local record-keeping systems. The chief of police or sheriff
210.30 shall obtain commitment information from the commissioner of human services as provided
210.31 in section 245.041.

210.32 Subd. 3. **Forms.** Chiefs of police and sheriffs shall make transferee permit application
210.33 forms available throughout the community. There shall be no charge for forms, reports,

211.1 investigations, notifications, waivers or any other act performed or materials provided by
211.2 a government employee or agency in connection with application for or issuance of a
211.3 transferee permit.

211.4 Subd. 4. **Grounds for disqualification.** ~~A determination by~~ (a) The chief of police or
211.5 sheriff ~~that shall refuse to grant a transferee permit if the applicant is prohibited by section~~
211.6 ~~624.713~~ state or federal law from possessing a pistol or semiautomatic military-style assault
211.7 weapon ~~shall be the only basis for refusal to grant a transferee permit or is determined to~~
211.8 be a danger to self or others under paragraph (b).

211.9 (b) A chief of police or sheriff shall refuse to grant a permit to a person who is a danger
211.10 to self or others. The decision of the chief of police or sheriff must be based on documented
211.11 past contact with law enforcement. A notice of disqualification issued pursuant to this
211.12 paragraph must describe and document the specific law enforcement contact or contacts
211.13 relied upon to deny the permit.

211.14 (c) A person is not eligible to submit a permit application under this section if the person
211.15 has had an application denied pursuant to paragraph (b) and less than six months have
211.16 elapsed since the denial was issued or the person's appeal under subdivision 8 was denied,
211.17 whichever is later.

211.18 (d) A chief of police or sheriff who denies a permit application pursuant to paragraph
211.19 (b) must provide a copy of the notice of disqualification to the chief of police or sheriff with
211.20 joint jurisdiction over the proposed transferee's residence.

211.21 Subd. 5. **Granting of permits.** (a) The chief of police or sheriff shall issue a transferee
211.22 permit or deny the application within seven days of application for the permit.

211.23 (b) In the case of a denial, the chief of police or sheriff shall provide an applicant with
211.24 written notification of a denial and the specific reason for the denial.

211.25 (c) The permits and their renewal shall be granted free of charge.

211.26 Subd. 6. **Permits valid statewide.** Transferee permits issued pursuant to this section are
211.27 valid statewide and shall expire after one year. A transferee permit may be renewed in the
211.28 same manner and subject to the same provisions by which the original permit was obtained,
211.29 except that all renewed permits must comply with the standards adopted by the commissioner
211.30 under section 624.7151.

211.31 Permits issued pursuant to this section are not transferable. A person who transfers a
211.32 permit in violation of this subdivision is guilty of a misdemeanor.

212.1 Subd. 7. **Permit voided; revocation.** (a) The transferee permit shall be void at the time
212.2 that the holder becomes prohibited from possessing or receiving a pistol under section
212.3 624.713, in which event the holder shall return the permit within five days to the issuing
212.4 authority. If the chief law enforcement officer who issued the permit has knowledge that
212.5 the permit holder is ineligible to possess firearms, the chief law enforcement officer must
212.6 revoke the permit and give notice to the holder in writing. Failure of the holder to return
212.7 the permit within the five days of learning that the permit is void or revoked is a gross
212.8 misdemeanor unless the court finds that the circumstances or the physical or mental condition
212.9 of the permit holder prevented the holder from complying with the return requirement.

212.10 (b) When a permit holder receives a court disposition that prohibits the permit holder
212.11 from possessing a firearm, the court must take possession of the permit, if it is available,
212.12 and send it to the issuing law enforcement agency. If the permit holder does not have the
212.13 permit when the court imposes a firearm prohibition, the permit holder must surrender the
212.14 permit to the assigned probation officer, if applicable. When a probation officer is assigned
212.15 upon disposition of the case, the court shall inform the probation agent of the permit holder's
212.16 obligation to surrender the permit. Upon surrender, the probation officer must send the
212.17 permit to the issuing law enforcement agency. If a probation officer is not assigned to the
212.18 permit holder, the holder shall surrender the permit as provided for in paragraph (a).

212.19 Subd. 8. **Hearing upon denial.** Any person aggrieved by denial of a transferee permit
212.20 may appeal the denial to the district court having jurisdiction over the county or municipality
212.21 in which the denial occurred.

212.22 ~~Subd. 9. **Permit to carry.** A valid permit to carry issued pursuant to section 624.714~~
212.23 ~~constitutes a transferee permit for the purposes of this section and section 624.7132.~~

212.24 ~~Subd. 10. **Transfer report not required.** A person who transfers a pistol or~~
212.25 ~~semiautomatic military-style assault weapon to a person exhibiting a valid transferee permit~~
212.26 ~~issued pursuant to this section or a valid permit to carry issued pursuant to section 624.714~~
212.27 ~~is not required to file a transfer report pursuant to section 624.7132, subdivision 1.~~

212.28 Subd. 11. **Penalty.** A person who makes a false statement in order to obtain a transferee
212.29 permit knowing or having reason to know the statement is false is guilty of a ~~gross~~
212.30 ~~misdemeanor~~ felony.

212.31 Subd. 12. **Local regulation.** This section shall be construed to supersede municipal or
212.32 county regulation of the issuance of transferee permits.

212.33 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
212.34 committed on or after that date.

213.1 Sec. 2. Minnesota Statutes 2018, section 624.7132, is amended to read:

213.2 **624.7132 REPORT OF TRANSFER.**

213.3 Subdivision 1. **Required information.** Except as provided in this section and section
213.4 624.7131, every person who agrees to transfer a pistol or semiautomatic military-style
213.5 assault weapon shall report the following information in writing to the chief of police of
213.6 the organized full-time police department of the municipality where the proposed transferee
213.7 resides or to the appropriate county sheriff if there is no such local chief of police:

213.8 (1) the name, residence, telephone number, and driver's license number or
213.9 nonqualification certificate number, if any, of the proposed transferee;

213.10 (2) the sex, date of birth, height, weight, and color of eyes, and distinguishing physical
213.11 characteristics, if any, of the proposed transferee;

213.12 (3) a statement that the proposed transferee authorizes the release to the local police
213.13 authority of commitment information about the proposed transferee maintained by the
213.14 commissioner of human services, to the extent that the information relates to the proposed
213.15 transferee's eligibility to possess a pistol or semiautomatic military-style assault weapon
213.16 under section 624.713, subdivision 1;

213.17 (4) a statement by the proposed transferee that the transferee is not prohibited by section
213.18 624.713 from possessing a pistol or semiautomatic military-style assault weapon; and

213.19 (5) the address of the place of business of the transferor.

213.20 The report shall be signed and dated by the transferor and the proposed transferee. The
213.21 report shall be delivered by the transferor to the chief of police or sheriff no later than three
213.22 days after the date of the agreement to transfer, excluding weekends and legal holidays.

213.23 The statement under clause (3) must comply with any applicable requirements of Code of
213.24 Federal Regulations, title 42, sections 2.31 to 2.35, with respect to consent to disclosure of
213.25 alcohol or drug abuse patient records.

213.26 Subd. 2. **Investigation.** Upon receipt of a transfer report, the chief of police or sheriff
213.27 shall check criminal histories, records and warrant information relating to the proposed
213.28 transferee through the Minnesota Crime Information System, the national criminal record
213.29 repository, and the National Instant Criminal Background Check System. The chief of police
213.30 or sheriff shall also make a reasonable effort to check other available state and local
213.31 record-keeping systems. The chief of police or sheriff shall obtain commitment information
213.32 from the commissioner of human services as provided in section 245.041.

214.1 Subd. 3. **Notification.** The chief of police or sheriff shall notify the transferor and
214.2 proposed transferee in writing as soon as possible if the chief or sheriff determines that the
214.3 proposed transferee is prohibited by section 624.713 from possessing a pistol or
214.4 semiautomatic military-style assault weapon. The notification to the transferee shall specify
214.5 the grounds for the disqualification of the proposed transferee and shall set forth in detail
214.6 the transferee's right of appeal under subdivision 13.

214.7 Subd. 4. **Delivery.** Except as otherwise provided in subdivision 7 or 8, no person shall
214.8 deliver a pistol or semiautomatic military-style assault weapon to a proposed transferee
214.9 until five business days after the date the agreement to transfer is delivered to a chief of
214.10 police or sheriff in accordance with subdivision 1 unless the chief of police or sheriff waives
214.11 all or a portion of the ~~seven-day~~ waiting period. The chief of police or sheriff may waive
214.12 all or a portion of the ~~five-business-day~~ waiting period in writing if the chief of police or
214.13 sheriff finds that the transferee requires access to a pistol or semiautomatic military-style
214.14 assault weapon because of a threat to the life of the transferee or of any member of the
214.15 household of the transferee.

214.16 No person shall deliver a ~~pistol or semiautomatic military-style assault weapon~~ firearm
214.17 to a proposed transferee after receiving a written notification that the chief of police or
214.18 sheriff has determined that the proposed transferee is prohibited by section 624.713 from
214.19 possessing a ~~pistol or semiautomatic military-style assault weapon~~ firearm.

214.20 If the transferor makes a report of transfer and receives no written notification of
214.21 disqualification of the proposed transferee within five business days after delivery of the
214.22 agreement to transfer, the ~~pistol or semiautomatic military-style assault weapon~~ firearm
214.23 may be delivered to the transferee.

214.24 Subd. 5. **Grounds for disqualification.** ~~A determination by (a)~~ The chief of police or
214.25 sheriff ~~that shall deny an application if~~ the proposed transferee is prohibited by ~~section~~
214.26 ~~624.713~~ state or federal law from possessing a pistol or semiautomatic military-style assault
214.27 ~~weapon shall be the sole basis for a notification of disqualification under this section or is~~
214.28 determined to be a danger to self or others under paragraph (b).

214.29 (b) A chief of police or sheriff shall deny an application if the person is a danger to self
214.30 or others. The decision of the chief of police or sheriff must be based on documented past
214.31 contact with law enforcement. A notice of disqualification issued pursuant to this paragraph
214.32 must describe and document the specific law enforcement contact or contacts relied upon
214.33 to deny the application.

215.1 (c) A chief of police or sheriff need not process an application under this section if the
215.2 person has had an application denied pursuant to paragraph (b) and less than six months
215.3 have elapsed since the denial was issued or the person's appeal under subdivision 13 was
215.4 denied, whichever is later.

215.5 (d) A chief of police or sheriff who denies an application pursuant to paragraph (b) must
215.6 provide a copy of the notice of disqualification to the chief of police or sheriff with joint
215.7 jurisdiction over the applicant's residence.

215.8 ~~Subd. 6. **Transferee permit.** If a chief of police or sheriff determines that a transferee~~
215.9 ~~is not a person prohibited by section 624.713 from possessing a pistol or semiautomatic~~
215.10 ~~military-style assault weapon, the transferee may, within 30 days after the determination,~~
215.11 ~~apply to that chief of police or sheriff for a transferee permit, and the permit shall be issued.~~

215.12 Subd. 8. **Report not required.** If the proposed transferee presents a valid transferee
215.13 permit issued under section 624.7131 or a valid permit to carry issued under section 624.714,
215.14 the transferor need not file a transfer report.

215.15 Subd. 9. **Number of pistols or semiautomatic military-style assault weapons.** Any
215.16 number of pistols or semiautomatic military-style assault weapons may be the subject of a
215.17 single transfer agreement and report to the chief of police or sheriff. Nothing in this section
215.18 or section 624.7131 shall be construed to limit or restrict the number of pistols or
215.19 semiautomatic military-style assault weapons a person may acquire.

215.20 Subd. 10. **Restriction on records.** If, after a determination that the transferee is not a
215.21 person prohibited by section 624.713 from possessing a pistol or semiautomatic military-style
215.22 assault weapon, a transferee requests that no record be maintained of the fact of who is the
215.23 transferee of a pistol or semiautomatic military-style assault weapon, the chief of police or
215.24 sheriff shall sign the transfer report and return it to the transferee as soon as possible.
215.25 Thereafter, no government employee or agency shall maintain a record of the transfer that
215.26 identifies the transferee, and the transferee shall retain the report of transfer.

215.27 Subd. 11. **Forms; cost.** Chiefs of police and sheriffs shall make transfer report forms
215.28 available throughout the community. There shall be no charge for forms, reports,
215.29 investigations, notifications, waivers or any other act performed or materials provided by
215.30 a government employee or agency in connection with a transfer.

215.31 Subd. 12. **Exclusions.** Except as otherwise provided in section 609.66, subdivision 1f,
215.32 this section shall not apply to transfers of antique firearms as curiosities or for their historical
215.33 significance or value, transfers to or between federally licensed firearms dealers, transfers
215.34 by order of court, involuntary transfers, transfers at death or the following transfers:

- 216.1 (1) a transfer by a person other than a federally licensed firearms dealer;
- 216.2 (2) a loan to a prospective transferee if the loan is intended for a period of no more than
216.3 one day;
- 216.4 (3) the delivery of a pistol or semiautomatic military-style assault weapon to a person
216.5 for the purpose of repair, reconditioning or remodeling;
- 216.6 (4) a loan by a teacher to a student in a course designed to teach marksmanship or safety
216.7 with a pistol and approved by the commissioner of natural resources;
- 216.8 (5) a loan between persons at a firearms collectors exhibition;
- 216.9 (6) a loan between persons lawfully engaged in hunting or target shooting if the loan is
216.10 intended for a period of no more than 12 hours;
- 216.11 (7) a loan between law enforcement officers who have the power to make arrests other
216.12 than citizen arrests; and
- 216.13 (8) a loan between employees or between the employer and an employee in a business
216.14 if the employee is required to carry a pistol or semiautomatic military-style assault weapon
216.15 by reason of employment and is the holder of a valid permit to carry a pistol.

216.16 Subd. 13. **Appeal.** A person aggrieved by the determination of a chief of police or sheriff
216.17 that the person is prohibited by section 624.713 from possessing a pistol or semiautomatic
216.18 military-style assault weapon may appeal the determination as provided in this subdivision.
216.19 The district court shall have jurisdiction of proceedings under this subdivision.

216.20 On review pursuant to this subdivision, the court shall be limited to a determination of
216.21 whether the proposed transferee is a person prohibited from possessing a pistol or
216.22 semiautomatic military-style assault weapon by section 624.713.

216.23 ~~Subd. 14. **Transfer to unknown party.** (a) No person shall transfer a pistol or~~
216.24 ~~semiautomatic military-style assault weapon to another who is not personally known to the~~
216.25 ~~transferor unless the proposed transferee presents evidence of identity to the transferor.~~

216.26 ~~(b) No person who is not personally known to the transferor shall become a transferee~~
216.27 ~~of a pistol or semiautomatic military-style assault weapon unless the person presents evidence~~
216.28 ~~of identity to the transferor.~~

216.29 ~~(c) The evidence of identity shall contain the name, residence address, date of birth, and~~
216.30 ~~photograph of the proposed transferee; must be made or issued by or under the authority of~~
216.31 ~~the United States government, a state, a political subdivision of a state, a foreign government,~~
216.32 ~~a political subdivision of a foreign government, an international governmental or an~~

217.1 ~~international quasi-governmental organization; and must be of a type commonly accepted~~
217.2 ~~for the purpose of identification of individuals.~~

217.3 ~~(d) A person who becomes a transferee of a pistol or semiautomatic military-style assault~~
217.4 ~~weapon in violation of this subdivision is guilty of a misdemeanor.~~

217.5 Subd. 15. **Penalties.** (a) Except as otherwise provided in paragraph (b), a person who
217.6 does any of the following is guilty of a gross misdemeanor:

217.7 (1) transfers a pistol or semiautomatic military-style assault weapon in violation of
217.8 subdivisions 1 to 13;

217.9 (2) transfers a pistol or semiautomatic military-style assault weapon to a person who
217.10 has made a false statement in order to become a transferee, if the transferor knows or has
217.11 reason to know the transferee has made the false statement;

217.12 (3) knowingly becomes a transferee in violation of subdivisions 1 to 13; or

217.13 (4) makes a false statement in order to become a transferee of a pistol or semiautomatic
217.14 military-style assault weapon knowing or having reason to know the statement is false.

217.15 (b) A person who does either of the following is guilty of a felony:

217.16 (1) transfers a pistol or semiautomatic military-style assault weapon to a person under
217.17 the age of 18 in violation of subdivisions 1 to 13; or

217.18 (2) transfers a pistol or semiautomatic military-style assault weapon to a person under
217.19 the age of 18 who has made a false statement in order to become a transferee, if the transferor
217.20 knows or has reason to know the transferee has made the false statement.

217.21 Subd. 16. **Local regulation.** This section shall be construed to supersede municipal or
217.22 county regulation of the transfer of pistols.

217.23 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
217.24 committed on or after that date.

217.25 Sec. 3. **[624.7134] PRIVATE PARTY TRANSFERS; BACKGROUND CHECK**
217.26 **REQUIRED.**

217.27 **Subdivision 1. Definitions.** (a) As used in this section, the terms in this subdivision have
217.28 the meanings given.

217.29 (b) "Firearms dealer" means a person who is licensed by the United States Department
217.30 of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, under United States Code,
217.31 title 18, section 923(a).

218.1 (c) "State or federally issued identification" means a document or card made or issued
218.2 by or under the authority of the United States government or the state that contains the
218.3 person's name, residence address, date of birth, and photograph and is of a type commonly
218.4 accepted for the purpose of identification of individuals.

218.5 Subd. 2. **Background check and evidence of identity.** A person who is not a firearms
218.6 dealer is prohibited from transferring possession or ownership of a pistol or semiautomatic
218.7 military-style assault weapon to any other person who is not a firearms dealer unless the
218.8 transferee presents a valid transferee permit issued under section 624.7131 and a current
218.9 state or federally issued identification.

218.10 Subd. 3. **Record of transfer; required information.** (a) When two parties complete
218.11 the transfer of a pistol or semiautomatic military-style assault weapon under subdivision 2,
218.12 the transferor and transferee must complete a record of transfer on a form designed and
218.13 made publicly available without fee for this purpose by the superintendent of the Bureau
218.14 of Criminal Apprehension. Each page of the record of transfer must be signed and dated by
218.15 the transferor and the transferee and contain the serial number of the pistol or semiautomatic
218.16 military-style assault weapon.

218.17 (b) The record of transfer must contain the following information:

218.18 (1) a clear copy of each person's current state or federally issued identification;

218.19 (2) a clear copy of the transferee permit presented by the transferee; and

218.20 (3) a signed statement by the transferee swearing that the transferee is not currently
218.21 prohibited by state or federal law from possessing a firearm.

218.22 (c) The record of transfer must also contain the following information regarding the
218.23 transferred pistol or semiautomatic military-style assault weapon:

218.24 (1) the type of pistol or semiautomatic military-style assault weapon;

218.25 (2) the manufacturer, make, and model of the pistol or semiautomatic military-style
218.26 assault weapon; and

218.27 (3) the pistol or semiautomatic military-style assault weapon's manufacturer-assigned
218.28 serial number.

218.29 (d) Both the transferor and the transferee must retain a copy of the record of transfer
218.30 and any attachments to the record of transfer for 20 years from the date of the transfer. A
218.31 copy in digital form shall be acceptable for the purposes of this paragraph.

219.1 Subd. 4. **Compulsory production of record of transfer; gross misdemeanor**
219.2 **penalty.** (a) The transferor and transferee of a pistol or semiautomatic military-style assault
219.3 weapon transferred under this section must produce the record of transfer when a peace
219.4 officer requests the record as part of a criminal investigation.

219.5 (b) A person who refuses or is unable to produce a record of transfer for a firearm
219.6 transferred under this section in response to a request for production made by a peace officer
219.7 pursuant to paragraph (a) is guilty of a gross misdemeanor. A prosecution or conviction for
219.8 violation of this subdivision is not a bar to conviction of, or punishment for, any other crime
219.9 committed involving the transferred firearm.

219.10 Subd. 5. **Immunity.** A person is immune to a charge of violating this section if the person
219.11 presents a record of transfer that satisfies the requirements of subdivision 3.

219.12 Subd. 6. **Exclusions.** (a) This section shall not apply to the following transfers:

219.13 (1) a transfer by or to a federally licensed firearms dealer;

219.14 (2) a transfer by or to any law enforcement agency;

219.15 (3) to the extent the transferee is acting within the course and scope of employment and
219.16 official duties, a transfer to:

219.17 (i) a peace officer, as defined in section 626.84, subdivision 1, paragraph (c);

219.18 (ii) a member of the United States armed forces, the National Guard, or the reserves of
219.19 the United States armed forces;

219.20 (iii) a federal law enforcement officer; or

219.21 (iv) a security guard employed by a protective agent licensed pursuant to chapter 326;

219.22 (4) a transfer between immediate family members, which for the purposes of this section
219.23 means spouses, domestic partners, parents, children, siblings, grandparents, and
219.24 grandchildren;

219.25 (5) a transfer to an executor, administrator, trustee, or personal representative of an estate
219.26 or a trust that occurs by operation of law upon the death of the former owner of the firearm;

219.27 (6) a transfer of an antique firearm as defined in section 624.712, subdivision 3;

219.28 (7) a transfer of a curio or relic, as defined in Code of Federal Regulations, title 27,
219.29 section 478.11, if the transfer is between collectors of firearms as curios or relics as defined
219.30 by United States Code, title 18, section 921(a)(13), who each have in their possession a

- 220.1 valid collector of curio and relics license issued by the United States Department of Justice,
220.2 Bureau of Alcohol, Tobacco, Firearms and Explosives;
- 220.3 (8) the temporary transfer of a firearm if:
- 220.4 (i) the transfer is necessary to prevent imminent death or great bodily harm; and
220.5 (ii) the person's possession lasts only as long as immediately necessary to prevent such
220.6 imminent death or great bodily harm;
- 220.7 (9) transfers by or to an auctioneer who is in compliance with chapter 330 and acting in
220.8 the person's official role as an auctioneer to facilitate or conduct an auction of the firearm;
220.9 and
- 220.10 (10) a temporary transfer if the transferee's possession of the firearm following the
220.11 transfer is only:
- 220.12 (i) at a shooting range that operates in compliance with the performance standards under
220.13 chapter 87A or is a nonconforming use under section 87A.03, subdivision 2, or, if compliance
220.14 is not required by the governing body of the jurisdiction, at an established shooting range
220.15 operated consistently with local law in the jurisdiction;
- 220.16 (ii) at a lawfully organized competition involving the use of a firearm, or while
220.17 participating in or practicing for a performance by an organized group that uses firearms as
220.18 part of the performance;
- 220.19 (iii) while hunting or trapping if the hunting or trapping is legal in all places where the
220.20 transferee possesses the firearm and the transferee holds all licenses or permits required for
220.21 hunting or trapping; or
- 220.22 (iv) while in the actual presence of the transferor.
- 220.23 (b) A transfer under this subdivision is permitted only if the transferor has no reason to
220.24 believe:
- 220.25 (1) that the transferee is prohibited by federal law from buying or possessing firearms
220.26 or not entitled under state law to possess firearms;
- 220.27 (2) if the transferee is under 18 years of age and is receiving the firearm under direct
220.28 supervision and control of an adult, that the adult is prohibited by federal law from buying
220.29 or possessing firearms or not entitled under state law to possess firearms; or
- 220.30 (3) that the transferee will use or intends to use the firearm in the commission of a crime.

221.1 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
221.2 committed on or after that date.

221.3 **ARTICLE 15**
221.4 **POSSESSION OF FIREARMS**

221.5 Section 1. Minnesota Statutes 2018, section 624.713, subdivision 1, is amended to read:

221.6 Subdivision 1. **Ineligible persons.** The following persons shall not be entitled to possess
221.7 ammunition or a pistol or semiautomatic military-style assault weapon or, except for clause
221.8 (1), any other firearm:

221.9 (1) a person under the age of 18 years except that a person under 18 may possess
221.10 ammunition designed for use in a firearm that the person may lawfully possess and may
221.11 carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual
221.12 presence or under the direct supervision of the person's parent or guardian, (ii) for the
221.13 purpose of military drill under the auspices of a legally recognized military organization
221.14 and under competent supervision, (iii) for the purpose of instruction, competition, or target
221.15 practice on a firing range approved by the chief of police or county sheriff in whose
221.16 jurisdiction the range is located and under direct supervision; or (iv) if the person has
221.17 successfully completed a course designed to teach marksmanship and safety with a pistol
221.18 or semiautomatic military-style assault weapon and approved by the commissioner of natural
221.19 resources;

221.20 (2) except as otherwise provided in clause (9), a person who has been convicted of, or
221.21 adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in
221.22 this state or elsewhere, a crime of violence. For purposes of this section, crime of violence
221.23 includes crimes in other states or jurisdictions which would have been crimes of violence
221.24 as herein defined if they had been committed in this state;

221.25 (3) a person who is or has ever been committed in Minnesota or elsewhere by a judicial
221.26 determination that the person is mentally ill, developmentally disabled, or mentally ill and
221.27 dangerous to the public, as defined in section 253B.02, to a treatment facility, or who has
221.28 ever been found incompetent to stand trial or not guilty by reason of mental illness, unless
221.29 the person's ability to possess a firearm and ammunition has been restored under subdivision
221.30 4;

221.31 (4) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or
221.32 gross misdemeanor violation of chapter 152, unless three years have elapsed since the date
221.33 of conviction and, during that time, the person has not been convicted of any other such

222.1 violation of chapter 152 or a similar law of another state; or a person who is or has ever
222.2 been committed by a judicial determination for treatment for the habitual use of a controlled
222.3 substance or marijuana, as defined in sections 152.01 and 152.02, unless the person's ability
222.4 to possess a firearm and ammunition has been restored under subdivision 4;

222.5 (5) a person who has been committed to a treatment facility in Minnesota or elsewhere
222.6 by a judicial determination that the person is chemically dependent as defined in section
222.7 253B.02, unless the person has completed treatment or the person's ability to possess a
222.8 firearm and ammunition has been restored under subdivision 4. Property rights may not be
222.9 abated but access may be restricted by the courts;

222.10 (6) a peace officer who is informally admitted to a treatment facility pursuant to section
222.11 253B.04 for chemical dependency, unless the officer possesses a certificate from the head
222.12 of the treatment facility discharging or provisionally discharging the officer from the
222.13 treatment facility. Property rights may not be abated but access may be restricted by the
222.14 courts;

222.15 (7) a person, including a person under the jurisdiction of the juvenile court, who has
222.16 been charged with committing a crime of violence and has been placed in a pretrial diversion
222.17 program by the court before disposition, until the person has completed the diversion program
222.18 and the charge of committing the crime of violence has been dismissed;

222.19 (8) except as otherwise provided in clause (9), a person who has been convicted in
222.20 another state of committing an offense similar to the offense described in section 609.224,
222.21 subdivision 3, against a family or household member or section 609.2242, subdivision 3,
222.22 unless three years have elapsed since the date of conviction and, during that time, the person
222.23 has not been convicted of any other violation of section 609.224, subdivision 3, or 609.2242,
222.24 subdivision 3, or a similar law of another state;

222.25 (9) a person who has been convicted in this state or elsewhere of assaulting a family or
222.26 household member and who was found by the court to have used a firearm in any way
222.27 during commission of the assault is prohibited from possessing any type of firearm or
222.28 ammunition for the period determined by the sentencing court;

222.29 (10) a person who:

222.30 (i) has been convicted in any court of a crime punishable by imprisonment for a term
222.31 exceeding one year;

222.32 (ii) is a fugitive from justice as a result of having fled from any state to avoid prosecution
222.33 for a crime or to avoid giving testimony in any criminal proceeding;

223.1 (iii) is an unlawful user of any controlled substance as defined in chapter 152;

223.2 (iv) has been judicially committed to a treatment facility in Minnesota or elsewhere as
223.3 a person who is mentally ill, developmentally disabled, or mentally ill and dangerous to the
223.4 public, as defined in section 253B.02;

223.5 (v) is an alien who is illegally or unlawfully in the United States;

223.6 (vi) has been discharged from the armed forces of the United States under dishonorable
223.7 conditions;

223.8 (vii) has renounced the person's citizenship having been a citizen of the United States;

223.9 or

223.10 (viii) is disqualified from possessing a firearm under United States Code, title 18, section
223.11 922(g)(8) or (9), as amended through March 1, 2014;

223.12 (11) a person who has been convicted of the following offenses at the gross misdemeanor
223.13 level, unless three years have elapsed since the date of conviction and, during that time, the
223.14 person has not been convicted of any other violation of these sections: section 609.229
223.15 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults motivated
223.16 by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a child);
223.17 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring gun); 609.71
223.18 (riot); or 609.749 (stalking). For purposes of this paragraph, the specified gross misdemeanor
223.19 convictions include crimes committed in other states or jurisdictions which would have
223.20 been gross misdemeanors if conviction occurred in this state;

223.21 (12) a person who has been convicted of a violation of section 609.224 if the court
223.22 determined that the assault was against a family or household member in accordance with
223.23 section 609.2242, subdivision 3 (domestic assault), unless three years have elapsed since
223.24 the date of conviction and, during that time, the person has not been convicted of another
223.25 violation of section 609.224 or a violation of a section listed in clause (11); ~~or~~

223.26 (13) a person who is subject to an order for protection as described in section 260C.201,
223.27 subdivision 3, paragraph (d), or 518B.01, subdivision 6, paragraph (g); or

223.28 (14) a person who is subject to an extreme risk protection order as described in section
223.29 624.7162 or 624.7164.

223.30 A person who issues a certificate pursuant to this section in good faith is not liable for
223.31 damages resulting or arising from the actions or misconduct with a firearm or ammunition
223.32 committed by the individual who is the subject of the certificate.

224.1 The prohibition in this subdivision relating to the possession of firearms other than
224.2 pistols and semiautomatic military-style assault weapons does not apply retroactively to
224.3 persons who are prohibited from possessing a pistol or semiautomatic military-style assault
224.4 weapon under this subdivision before August 1, 1994.

224.5 The lifetime prohibition on possessing, receiving, shipping, or transporting firearms and
224.6 ammunition for persons convicted or adjudicated delinquent of a crime of violence in clause
224.7 (2), applies only to offenders who are discharged from sentence or court supervision for a
224.8 crime of violence on or after August 1, 1993.

224.9 For purposes of this section, "judicial determination" means a court proceeding pursuant
224.10 to sections 253B.07 to 253B.09 or a comparable law from another state.

224.11 **Sec. 2. [624.7161] EXTREME RISK PROTECTION ORDERS.**

224.12 Subdivision 1. **Definitions.** As used in sections 624.7161 to 624.7168, "firearm" has the
224.13 meaning given in section 609.666, subdivision 1, paragraph (a).

224.14 Subd. 2. **Court jurisdiction.** An application for relief under this section shall be filed
224.15 in the county of residence of the respondent. Actions under this section shall be given docket
224.16 priorities by the court.

224.17 Subd. 3. **Generally.** (a) There shall exist an action known as a petition for an extreme
224.18 risk protection order, which order shall enjoin and prohibit the respondent from possessing
224.19 firearms for a fixed period.

224.20 (b) A petition for relief under sections 624.7161 to 624.7168 may be made by the chief
224.21 law enforcement officer or a designee or a city or county attorney.

224.22 (c) A petition for relief shall allege that the respondent poses a significant danger of
224.23 bodily harm to self or to other persons by possessing a firearm. The petition shall be
224.24 accompanied by an affidavit made under oath stating specific facts and circumstances
224.25 forming a basis to allege that an extreme risk protection order should be granted. The affidavit
224.26 may include but is not limited to evidence showing any of the factors described in section
224.27 624.7162, subdivision 2.

224.28 (d) A petition for emergency relief under section 624.7164 shall additionally allege that
224.29 the respondent presents an immediate and present danger of bodily harm.

224.30 (e) A petition for relief must describe, to the best of the petitioner's knowledge, the types
224.31 and location of any firearms believed by the petitioner to be possessed by the respondent.

225.1 (f) The state court administrator shall create all forms necessary under sections 624.7161
225.2 to 624.7168.

225.3 (g) The filing fees for an extreme risk protection order under this section are waived for
225.4 the petitioner and respondent.

225.5 (h) An extreme risk protection order issued under sections 624.7161 to 624.7168 applies
225.6 throughout the state.

225.7 (i) Any proceeding under sections 624.7161 to 624.7168 shall be in addition to other
225.8 civil or criminal remedies.

225.9 (j) All health records and other health information provided in a petition or considered
225.10 as evidence in a proceeding under sections 624.7161 to 624.7168 shall be protected from
225.11 public disclosure but may be provided to law enforcement agencies as described in this
225.12 section.

225.13 (k) Any extreme risk protection order or subsequent extension issued under sections
225.14 624.7161 to 624.7168 shall be forwarded by the court administrator within 24 hours to the
225.15 local law enforcement agency with jurisdiction over the residence of the respondent. Each
225.16 appropriate law enforcement agency shall make available to other law enforcement officers,
225.17 through a system for verification, information as to the existence and status of any extreme
225.18 risk protection order issued under sections 624.7161 to 624.7168.

225.19 **Sec. 3. [624.7162] EXTREME RISK PROTECTION ORDERS ISSUED AFTER**
225.20 **HEARING.**

225.21 Subdivision 1. **Hearing.** (a) Upon receipt of the petition for an order after a hearing, the
225.22 court shall order a hearing which shall be held not later than 14 days from the date of the
225.23 order for hearing.

225.24 (b) The petitioning agency shall be responsible for service of an extreme risk protection
225.25 order issued by the court and shall further be the agency responsible for the execution of
225.26 any legal process required for the seizure and storage of firearms subject to the order. Nothing
225.27 in this provision limits the ability of the law enforcement agency of record from cooperating
225.28 with other law enforcement entities.

225.29 (c) Personal service of notice for the hearing may be made upon the respondent at any
225.30 time up to 12 hours prior to the time set for the hearing, provided that the respondent at the
225.31 hearing may request a continuance of up to five days if the respondent is served less than
225.32 five days prior to the hearing, which continuance shall be granted unless there are compelling
225.33 reasons not to do so. If the court grants the requested continuance, and an existing emergency

226.1 order under section 624.7164 will expire due to the continuance, the court shall also issue
226.2 a written order continuing the emergency order pending the new time set for the hearing.

226.3 (d) If personal service cannot be made, the court may order service of the petition and
226.4 any order issued under this section by alternate means. The application for alternate service
226.5 must include the last known location of the respondent; the petitioner's most recent contacts
226.6 with the respondent; the last known location of the respondent's employment; the names
226.7 and locations of the respondent's parents, siblings, children, and other close relatives; the
226.8 names and locations of other persons who are likely to know the respondent's whereabouts;
226.9 and a description of efforts to locate those persons. The court shall consider the length of
226.10 time the respondent's location has been unknown, the likelihood that the respondent's location
226.11 will become known, the nature of the relief sought, and the nature of efforts made to locate
226.12 the respondent. The court shall order service by first class mail, forwarding address requested,
226.13 to any addresses where there is a reasonable possibility that mail or information will be
226.14 forwarded or communicated to the respondent. The court may also order publication, within
226.15 or without the state, but only if it might reasonably succeed in notifying the respondent of
226.16 the proceeding. Service shall be deemed complete 14 days after mailing or 14 days after
226.17 court-ordered publication.

226.18 Subd. 2. **Relief by court.** (a) At the hearing, the petitioner must prove by a preponderance
226.19 of the evidence that the respondent poses a significant danger of bodily harm to self or other
226.20 persons by possessing a firearm.

226.21 (b) In determining whether to grant the order after a hearing, the court shall consider
226.22 evidence of the following, whether or not the petitioner has provided evidence of the same:

226.23 (1) a history of threats or acts of violence by the respondent directed toward another
226.24 person;

226.25 (2) the history of use, attempted use, or threatened use of physical force by the respondent
226.26 against another person;

226.27 (3) a violation of any court order, including but not limited to orders issued under sections
226.28 624.7161 to 624.7168 or chapter 260C or 518B;

226.29 (4) a prior arrest for a felony offense;

226.30 (5) a conviction or prior arrest for a violent misdemeanor offense, for a stalking offense
226.31 under section 609.749, or for domestic assault under section 609.2242;

226.32 (6) a conviction for an offense of cruelty to animals under chapter 343;

226.33 (7) the unlawful and reckless use, display, or brandishing of a firearm by the respondent;

227.1 (8) a history of self-harm by the respondent; and

227.2 (9) whether the respondent is named in an existing order in effect under sections 624.7161
227.3 to 624.7168 or chapter 260C or 518B, or party to a pending lawsuit, complaint, petition, or
227.4 other action under sections 624.7161 to 624.7168 or chapter 518B.

227.5 (c) In determining whether to grant the order after a hearing, the court may consider any
227.6 other evidence that bears on whether the respondent poses a danger to the respondent's self
227.7 or others.

227.8 (d) If the court finds there is a preponderance of the evidence to issue an extreme risk
227.9 protection order, the court shall issue the order prohibiting the person from possessing a
227.10 firearm for the duration of the order. The court shall inform the respondent that the respondent
227.11 is prohibited from possessing firearms and shall issue a transfer order under section 624.7165.
227.12 The court shall also give notice to the county attorney's office, which may take action as it
227.13 deems appropriate.

227.14 (e) The order shall have a fixed period, to be determined by the court, of not less than
227.15 six months and not more than two years, subject to renewal or extension under section
227.16 624.7163.

227.17 (f) If there is no existing emergency order under section 624.7164 at the time an order
227.18 is granted under this section, the court shall determine by a preponderance of the evidence
227.19 whether the respondent presents an immediate and present danger of bodily harm. If the
227.20 court so determines, the transfer order shall include the provisions described in section
227.21 624.7165, paragraph (c).

227.22 (g) If, after a hearing, the court does not issue an order of protection, the court shall
227.23 vacate any emergency extreme risk protection order currently in effect.

227.24 (h) A respondent may waive the respondent's right to contest the hearing and consent
227.25 to the court's imposition of an extreme risk protection order. The court shall seal the petition
227.26 filed under this section and section 624.7144 if a respondent who consents to imposition of
227.27 an extreme risk protection order requests that the petition be sealed, unless the court finds
227.28 that there is clear and convincing evidence that the interests of the public and public safety
227.29 outweigh the disadvantages to the respondent of not sealing the petition. All extreme risk
227.30 protection orders shall remain public.

227.31 **Sec. 4. [624.7163] SUBSEQUENT EXTENSIONS AND TERMINATION.**

227.32 (a) Upon application by any party entitled to petition for an order under section 624.7162,
227.33 and after notice to the respondent and a hearing, the court may extend the relief granted in

228.1 an existing order granted after a hearing under section 624.7162. Application for an extension
228.2 may be made any time within the three months before the expiration of the existing order.
228.3 The order may be extended for a fixed period of at least six months and not to exceed two
228.4 years, if the court makes the same findings by a preponderance of the evidence as required
228.5 for granting of an initial order under section 624.7162, subdivision 2, paragraph (d). The
228.6 court shall consider the same types of evidence as required for the initial order under section
228.7 624.7162, subdivision 2, paragraphs (b) and (c).

228.8 (b) Upon application by the respondent to an order issued under section 624.7162, the
228.9 court may terminate an order after a hearing at which the respondent shall bear the burden
228.10 of proving by a preponderance of the evidence that the respondent does not pose a significant
228.11 danger of bodily harm to the respondent's self or to other persons by possessing a firearm.
228.12 Application for termination may be made one time for each year an order is in effect. If an
228.13 order has been issued for a period of six months, the respondent may apply for termination
228.14 one time.

228.15 **Sec. 5. [624.7164] EMERGENCY ISSUANCE OF EXTREME RISK PROTECTION**
228.16 **ORDER.**

228.17 (a) In determining whether to grant an emergency extreme risk protection order, the
228.18 court shall consider evidence of all facts identified in section 624.7162, subdivision 2,
228.19 paragraphs (b) and (c).

228.20 (b) If the court finds there is reasonable grounds that (1) the respondent poses a significant
228.21 danger of bodily harm to the respondent's self or to other persons by possessing a firearm,
228.22 and (2) the respondent presents an immediate and present danger of bodily harm, the court
228.23 shall issue an ex parte emergency order prohibiting the respondent from possessing a firearm
228.24 for the duration of the order. The order shall inform the respondent that the respondent is
228.25 prohibited from possessing firearms and shall issue a transfer order under section 624.7165,
228.26 paragraph (c).

228.27 (c) A finding by the court that there is a basis for issuing an emergency extreme risk
228.28 protection order constitutes a finding that sufficient reasons exist not to require notice under
228.29 applicable court rules governing applications for ex parte relief.

228.30 (d) The emergency order shall have a fixed period of 14 days unless a hearing is set
228.31 under section 624.7162 on an earlier date, in which case the order shall expire upon a judge's
228.32 finding that no order is issued under section 624.7162.

229.1 (e) Except as provided in paragraph (f), the respondent shall be personally served
229.2 immediately with a copy of the emergency order and a copy of the petition and, if a hearing
229.3 is requested by the petitioner under section 624.7162, notice of the date set for the hearing.
229.4 If the petitioner does not request a hearing under section 624.7162, an order served on a
229.5 respondent under this subdivision must include a notice advising the respondent of the right
229.6 to request a hearing challenging the issuance of the emergency order, and must be
229.7 accompanied by a form that can be used by the respondent to request a hearing.

229.8 (f) Service of the emergency order may be made by alternate service as provided under
229.9 section 624.7162, subdivision 1, paragraph (d), provided that the petitioner files the affidavit
229.10 required under that subdivision. If the petitioner does not request a hearing under section
229.11 624.7162, the petition mailed to the respondent's residence, if known, must be accompanied
229.12 by the form for requesting a hearing described in paragraph (e).

229.13 **Sec. 6. [624.7165] TRANSFER OF FIREARMS.**

229.14 (a) Except as provided in paragraph (b), upon issuance of an extreme risk protection
229.15 order, the court shall direct the respondent to transfer any firearms the person possesses as
229.16 soon as reasonably practicable, but in no case later than 24 hours, to a federally licensed
229.17 firearms dealer or a law enforcement agency. If the respondent elects to transfer the
229.18 respondent's firearms to a law enforcement agency, the agency must accept the transfer.
229.19 The transfer may be permanent or temporary. A temporary firearm transfer only entitles
229.20 the receiving party to possess the firearm and does not transfer ownership or title. If the
229.21 respondent makes a temporary transfer, a federally licensed firearms dealer or law
229.22 enforcement agency may charge the respondent a reasonable fee to store the firearms and
229.23 may establish policies for disposal of abandoned firearms, provided these policies require
229.24 that the respondent be notified prior to disposal of abandoned firearms. If a respondent
229.25 permanently transfers the respondent's firearms to a law enforcement agency, the agency
229.26 is not required to compensate the respondent and may charge the respondent a reasonable
229.27 processing fee.

229.28 (b) A person directed to transfer any firearms pursuant to paragraph (a) may transfer
229.29 any antique firearm, as defined in United States Code, title 18, section 921, paragraph (a),
229.30 clause (16), as amended, or a curio or relic as defined in Code of Federal Regulations, title
229.31 27, section 478.11, as amended, to a relative who does not live with the respondent after
229.32 confirming that the relative may lawfully own or possess a firearm.

229.33 (c) The respondent must file proof of transfer as provided in this paragraph.

230.1 (1) A law enforcement agency or federally licensed firearms dealer accepting transfer
230.2 of a firearm pursuant to this section shall provide proof of transfer to the respondent. The
230.3 proof of transfer must specify whether the firearms were permanently or temporarily
230.4 transferred and must include the name of the respondent, date of transfer, and the serial
230.5 number, manufacturer, and model of all transferred firearms. If transfer is made to a federally
230.6 licensed firearms dealer, the respondent shall, within two business days after being served
230.7 with the order, file a copy of proof of transfer with the law enforcement agency and attest
230.8 that all firearms owned or possessed at the time of the order have been transferred in
230.9 accordance with this section and that the person currently does not possess any firearms. If
230.10 the respondent claims not to own or possess firearms, the respondent shall file a declaration
230.11 of nonpossession with the law enforcement agency attesting that, at the time of the order,
230.12 the respondent neither owned nor possessed any firearms, and that the respondent currently
230.13 neither owns nor possesses any firearms. If the transfer is made to a relative pursuant to
230.14 paragraph (b), the relative must sign an affidavit under oath before a notary public either
230.15 acknowledging that the respondent permanently transferred the respondent's antique firearms,
230.16 curios, or relics to the relative or agreeing to temporarily store the respondent's antique
230.17 firearms, curios, or relics until such time as the respondent is legally permitted to possess
230.18 firearms. To the extent possible, the affidavit shall indicate the serial number, make, and
230.19 model of all antique firearms, curios, or relics transferred by the respondent to the relative.

230.20 (2) The court shall seal affidavits, proofs of transfer, and declarations of nonpossession
230.21 filed pursuant to this paragraph.

230.22 (d) If a court issues an emergency order under section 624.7164, or makes a finding of
230.23 immediate and present danger under section 624.7162, subdivision 2, paragraph (e), and
230.24 there is probable cause to believe the respondent possesses firearms, the court shall issue a
230.25 search warrant to the local law enforcement agency to take possession of all firearms in the
230.26 respondent's possession as soon as practicable. The local law enforcement agency shall,
230.27 upon written notice from the respondent, transfer the firearms to a federally licensed firearms
230.28 dealer. Before a local law enforcement agency transfers a firearm under this paragraph, the
230.29 agency shall require the federally licensed firearms dealer receiving the firearm to submit
230.30 a proof of transfer that complies with the requirements for proofs of transfer established in
230.31 paragraph (c). The agency shall file all proofs of transfer received by the court within two
230.32 business days of the transfer. A federally licensed firearms dealer who accepts a firearm
230.33 transfer pursuant to this paragraph shall comply with paragraphs (a) and (c) as if accepting
230.34 transfer directly from the respondent. If the law enforcement agency does not receive written
230.35 notice from the respondent within three business days, the agency may charge a reasonable

231.1 fee to store the respondent's firearms. A law enforcement agency may establish policies for
231.2 disposal of abandoned firearms, provided these policies require that the respondent be
231.3 notified prior to disposal of abandoned firearms.

231.4 Sec. 7. **[624.7166] RETURN OF FIREARMS.**

231.5 Subdivision 1. **Law enforcement.** A local law enforcement agency that accepted
231.6 temporary transfer of firearms under section 624.7165 shall return the firearms to the
231.7 respondent upon request after the expiration of the order, provided the respondent is not
231.8 otherwise prohibited from possessing firearms under state or federal law.

231.9 Subd. 2. **Firearms dealer.** A federally licensed firearms dealer that accepted temporary
231.10 transfer of firearms under section 624.7165 shall return the transferring firearms to the
231.11 respondent upon request after the expiration of the order, provided the respondent is not
231.12 otherwise prohibited from possessing firearms under state or federal law. A federally licensed
231.13 firearms dealer returning firearms shall comply with state and federal law as though
231.14 transferring a firearm from the dealer's own inventory.

231.15 Sec. 8. **[624.7167] OFFENSES.**

231.16 Subdivision 1. **False information or harassment.** A person who petitions for an extreme
231.17 risk protection order under section 624.7162 or 624.7164, knowing any information in the
231.18 petition to be materially false or with the intent to harass, abuse, or threaten, is guilty of a
231.19 misdemeanor.

231.20 Subd. 2. **Violation of order.** A person who possesses a firearm and knows or should
231.21 have known that the person is prohibited from doing so by an extreme risk protection order
231.22 under section 624.7162 or 624.7164, or by an order of protection granted by a judge or
231.23 referee pursuant to a substantially similar law of another state, is guilty of a misdemeanor
231.24 and shall be prohibited from possessing firearms for a period of five years. Each extreme
231.25 risk protection order granted under this chapter must contain a conspicuous notice to the
231.26 respondent regarding the penalty for violation of the order.

231.27 Sec. 9. **[624.7168] LIABILITY PROTECTION.**

231.28 Subdivision 1. **Liability protection for petition.** A chief law enforcement officer, or a
231.29 designee, or a city or county attorney, who, in good faith, decides not to petition for an
231.30 extreme risk protection order or emergency extreme risk protection order shall be immune
231.31 from criminal or civil liability.

232.1 Subd. 2. **Liability protection for storage of firearms.** A law enforcement agency shall
232.2 be immune from civil or criminal liability for any damage or deterioration of firearms,
232.3 ammunition, or weapons stored or transported pursuant to section 624.7165. This subdivision
232.4 shall not apply if the damage or deterioration occurred as a result of recklessness, gross
232.5 negligence, or intentional misconduct by the law enforcement agency.

232.6 Subd. 3. **Liability protection for harm following service of an order or execution of**
232.7 **a search warrant.** A peace officer, law enforcement agency, and the state or a political
232.8 subdivision by which a peace officer is employed has immunity from any liability, civil or
232.9 criminal, for harm caused by a person who is the subject of an extreme risk protection order,
232.10 a search warrant issued pursuant to section 624.7165, paragraph (d), or both after service
232.11 of the order or execution of the warrant, whichever comes first, if the peace officer acts in
232.12 good faith in serving the order or executing the warrant.

232.13 Sec. 10. **[626.8474] EXTREME RISK PROTECTION ORDER; DEVELOPMENT**
232.14 **OF MODEL PROCEDURES.**

232.15 By December 1, 2020, the Peace Officer Standards and Training Board, after consulting
232.16 with the Minnesota County Attorneys Association, the Minnesota Sheriffs' Association, the
232.17 Minnesota Chiefs of Police Association, and the Minnesota Police and Peace Officers
232.18 Association, shall develop model procedures and standards for the storage of firearms
232.19 transferred to law enforcement under section 624.7165.

232.20 Sec. 11. **REVISOR INSTRUCTION.**

232.21 In the next edition of Minnesota Statutes, the revisor of statutes shall renumber Minnesota
232.22 Statutes 2018, sections 624.7161 to 624.7168, and correct cross-references to those provisions
232.23 so as not to conflict with this act.

232.24 Sec. 12. **EFFECTIVE DATE.**

232.25 Sections 1 to 9 and 11 are effective January 1, 2020, and apply to firearm permit
232.26 background checks made on or after that date.

232.27 **ARTICLE 16**

232.28 **DISASTER ASSISTANCE**

232.29 Section 1. **DISASTER ASSISTANCE CONTINGENCY ACCOUNT; TRANSFER.**

232.30 \$10,000,000 in fiscal year 2020 and \$10,000,000 in fiscal year 2021 are transferred from
232.31 the general fund to the commissioner of public safety for deposit in the disaster assistance

233.1 contingency account established under Minnesota Statutes, section 12.221, subdivision 6.
 233.2 These are onetime transfers.

233.3 **ARTICLE 17**

233.4 **JUDICIARY APPROPRIATIONS**

233.5 Section 1. **APPROPRIATIONS.**

233.6 The sums shown in the columns marked "Appropriations" are appropriated to the agencies
 233.7 and for the purposes specified in this act. The appropriations are from the general fund, or
 233.8 another named fund, and are available for the fiscal years indicated for each purpose. The
 233.9 figures "2020" and "2021" used in this act mean that the appropriations listed under them
 233.10 are available for the fiscal year ending June 30, 2020, or June 30, 2021, respectively. "The
 233.11 first year" is fiscal year 2020. "The second year" is fiscal year 2021. "The biennium" is
 233.12 fiscal years 2020 and 2021.

233.13		<u>APPROPRIATIONS</u>	
233.14		<u>Available for the Year</u>	
233.15		<u>Ending June 30</u>	
233.16		<u>2020</u>	<u>2021</u>

233.17 Sec. 2. **SUPREME COURT**

233.18	<u>Subdivision 1. Total Appropriation</u>	<u>\$ 59,131,000</u>	<u>\$ 61,304,000</u>
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233.19 The amounts that may be spent for each
 233.20 purpose are specified in the following
 233.21 subdivisions.

233.22	<u>Subd. 2. Supreme Court Operations</u>	<u>43,608,000</u>	<u>44,858,000</u>
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233.23 **(a) Contingent Account**

233.24 \$5,000 each year is for a contingent account
 233.25 for expenses necessary for the normal
 233.26 operation of the court for which no other
 233.27 reimbursement is provided.

233.28 **(b) Judges' Compensation**

233.29 Judges' compensation is increased by three
 233.30 percent each year.

233.31 **(c) Cybersecurity Program**

233.32 \$2,500,000 each year is for a cybersecurity
 233.33 program.

234.1 **(d) Early Neutral Evaluation**
 234.2 \$50,000 the first year is to contract with the
 234.3 Board of Regents of the University of
 234.4 Minnesota for its Extension Service to develop
 234.5 and conduct a survey of all early neutral
 234.6 evaluation participants and provide a report
 234.7 to the legislature pursuant to article 2, section
 234.8 8.

234.9 **Subd. 3. Civil Legal Services** 15,523,000 16,446,000

234.10 **Legal Services to Low-Income Clients in**
 234.11 **Family Law Matters.** \$1,062,000 the first
 234.12 year and \$1,125,000 the second year are to
 234.13 improve the access of low-income clients to
 234.14 legal representation in family law matters.
 234.15 This appropriation must be distributed under
 234.16 Minnesota Statutes, section 480.242, to the
 234.17 qualified legal services program described in
 234.18 Minnesota Statutes, section 480.242,
 234.19 subdivision 2, paragraph (a). Any
 234.20 unencumbered balance remaining in the first
 234.21 year does not cancel and is available in the
 234.22 second year.

234.23 **Sec. 3. COURT OF APPEALS** \$ 12,878,000 \$ 13,258,000

234.24 **Judges' Compensation.** Judges' compensation
 234.25 is increased by three percent each year.

234.26 **Sec. 4. DISTRICT COURTS** \$ 311,201,000 \$ 321,140,000

234.27 **(a) Judges' Compensation**
 234.28 Judges' compensation is increased by four
 234.29 percent each year.

234.30 **(b) New Trial Judges**
 234.31 \$912,000 the first year and \$846,000 the
 234.32 second year are for two new trial court judge
 234.33 units in the Seventh Judicial District.

236.1 \$205,000 the first year and \$515,000 the
 236.2 second year are for providing representation
 236.3 in forfeiture proceedings for individuals
 236.4 entitled to be represented in criminal matters.

236.5 **(c) Base Adjustment**

236.6 The general fund base is increased by
 236.7 \$108,000 beginning in fiscal year 2022.

236.8 **Sec. 10. HUMAN RIGHTS** **\$ 6,421,000 \$ 6,698,000**

236.9 \$10,000 the second year is for a microgrant
 236.10 program for capacity building by local units
 236.11 of government and local groups.

236.12 **Sec. 11. BUREAU OF MEDIATION**
 236.13 **SERVICES** **\$ 2,200,000 \$ 413,000**

236.14 \$2,200,000 the first year and \$413,000 the
 236.15 second year are to develop and implement the
 236.16 online cooperative private divorce program
 236.17 under article 5, section 4. The cooperative
 236.18 private divorce program must be made
 236.19 available on the Bureau of Mediation Services
 236.20 website by January 1, 2021.

236.21 **Sec. 12. LEGISLATIVE COORDINATING**
 236.22 **COMMISSION** **\$ 7,000 \$ 7,000**

236.23 \$7,000 each year is for the Legislative
 236.24 Commission on Intelligence and Technology
 236.25 under article 4, section 1.

236.26 **Sec. 13. TRANSFER.**

236.27 \$10,000 the first year and \$20,000 the second year and annually thereafter are
 236.28 appropriated to the commissioner of management and budget for transfer to the special
 236.29 revenue fund for use by the displaced homemaker program.

237.1 Sec. 14. **TRANSFER.**

237.2 \$1,075,000 annually is appropriated to the commissioner of management and budget
237.3 for transfer to the Minnesota State Patrol's forfeited property account in the special revenue
237.4 fund for use by the Minnesota State Patrol as a supplement to the agency's operating fund.

237.5 Sec. 15. **TRANSFER.**

237.6 \$763,000 annually is appropriated to the commissioner of management and budget for
237.7 transfer to the Bureau of Criminal Apprehension's forfeited property account for use by the
237.8 Bureau of Criminal Apprehension as a supplement to the agency's operating fund.

237.9 **ARTICLE 18**237.10 **COURTS**

237.11 Section 1. Minnesota Statutes 2018, section 169.99, subdivision 1c, is amended to read:

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

237.16 **EFFECTIVE DATE.** This section is effective August 1, 2019. The changes to the
237.17 uniform traffic ticket described in this section must be reflected on the ticket the next time
237.18 it is revised.

237.19 Sec. 2. Minnesota Statutes 2018, section 169.99, is amended by adding a subdivision to
237.20 read:

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

237.28 **EFFECTIVE DATE.** This section is effective August 1, 2019. The changes to the
237.29 uniform traffic ticket described in this section must be reflected on the ticket the next time
237.30 it is revised.

238.1 Sec. 3. Minnesota Statutes 2018, section 357.021, subdivision 2, is amended to read:

238.2 Subd. 2. **Fee amounts.** The fees to be charged and collected by the court administrator
238.3 shall be as follows:

238.4 (1) In every civil action or proceeding in said court, including any case arising under
238.5 the tax laws of the state that could be transferred or appealed to the Tax Court, the plaintiff,
238.6 petitioner, or other moving party shall pay, when the first paper is filed for that party in said
238.7 action, a fee of ~~\$285~~ \$335, except in marriage dissolution actions the fee is \$315.

238.8 The defendant or other adverse or intervening party, or any one or more of several
238.9 defendants or other adverse or intervening parties appearing separately from the others,
238.10 shall pay, when the first paper is filed for that party in said action, a fee of ~~\$285~~ \$335, except
238.11 in marriage dissolution actions the fee is \$315. This subdivision does not apply to the filing
238.12 of an Application for Discharge of Judgment. Section 548.181 applies to an Application
238.13 for Discharge of Judgment.

238.14 The party requesting a trial by jury shall pay \$100.

238.15 The fees above stated shall be the full trial fee chargeable to said parties irrespective of
238.16 whether trial be to the court alone, to the court and jury, or disposed of without trial, and
238.17 shall include the entry of judgment in the action, but does not include copies or certified
238.18 copies of any papers so filed or proceedings under chapter 103E, except the provisions
238.19 therein as to appeals.

238.20 (2) Certified copy of any instrument from a civil or criminal proceeding, \$14, and \$8
238.21 for an uncertified copy.

238.22 (3) Issuing a subpoena, \$16 for each name.

238.23 (4) Filing a motion or response to a motion in civil, family, excluding child support, and
238.24 guardianship cases, \$75.

238.25 (5) Issuing an execution and filing the return thereof; issuing a writ of attachment,
238.26 injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically
238.27 mentioned, \$55.

238.28 (6) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment
238.29 from another court, \$40.

238.30 (7) Filing and entering a satisfaction of judgment, partial satisfaction, or assignment of
238.31 judgment, \$5.

239.1 (8) Certificate as to existence or nonexistence of judgments docketed, \$5 for each name
239.2 certified to.

239.3 (9) Filing and indexing trade name; or recording basic science certificate; or recording
239.4 certificate of physicians, osteopathic physicians, chiropractors, veterinarians, or optometrists,
239.5 \$5.

239.6 (10) For the filing of each partial, final, or annual account in all trusteeships, \$55.

239.7 (11) For the deposit of a will, \$27.

239.8 (12) For recording notary commission, \$20.

239.9 (13) Filing a motion or response to a motion for modification of child support, a fee of
239.10 \$50.

239.11 (14) All other services required by law for which no fee is provided, such fee as compares
239.12 favorably with those herein provided, or such as may be fixed by rule or order of the court.

239.13 (15) In addition to any other filing fees under this chapter, a surcharge in the amount of
239.14 \$75 must be assessed in accordance with section 259.52, subdivision 14, for each adoption
239.15 petition filed in district court to fund the fathers' adoption registry under section 259.52.

239.16 The fees in clauses (3) and (5) need not be paid by a public authority or the party the
239.17 public authority represents.

239.18 **EFFECTIVE DATE.** This section is effective July 1, 2019.

239.19 Sec. 4. Minnesota Statutes 2018, section 357.021, is amended by adding a subdivision to
239.20 read:

239.21 **Subd. 2c. Court cybersecurity fee.** In addition to any other filing fee under this chapter,
239.22 the court administrator shall collect a \$1 cybersecurity fee on filings made under subdivision
239.23 2, clauses (1) to (13). The court administrator shall transmit the fee monthly to the
239.24 commissioner of management and budget for deposit in the general fund. This subdivision
239.25 expires June 30, 2021.

239.26 **EFFECTIVE DATE.** This section is effective July 1, 2019.

239.27 Sec. 5. Minnesota Statutes 2018, section 357.021, subdivision 6, is amended to read:

239.28 Subd. 6. **Surcharges on criminal and traffic offenders.** (a) Except as provided in this
239.29 ~~paragraph~~ subdivision, the court shall impose and the court administrator shall collect a \$75
239.30 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or

240.1 petty misdemeanor offense, other than a violation of a law or ordinance relating to vehicle
240.2 parking, for which there shall be a \$12 surcharge. When a defendant is convicted of more
240.3 than one offense in a case, the surcharge shall be imposed only once in that case. In the
240.4 Second Judicial District, the court shall impose, and the court administrator shall collect,
240.5 an additional \$1 surcharge on every person convicted of any felony, gross misdemeanor,
240.6 misdemeanor, or petty misdemeanor offense, including a violation of a law or ordinance
240.7 relating to vehicle parking, if the Ramsey County Board of Commissioners authorizes the
240.8 \$1 surcharge. The surcharge shall be imposed whether or not the person is sentenced to
240.9 imprisonment or the sentence is stayed. The surcharge shall not be imposed when a person
240.10 is convicted of a petty misdemeanor for which no fine is imposed.

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

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

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

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

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

240.31 ~~(g)~~ (f) The surcharge does not apply to administrative citations issued pursuant to section
240.32 169.999.

241.1 Sec. 6. Minnesota Statutes 2018, section 484.85, is amended to read:

241.2 **484.85 DISPOSITION OF FINES, FEES, AND OTHER MONEY; ACCOUNTS;**
241.3 **RAMSEY COUNTY DISTRICT COURT.**

241.4 (a) In all cases prosecuted in Ramsey County District Court by an attorney for a
241.5 municipality or subdivision of government within Ramsey County for violation of a statute;
241.6 an ordinance; or a charter provision, rule, or regulation of a city; all fines, penalties, and
241.7 forfeitures collected by the court administrator shall be deposited in the state treasury and
241.8 distributed according to this paragraph. Except where a different disposition is provided by
241.9 section 299D.03, subdivision 5, or other law, on or before the last day of each month, the
241.10 court shall pay over all fines, penalties, and forfeitures collected by the court administrator
241.11 during the previous month as follows:

241.12 ~~(1) for offenses committed within the city of St. Paul, two-thirds paid to the treasurer~~
241.13 ~~of the city of St. Paul~~ municipality or subdivision of government within Ramsey County
241.14 ~~and one-third credited to the state general fund; and~~

241.15 ~~(2) for offenses committed within any other municipality or subdivision of government~~
241.16 ~~within Ramsey County, one-half paid to the treasurer of the municipality or subdivision of~~
241.17 ~~government and one-half credited to the state general fund.~~

241.18 All other fines, penalties, and forfeitures collected by the district court shall be distributed
241.19 by the courts as provided by law.

241.20 (b) Fines, penalties, and forfeitures shall be distributed as provided in paragraph (a)
241.21 when:

241.22 (1) a city contracts with the county attorney for prosecutorial services under section
241.23 484.87, subdivision 3; or

241.24 (2) the attorney general provides assistance to the city attorney under section 484.87,
241.25 subdivision 5.

241.26 **EFFECTIVE DATE.** This section is effective July 1, 2019.

241.27 Sec. 7. Minnesota Statutes 2018, section 609.101, subdivision 5, is amended to read:

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

241.30 (b) If the defendant qualifies for the services of a public defender or the court finds on
241.31 the record that the convicted person is indigent or that immediate payment of the fine would
241.32 create undue hardship for the convicted person or that person's immediate family, the court

242.1 may reduce the amount of the minimum fine to not less than \$50. Additionally, the court
242.2 may permit the defendant to perform community work service in lieu of a fine.

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

242.4 (d) Before sentencing a person convicted of a felony, gross misdemeanor, misdemeanor,
242.5 or petty misdemeanor to pay money for a fine, fee, or surcharge, the court shall make a
242.6 finding on the record as to indigency or the convicted person's ability to comply with an
242.7 order to pay without undue hardship for the convicted person or that person's immediate
242.8 family. In determining indigency or whether the defendant is able to comply with an order
242.9 to pay a fine, fee, or surcharge without undue hardship to the convicted person or that
242.10 person's immediate family, the court shall consider:

242.11 (1) income;

242.12 (2) dependents;

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

242.14 (4) basic living expenses;

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

242.16 (6) any special circumstances that may bear on the person's ability to pay.

242.17 (e) Paragraph (d) shall not apply when a conviction for a violation that is included on
242.18 the uniform fine schedule authorized under section 609.101, subdivision 4, is entered without
242.19 a hearing before the court.

242.20 Sec. 8. **EARLY NEUTRAL EVALUATION STUDY AND REPORT.**

242.21 (a) The supreme court is requested to contract with the Board of Regents of the University
242.22 of Minnesota to develop and conduct a survey and report as provided in this section.

242.23 (b) The board, through its Extension Service, is requested to develop and conduct a
242.24 survey of all early neutral evaluation participants from November 1, 2019, to November 1,
242.25 2020. At a minimum, the survey must seek the following information:

242.26 (1) the participant's demographic information, including age, gender, and race;

242.27 (2) a participant's satisfaction levels with the early neutral evaluation process and outcome
242.28 as it relates to the following:

242.29 (i) custody arrangements;

242.30 (ii) parenting time;

- 243.1 (iii) property division;
- 243.2 (iv) legal expenses;
- 243.3 (v) length of time of the process;
- 243.4 (vi) level of cooperation of each party; and
- 243.5 (vii) the effectiveness of the neutral or neutrals;
- 243.6 (3) the participant's opinion regarding fairness of the early neutral evaluation process,
- 243.7 whether the participant's expectations were met, whether the participant made decisions
- 243.8 voluntarily, and whether the participant would recommend the early neutral evaluation to
- 243.9 others; and
- 243.10 (4) the participant's recommendations related to the early neutral evaluation process and
- 243.11 outcome.
- 243.12 (c) The Extension Service is requested to aggregate the results of the survey and report
- 243.13 summary data, as defined in Minnesota Statutes, section 13.03, subdivision 19, to the chairs
- 243.14 and ranking minority members of the legislative committees and divisions with jurisdiction
- 243.15 over children, families, and the judiciary by January 15, 2021. The report is requested to
- 243.16 include the following:
- 243.17 (1) the total number of early neutral evaluation participants;
- 243.18 (2) the total number of social-early neutral evaluation participants;
- 243.19 (3) the total number of financial-early neutral evaluation participants;
- 243.20 (4) all disaggregated data, including survey data, collected by judicial district;
- 243.21 (5) a description of the methods used to collect data; and
- 243.22 (6) a description of general trends, findings, and conclusions based on data collected.
- 243.23 (d) Data collected by the Extension Service in individual participant surveys are private
- 243.24 data on individuals, as defined in Minnesota Statutes, section 13.02, subdivision 12.

ARTICLE 19

FORFEITURE

- 243.27 Section 1. Minnesota Statutes 2018, section 84.7741, subdivision 13, is amended to read:
- 243.28 Subd. 13. **Reporting.** The appropriate agency and prosecuting authority shall report on
- 243.29 forfeitures occurring under this section as described in section ~~609.5315, subdivision 6~~
- 243.30 609.112, subdivision 35.

244.1 Sec. 2. Minnesota Statutes 2018, section 97A.221, subdivision 5, is amended to read:

244.2 Subd. 5. **Reporting.** The appropriate agency and prosecuting authority shall report on
244.3 forfeitures of firearms, bows, and motor vehicles occurring under this section as described
244.4 in section ~~609.5315, subdivision 6~~ 609.112, subdivision 35.

244.5 Sec. 3. Minnesota Statutes 2018, section 97A.223, subdivision 6, is amended to read:

244.6 Subd. 6. **Reporting.** The appropriate agency and prosecuting authority shall report on
244.7 forfeitures of firearms, bows, and motor vehicles occurring under this section as described
244.8 in section ~~609.5315, subdivision 6~~ 609.112, subdivision 35.

244.9 Sec. 4. Minnesota Statutes 2018, section 97A.225, subdivision 10, is amended to read:

244.10 Subd. 10. **Reporting.** The appropriate agency and prosecuting authority shall report on
244.11 forfeitures occurring under this section as described in section ~~609.5315, subdivision 6~~
244.12 609.112, subdivision 35.

244.13 Sec. 5. Minnesota Statutes 2018, section 152.21, subdivision 6, is amended to read:

244.14 Subd. 6. **Exemption from criminal sanctions.** For the purposes of this section, the
244.15 following are not violations under this chapter:

244.16 (1) use or possession of THC, or both, by a patient in the research program;

244.17 (2) possession, prescribing use of, administering, or dispensing THC, or any combination
244.18 of these actions, by the principal investigator or by any clinical investigator; and

244.19 (3) possession or distribution of THC, or both, by a pharmacy registered to handle
244.20 Schedule I substances which stores THC on behalf of the principal investigator or a clinical
244.21 investigator.

244.22 THC obtained and distributed pursuant to this section is not subject to forfeiture under
244.23 ~~sections 609.531 to 609.5316~~ section 609.112.

244.24 For the purposes of this section, THC is removed from Schedule I contained in section
244.25 152.02, subdivision 2, and inserted in Schedule II contained in section 152.02, subdivision
244.26 3.

244.27 Sec. 6. Minnesota Statutes 2018, section 152.32, subdivision 2, is amended to read:

244.28 Subd. 2. **Criminal and civil protections.** (a) Subject to section 152.23, the following
244.29 are not violations under this chapter:

245.1 (1) use or possession of medical cannabis or medical cannabis products by a patient
245.2 enrolled in the registry program, or possession by a registered designated caregiver or the
245.3 parent or legal guardian of a patient if the parent or legal guardian is listed on the registry
245.4 verification;

245.5 (2) possession, dosage determination, or sale of medical cannabis or medical cannabis
245.6 products by a medical cannabis manufacturer, employees of a manufacturer, a laboratory
245.7 conducting testing on medical cannabis, or employees of the laboratory; and

245.8 (3) possession of medical cannabis or medical cannabis products by any person while
245.9 carrying out the duties required under sections 152.22 to 152.37.

245.10 (b) Medical cannabis obtained and distributed pursuant to sections 152.22 to 152.37 and
245.11 associated property is not subject to forfeiture under ~~sections 609.531 to 609.5316~~ section
245.12 609.112.

245.13 (c) The commissioner, the commissioner's staff, the commissioner's agents or contractors,
245.14 and any health care practitioner are not subject to any civil or disciplinary penalties by the
245.15 Board of Medical Practice, the Board of Nursing, or by any business, occupational, or
245.16 professional licensing board or entity, solely for the participation in the registry program
245.17 under sections 152.22 to 152.37. A pharmacist licensed under chapter 151 is not subject to
245.18 any civil or disciplinary penalties by the Board of Pharmacy when acting in accordance
245.19 with the provisions of sections 152.22 to 152.37. Nothing in this section affects a professional
245.20 licensing board from taking action in response to violations of any other section of law.

245.21 (d) Notwithstanding any law to the contrary, the commissioner, the governor of
245.22 Minnesota, or an employee of any state agency may not be held civilly or criminally liable
245.23 for any injury, loss of property, personal injury, or death caused by any act or omission
245.24 while acting within the scope of office or employment under sections 152.22 to 152.37.

245.25 (e) Federal, state, and local law enforcement authorities are prohibited from accessing
245.26 the patient registry under sections 152.22 to 152.37 except when acting pursuant to a valid
245.27 search warrant.

245.28 (f) Notwithstanding any law to the contrary, neither the commissioner nor a public
245.29 employee may release data or information about an individual contained in any report,
245.30 document, or registry created under sections 152.22 to 152.37 or any information obtained
245.31 about a patient participating in the program, except as provided in sections 152.22 to 152.37.

245.32 (g) No information contained in a report, document, or registry or obtained from a patient
245.33 under sections 152.22 to 152.37 may be admitted as evidence in a criminal proceeding

246.1 unless independently obtained or in connection with a proceeding involving a violation of
246.2 sections 152.22 to 152.37.

246.3 (h) Notwithstanding section 13.09, any person who violates paragraph (e) or (f) is guilty
246.4 of a gross misdemeanor.

246.5 (i) An attorney may not be subject to disciplinary action by the Minnesota Supreme
246.6 Court or professional responsibility board for providing legal assistance to prospective or
246.7 registered manufacturers or others related to activity that is no longer subject to criminal
246.8 penalties under state law pursuant to sections 152.22 to 152.37.

246.9 (j) Possession of a registry verification or application for enrollment in the program by
246.10 a person entitled to possess or apply for enrollment in the registry program does not constitute
246.11 probable cause or reasonable suspicion, nor shall it be used to support a search of the person
246.12 or property of the person possessing or applying for the registry verification, or otherwise
246.13 subject the person or property of the person to inspection by any governmental agency.

246.14 Sec. 7. Minnesota Statutes 2018, section 299A.681, subdivision 11, is amended to read:

246.15 Subd. 11. **Forfeiture.** Property seized by the task force is subject to forfeiture pursuant
246.16 to sections 609.531, 609.5312, 609.5313, and 609.5315 if ownership cannot be established.
246.17 The task force shall receive the proceeds from the sale of all property properly seized and
246.18 forfeited under section 609.112.

246.19 Sec. 8. Minnesota Statutes 2018, section 357.021, subdivision 1a, is amended to read:

246.20 Subd. 1a. **Transmittal of fees to commissioner of management and budget.** (a) Every
246.21 person, including the state of Minnesota and all bodies politic and corporate, who shall
246.22 transact any business in the district court, shall pay to the court administrator of said court
246.23 the sundry fees prescribed in subdivision 2. Except as provided in paragraph (d), the court
246.24 administrator shall transmit the fees monthly to the commissioner of management and budget
246.25 for deposit in the state treasury and credit to the general fund. \$30 of each fee collected in
246.26 a dissolution action under subdivision 2, clause (1), must be deposited by the commissioner
246.27 of management and budget in the special revenue fund and is appropriated to the
246.28 commissioner of employment and economic development for the displaced homemaker
246.29 program under section 116L.96.

246.30 (b) In a county which has a screener-collector position, fees paid by a county pursuant
246.31 to this subdivision shall be transmitted monthly to the county treasurer, who shall apply the
246.32 fees first to reimburse the county for the amount of the salary paid for the screener-collector

247.1 position. The balance of the fees collected shall then be forwarded to the commissioner of
247.2 management and budget for deposit in the state treasury and credited to the general fund.

247.3 In a county in a judicial district under section 480.181, subdivision 1, paragraph (b), which
247.4 has a screener-collector position, the fees paid by a county shall be transmitted monthly to
247.5 the commissioner of management and budget for deposit in the state treasury and credited
247.6 to the general fund. A screener-collector position for purposes of this paragraph is an
247.7 employee whose function is to increase the collection of fines and to review the incomes
247.8 of potential clients of the public defender, in order to verify eligibility for that service.

247.9 (c) No fee is required under this section from the public authority or the party the public
247.10 authority represents in an action for:

247.11 (1) child support enforcement or modification, medical assistance enforcement, or
247.12 establishment of parentage in the district court, or in a proceeding under section 484.702;

247.13 (2) civil commitment under chapter 253B;

247.14 (3) the appointment of a public conservator or public guardian or any other action under
247.15 chapters 252A and 525;

247.16 (4) wrongfully obtaining public assistance under section 256.98 or 256D.07, or recovery
247.17 of overpayments of public assistance;

247.18 (5) court relief under chapters 260, 260A, 260B, and 260C;

247.19 (6) forfeiture of property under ~~sections 169A.63 and 609.531 to 609.5317~~ section
247.20 609.112;

247.21 (7) recovery of amounts issued by political subdivisions or public institutions under
247.22 sections 246.52, 252.27, 256.045, 256.25, 256.87, 256B.042, 256B.14, 256B.15, 256B.37,
247.23 260B.331, and 260C.331, or other sections referring to other forms of public assistance;

247.24 (8) restitution under section 611A.04; or

247.25 (9) actions seeking monetary relief in favor of the state pursuant to section 16D.14,
247.26 subdivision 5.

247.27 (d) \$20 from each fee collected for child support modifications under subdivision 2,
247.28 clause (13), must be transmitted to the county treasurer for deposit in the county general
247.29 fund and \$35 from each fee shall be credited to the state general fund. The fees must be
247.30 used by the county to pay for child support enforcement efforts by county attorneys.

248.1 Sec. 9. [609.112] CRIMINAL FORFEITURE.

248.2 Subdivision 1. Definitions. (a) As used in this section, the following terms have the
248.3 meanings given them.

248.4 (b) "Abandoned property" means personal property left by an owner who relinquishes
248.5 all rights to its control. Real property may not be abandoned.

248.6 (c) "Actual knowledge" means direct and clear awareness of information, a fact, or a
248.7 condition.

248.8 (d) "Appropriate agency" means the Bureau of Criminal Apprehension; the Department
248.9 of Commerce Fraud Bureau; the Minnesota Division of Driver and Vehicle Services; the
248.10 Minnesota State Patrol; a county sheriff's department; the Three Rivers Park District park
248.11 rangers; the University of Minnesota Police Department; the Department of Corrections
248.12 Fugitive Apprehension Unit; a city, metropolitan transit, or airport police department; or a
248.13 multijurisdictional entity established under section 299A.642 or 299A.681.

248.14 (e) "Contraband" means goods that, in themselves, are unlawful to possess. Contraband
248.15 includes but is not limited to scheduled drugs without a valid prescription; bullet-resistant
248.16 vests, as defined in section 609.486, worn or possessed during the commission or attempted
248.17 commission of a crime; and weapons upon conviction of the weapon's owner or possessor
248.18 for:

248.19 (1) a controlled substance crime;

248.20 (2) any offense of this chapter or chapter 624; or

248.21 (3) a violation of an order for protection under section 518B.01, subdivision 14.

248.22 In this chapter, contraband does not include proceeds derived from an alleged crime or an
248.23 instrumentality used in an alleged crime.

248.24 (f) "Conveyance" means a device used for transportation and includes a motor vehicle,
248.25 trailer, snowmobile, airplane, vessel, or any equipment attached to one of these devices.
248.26 The term does not include property that is stolen or taken in violation of the law.

248.27 (g) "Designated offense" means:

248.28 (1) for weapons used, any violation of this chapter or chapter 152 or 624;

248.29 (2) for driver's license or identification card transactions, any violation of section 171.22;

248.30 (3) all controlled substances that were manufactured, distributed, dispensed, or acquired
248.31 in violation of chapter 152, and all property, real and personal, that has been used or is

249.1 intended for use, or has in any way facilitated, in whole or in part, the manufacturing,
249.2 compounding, processing, delivering, importing, cultivating, exporting, transporting, or
249.3 exchanging of contraband, or a controlled substance that has not been lawfully manufactured,
249.4 distributed, dispensed, and acquired, is subject to forfeiture under this section, except as
249.5 provided in this section;

249.6 (4) a violation of section 169A.20 (driving while impaired) under the circumstances
249.7 described in section 169A.24 (first-degree driving while impaired) or 169A.25 (second-degree
249.8 driving while impaired);

249.9 (5) a violation of section 169A.20 or an ordinance in conformity with it:

249.10 (i) by a person whose driver's license or driving privileges have been canceled as inimical
249.11 to public safety under section 171.04, subdivision 1, clause (10), and not reinstated; or

249.12 (ii) by a person who is subject to a restriction on the person's driver's license under
249.13 section 171.09 (commissioner's license restrictions), which provides that the person may
249.14 not use or consume any amount of alcohol or a controlled substance; or

249.15 (6) for all other purposes, a felony violation of or a felony-level attempt or conspiracy
249.16 to violate section 325E.17; 325E.18; 609.185; 609.19; 609.195; 609.2112; 609.2113;
249.17 609.2114; 609.221; 609.222; 609.223; 609.2231; 609.2335; 609.24; 609.245; 609.25;
249.18 609.255; 609.282; 609.283; 609.322; 609.342, subdivision 1, clauses (a) to (f); 609.343,
249.19 subdivision 1, clauses (a) to (f); 609.344, subdivision 1, clauses (a) to (e) and (h) to (j);
249.20 609.345, subdivision 1, clauses (a) to (e) and (h) to (j); 609.352; 609.42; 609.425; 609.466;
249.21 609.485; 609.487; 609.52; 609.525; 609.527; 609.528; 609.53; 609.54; 609.551; 609.561;
249.22 609.562; 609.563; 609.582; 609.59; 609.595; 609.611; 609.631; 609.66, subdivision 1e;
249.23 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89;
249.24 609.893; 609.895; 617.246; or 617.247; or a gross misdemeanor or felony violation of
249.25 section 609.891 or 624.7181; or any violation of section 609.324; or a felony violation of
249.26 or a felony-level attempt or conspiracy to violate Minnesota Statutes 2012, section 609.21.

249.27 (h) "Instrumentality" means property otherwise lawful to possess that is used in the
249.28 commission of a designated offense. An instrumentality includes but is not limited to land,
249.29 buildings, a container, a conveyance, equipment, materials, products, a tool, a computer,
249.30 computer software, a telecommunications device, a firearm, or ammunition.

249.31 (i) "Proceeds" means money, securities, negotiable instruments, or other means of
249.32 exchange obtained by the sale of property.

249.33 Subd. 2. **Purpose.** Forfeiture is disfavored. The purpose of this chapter is to:

250.1 (1) deter criminal activity by reducing its economic incentives;

250.2 (2) confiscate property used in violation of the law and disgorge the fruits of illegal
250.3 conduct; and

250.4 (3) protect rights due to defendants and innocent owners.

250.5 Subd. 3. **Seizure of personal property with process.** At the request of the state at any
250.6 time, a court may issue an ex parte preliminary order to attach, seize, or secure personal
250.7 property for which forfeiture is sought and to provide for its custody. Application, issuance,
250.8 execution, and return are subject to state statute and court rules.

250.9 Subd. 4. **Seizure of personal property without process.** (a) Personal property is subject
250.10 to forfeiture and may be seized without a court order if:

250.11 (1) the personal property is the subject of a prior judgment in favor of the state;

250.12 (2) the seizure of personal property is incident to a lawful arrest for a designated offense,
250.13 the property was discovered in a lawful search, and the appropriate agency has probable
250.14 cause to believe the property:

250.15 (i) was used in any manner or part to commit or to facilitate the commission of the
250.16 designated offense; or

250.17 (ii) constitutes or was derived directly from proceeds of a designated offense; or

250.18 (3) the appropriate agency has probable cause to believe that the delay occasioned by
250.19 the necessity to obtain process would result in the removal or destruction of the property
250.20 and that:

250.21 (i) the property was used or is intended to be used in commission of a felony; or

250.22 (ii) the property is dangerous to health or safety.

250.23 (b) Mere presence or possession of United States currency, without other indicia of an
250.24 offense that authorizes forfeiture of property, is insufficient probable cause for seizure of
250.25 United States currency.

250.26 Subd. 5. **Seizure or restraint of real property with process.** (a) Seizure or restraint of
250.27 real property requires a court order. Except as provided in subdivision 6, a court may issue
250.28 an order to seize or secure real property for which forfeiture is sought only after proper
250.29 notice to property owners and an opportunity for a contested hearing to determine the
250.30 sufficiency of probable cause for the seizure.

251.1 (b) Except as provided in subdivision 6, nothing in this section prohibits the prosecuting
251.2 authority from seeking a lis pendens or restraining order to hinder the sale or destruction
251.3 of the real property. However, if the prosecuting attorney obtains a lis pendens or restraining
251.4 order, the prosecuting authority shall notify any party with an interest in any real property
251.5 within 30 days.

251.6 (c) Application, filing, issuance, execution, and return of any order are subject to state
251.7 law.

251.8 **Subd. 6. Rental property.** (a) When contraband or a controlled substance manufactured,
251.9 distributed, or acquired in violation of chapter 152 is seized on residential rental property
251.10 incident to a lawful search or arrest, the prosecuting authority shall give the notice required
251.11 by this subdivision to (1) the landlord of the property or the fee owner identified in the
251.12 records of the county assessor, and (2) the agent authorized by the owner to accept service
251.13 pursuant to section 504B.181. The notice is not required during an ongoing investigation.
251.14 The notice shall state what has been seized and specify the applicable duties and penalties
251.15 under this subdivision. The notice shall state that the landlord who chooses to assign the
251.16 right to bring an eviction action retains all rights and duties, including removal of a tenant's
251.17 personal property following issuance of the writ of recovery and delivery of the writ to the
251.18 sheriff for execution. The notice shall also state that the landlord may contact the prosecuting
251.19 authority if threatened by the tenant. Notice shall be sent by certified letter, return receipt
251.20 requested, within 30 days of the seizure. If receipt is not returned, notice shall be given in
251.21 the manner provided by law for service of summons in a civil action.

251.22 (b) Within 15 days after notice of the first occurrence, the landlord shall bring or assign
251.23 to the prosecuting authority of the county in which the real property is located the right to
251.24 bring an eviction action against the tenant. The assignment must be in writing on a form
251.25 prepared by the prosecuting authority. If the landlord chooses to assign the right to bring
251.26 an eviction action, the assignment shall be limited to those rights and duties up to and
251.27 including delivery of the writ of recovery to the sheriff for execution.

251.28 (c) Upon notice of a second occurrence on any residential rental property owned by the
251.29 same landlord in the same county and involving the same tenant, and within one year after
251.30 notice of the first occurrence, the property is subject to forfeiture under this section unless
251.31 an eviction action has been commenced as provided in paragraph (b) or the right to bring
251.32 an eviction action was assigned to the prosecuting authority as provided in paragraph (b).
251.33 If the right has been assigned and not previously exercised, or if the prosecuting authority
251.34 requests an assignment and the landlord makes an assignment, the prosecuting authority
251.35 may bring an eviction action rather than an action for forfeiture.

252.1 (d) The Department of Corrections Fugitive Apprehension Unit shall not seize real
252.2 property for the purposes of forfeiture as described in paragraphs (a) to (c).

252.3 (e) It is a defense against a proceeding under paragraph (b) that the tenant had no
252.4 knowledge or reason to know of the presence of the contraband or controlled substance or
252.5 could not prevent its being brought onto the property. It is a defense against a proceeding
252.6 under paragraph (c) that the landlord made every reasonable attempt to evict a tenant or to
252.7 assign the prosecuting authority the right to bring an eviction action against the tenant or
252.8 that the landlord did not receive notice of the seizure.

252.9 (f) This subdivision shall not apply if the retail value of the controlled substance is less
252.10 than \$100, but this subdivision does not subject real property to forfeiture unless (1) the
252.11 retail value of the controlled substance is \$1,000 or more, or (2) there have been two previous
252.12 controlled substance seizures involving the same tenant.

252.13 Subd. 7. **Exemptions.** (a) The following property is exempt from seizure and forfeiture:

252.14 (1) homestead real property;

252.15 (2) United States currency totaling no more than \$300; and

252.16 (3) a motor vehicle of no more than \$2,500 in market value, except that this provision
252.17 does not apply to a motor vehicle used in violation of section 609.66, subdivision 1e.

252.18 (b) A prosecuting authority may establish an exemption with a minimum dollar amount
252.19 larger than those in paragraph (a), clauses (2) and (3), in the prosecuting authority's
252.20 jurisdiction.

252.21 Subd. 8. **Contraband.** No property right exists in contraband. Contraband is subject to
252.22 seizure and shall be disposed of according to law.

252.23 Subd. 9. **Waiver prohibition.** (a) An appropriate agency may not request, require, or
252.24 in any manner induce any person to execute a document purporting to waive, for purposes
252.25 of forfeiture under this section, the person's interest in or rights to property seized. This
252.26 prohibition does not apply to the prosecuting agency responsible for the litigation of the
252.27 forfeiture case.

252.28 (b) Any document in violation of paragraph (a) purporting to waive a person's interest
252.29 in, or right to, property seized under this chapter is null, void, and inadmissible in court.

252.30 Subd. 10. **Receipt.** When property is seized, the appropriate agency shall give an itemized
252.31 receipt to the person possessing the property or, in the absence of any person, leave a receipt
252.32 in the place where the property was found, if reasonably possible.

253.1 Subd. 11. Criminal forfeiture; property subject to forfeiture. When a person is
253.2 convicted of violating a designated offense, the court, consistent with this chapter, may
253.3 order the person to forfeit:

253.4 (1) any property constituting or derived directly from proceeds of the underlying offense
253.5 for which the person is convicted; or

253.6 (2) any of the person's property used in any manner or part to commit or to facilitate the
253.7 commission of the offense for which the person is convicted.

253.8 Subd. 12. Conviction required; standard of proof. (a) There shall be no civil forfeiture
253.9 under this chapter.

253.10 (b) Property may be forfeited if (1) the offense is a designated offense, (2) the offense
253.11 is established by proof of a criminal conviction, and (3) the state establishes that the property
253.12 is subject to forfeiture under subdivision 11 by clear and convincing evidence.

253.13 (c) Nothing in this section prevents property from being forfeited by plea agreement
253.14 approved by the presiding criminal court except the court shall not accept a plea agreement
253.15 or other arrangement that prevents the claims of any person who filed a statement of interest
253.16 or ownership pursuant to subdivision 20 or 21 from being adjudicated.

253.17 (d) The court may waive the conviction requirement if the prosecuting authority shows
253.18 by clear and convincing evidence that, before conviction, the defendant:

253.19 (1) died;

253.20 (2) no longer resides in the United States;

253.21 (3) was granted immunity or reduced punishment in exchange for testifying or assisting
253.22 a law enforcement investigation or prosecution;

253.23 (4) fled state jurisdiction; or

253.24 (5) abandoned the property.

253.25 (e) Notwithstanding any law to the contrary, the court shall order the sale of personal
253.26 property that is (1) seized from a person who flees state jurisdiction, or (2) abandoned to
253.27 be credited to the state general fund.

253.28 (f) The court shall order currency that is (1) seized from a person who flees the
253.29 jurisdiction, or (2) abandoned to be credited to the state general fund.

254.1 Subd. 13. **Forfeiture indictment.** (a) In any case in which the state seeks forfeiture of
254.2 property except through a complaint as provided in subdivision 14, the prosecuting authority
254.3 shall file an indictment or information that includes:

254.4 (1) a criminal charge; and

254.5 (2) a charge for which forfeiture of property under this chapter may be ordered. This
254.6 property-related charge shall identify the specific assets to be forfeited, if known, or the
254.7 relevant forfeiture statutes if specific assets to be forfeited are not known at the time the
254.8 prosecuting authority requests the issuance of the indictment.

254.9 (b) Upon application of the prosecuting authority, the court may enter a restraining order
254.10 or injunction, or take other action to preserve the availability of property only:

254.11 (1) upon the issuance of an indictment or information according to paragraph (a); or

254.12 (2) prior to the issuance of such an indictment or information if the court determines
254.13 there is a substantial probability the state will prevail on the issue of criminal forfeiture and
254.14 that failure to enter the order will result in property being destroyed, removed from the
254.15 jurisdiction, or otherwise made unavailable for forfeiture.

254.16 (c) Any order entered pursuant to paragraph (b) shall be effective for not more than 90
254.17 days, unless extended by the court for good cause shown or unless an indictment or
254.18 information described in paragraph (b), clause (1), has been subsequently issued.

254.19 (d) Notice must be provided as set forth in the complaint process provided in subdivision
254.20 14 to all persons known to have an interest in the property who are not named in the
254.21 indictment or information.

254.22 Subd. 14. **Forfeiture complaint; service of process.** (a) In any case in which the state
254.23 seeks forfeiture of property, except when the state seeks forfeiture through indictment or
254.24 information as provided in subdivision 13, the prosecuting authority shall file a criminal
254.25 complaint that includes (1) criminal charges, and (2) the information identified in paragraph
254.26 (b) before the defendant's first appearance in court. Upon motion by the prosecuting authority,
254.27 a court may permit the filing of an amended criminal complaint within seven days of the
254.28 first appearance for good cause shown. Service of an amended criminal complaint on a
254.29 represented party must be made on the attorney. Service on the attorney or party must be
254.30 made in the manner provided by the rules of practice of the court, including by electronic
254.31 means as authorized by the court. The court shall verify service at the defendant's next
254.32 appearance.

254.33 (b) A complaint in any case in which the state seeks forfeiture of property must include:

- 255.1 (1) a description of the property seized;
- 255.2 (2) the date and place of the seizure;
- 255.3 (3) the name and address of the appropriate agency responsible for the seizure;
- 255.4 (4) a statement of facts establishing probable cause to believe that the charged offense
255.5 has been committed, that the defendant committed it, and that the seized property is an
255.6 instrument or represents the proceeds of the underlying offense;
- 255.7 (5) the name of any person known to the prosecuting authority to have an interest in the
255.8 property and the nature of that interest; and
- 255.9 (6) references to the relevant statutory provisions required to show the property is the
255.10 type of property that may be forfeited under subdivision 11.
- 255.11 (c) If notice is not served in accordance with paragraphs (a) and (b) to all persons
255.12 appearing to have an interest in the property and no time extension is granted or the extension
255.13 period has expired, the appropriate agency shall, upon the owner's request, return the property
255.14 to the person from whom the property was seized, if known. The agency shall not be required
255.15 to return contraband.
- 255.16 (d) Failure to file a forfeiture complaint required by this subdivision shall not invalidate
255.17 prosecution for the underlying criminal offense.
- 255.18 (e) Unless otherwise specified in law, the prosecuting authority shall provide notice of
255.19 the forfeiture proceeding to the registered owner of any vehicle and any other individual
255.20 known to have an interest in any property subject to forfeiture under this section who is not
255.21 charged with a crime in the complaint. Notice must be given within seven days of the filing
255.22 of the complaint pursuant to paragraph (a) or, if an interest was not known at the time of
255.23 the filing, within seven days of discovery of an individual with an interest in the property
255.24 and may be made by personal service if the owner is a resident of this state, or by certified
255.25 mail if the person is a resident of another state.
- 255.26 (f) The notice must be in writing and contain:
- 255.27 (1) a description of the property seized;
- 255.28 (2) the date of seizure; and
- 255.29 (3) a copy of the complaint filed pursuant to paragraph (a).
- 255.30 (g) Substantially, the following language must appear conspicuously in the notice:

256.1 "WARNING: You may lose the right to be heard in court if you do not file a petition
256.2 pursuant to Minnesota Statutes, section 609.112, subdivision 20 or 21. You do not have to
256.3 pay a filing fee to file your notice."

256.4 Subd. 15. **Title.** (a) Title to the property subject to forfeiture vests with the state when
256.5 the court issues a forfeiture judgment and relates back to the time when the state seizes or
256.6 restrains the property.

256.7 (b) Title to substitute assets vests when the court issues an order forfeiting substitute
256.8 assets.

256.9 (c) For either paragraph (a) or (b), title is subject to claims by third parties adjudicated
256.10 under this chapter.

256.11 Subd. 16. **Defendant's pretrial replevin hearing.** (a) Following the seizure of property,
256.12 a defendant has a right to a pretrial hearing to determine the validity of the seizure.

256.13 (b) The court shall hold the hearing at the time the defendant enters a plea or no later
256.14 than 14 days after the defendant's first appearance under rule 5 of the Rules of Criminal
256.15 Procedure.

256.16 (c) Either party may, by agreement or for good cause, move the court for one extension
256.17 of no more than ten days. This motion may be supported by affidavits or other submissions.

256.18 (d) The court shall issue a writ of replevin if it finds that:

256.19 (1) it is likely the final judgment will be that the state must return the property to the
256.20 defendant;

256.21 (2) the property is not reasonably required to be held for evidentiary reasons; and

256.22 (3) the property is the only reasonable means for the defendant to pay for legal
256.23 representation and minimum living expenses in the forfeiture or criminal proceeding unless
256.24 the prosecuting authority shows by clear and convincing evidence that the property is the
256.25 instrument or proceeds of an offense for which the defendant is charged. At the court's
256.26 discretion, it may order the return of funds or property sufficient to obtain counsel of choice
256.27 but less than the total amount seized.

256.28 Subd. 17. **Discovery.** Discovery is subject to the Rules of Criminal Procedure.

256.29 Subd. 18. **Venue; trial proceedings.** (a) The district court with jurisdiction over the
256.30 related criminal matter has jurisdiction over the forfeiture proceeding.

256.31 (b) The litigation related to the forfeiture of property shall be held in a single proceeding
256.32 following entry of a plea of guilty or the trial of the related alleged offense. The litigation

257.1 associated with the forfeiture of property of less than \$10,000 in value shall be held before
257.2 only a judge.

257.3 (c) The court is not bound by the rules of evidence or technical or formal rules of pleading
257.4 or procedure in the litigation related to the forfeiture of property when a property owner
257.5 engages in pro se representation in a case before a judge.

257.6 (d) If the defendant in the related criminal matter was represented by the public defender,
257.7 the state public defender or chief public defender of the judicial district may authorize
257.8 representation of the defendant in the forfeiture proceeding.

257.9 Subd. 19. **Proportionality hearing.** (a) At any time during a hearing pursuant to
257.10 subdivision 16 or 18, the defendant may petition the court to determine whether the forfeiture
257.11 is unconstitutionally excessive under the state or federal constitution.

257.12 (b) The defendant has the burden of proving the forfeiture is disproportional to the
257.13 seriousness of the offense by a preponderance of the evidence at a hearing conducted by
257.14 the court without a jury.

257.15 (c) In determining whether the forfeiture of an instrumentality is unconstitutionally
257.16 excessive, the court may consider all relevant factors, including but not limited to:

257.17 (1) the seriousness of the offense and its impact on the community, including the duration
257.18 of the activity and the harm caused by the defendant;

257.19 (2) the extent to which the defendant participated in the offense;

257.20 (3) the extent to which the property was used in committing the offense;

257.21 (4) the sentence imposed for committing the crime authorizing forfeiture; and

257.22 (5) whether the offense was completed or attempted.

257.23 (d) In determining the value of the instrumentality subject to forfeiture, the court may
257.24 consider the fair market value of the property.

257.25 (e) The court may also consider:

257.26 (1) the hardship to the defendant if the forfeiture is realized and if the forfeiture would
257.27 deprive the property owner of the owner's livelihood; and

257.28 (2) the hardship from the loss of a primary residence, motor vehicle, or other property
257.29 to the defendant's family members or others if the property is forfeited.

257.30 (f) The court may not consider the value of the instrumentality to the state in determining
257.31 whether the forfeiture of an instrumentality is constitutionally excessive.

258.1 Subd. 20. **Secured interest.** (a) Property encumbered by a bona fide security interest is
258.2 not subject to forfeiture. A person claiming a security interest must establish by clear and
258.3 convincing evidence the validity of the interest.

258.4 (b) The prosecuting authority summarily and without unreasonable delay shall return
258.5 seized property to the person with a bona fide security interest, up to the value of the secured
258.6 interest.

258.7 (c) If the person alleges a valid security interest but the state seeks to proceed with the
258.8 forfeiture against the property claimed by the person, the state shall prove by clear and
258.9 convincing evidence that the person had actual knowledge of the underlying crime giving
258.10 rise to the forfeiture. Either party may ask the court for a hearing at any time before the
258.11 court enters a judgment in the criminal prosecution.

258.12 Subd. 21. **Innocent owner.** (a) Any person, including an heir but excluding the defendant
258.13 or a secured-interest holder, asserting a legal interest in property that has been seized or
258.14 restrained may, at any time before the court enters judgment in the criminal prosecution,
258.15 petition the court for a hearing to adjudicate the validity of the person's alleged interest in
258.16 the property. The hearing shall be held before the court without a jury.

258.17 (b) The petitioner shall file a simple statement of interest or ownership. The petitioner
258.18 shall sign the petition under penalty of perjury and shall set forth the nature and extent of
258.19 the petitioner's right, title, or interest in the property; the time and circumstances of the
258.20 petitioner's acquisition of the right, title, or interest in the property; any additional facts
258.21 supporting the petitioner's claim; and the relief sought.

258.22 (c) The filing fee for the statement under this subdivision is waived.

258.23 (d) The hearing on the petition shall, to the extent practicable and consistent with the
258.24 interests of justice, be held within 30 days of the filing of the petition. The court may
258.25 consolidate the hearing on the petition with a hearing on any other petition filed by a person
258.26 other than the defendant under this subdivision.

258.27 (e) At the hearing, the petitioner may testify and present evidence and witnesses on the
258.28 petitioner's own behalf and cross-examine witnesses who appear at the hearing. The state
258.29 may present evidence and witnesses in rebuttal and in defense of its claim to the property
258.30 and cross-examine witnesses who appear at the hearing.

258.31 (f) The petitioner who has an ownership interest in property subject to forfeiture at the
258.32 time the commission of the crime giving rise to forfeiture occurred and who claims to be

259.1 an innocent owner bears the burden of proving by clear and convincing evidence that the
259.2 person has a legal right, title, or interest in the property seized under this chapter.

259.3 (g) If paragraph (f) is satisfied and the state seeks to proceed with the forfeiture of the
259.4 property, the state shall prove by clear and convincing evidence that the petitioner had actual
259.5 knowledge of the underlying crime giving rise to the forfeiture.

259.6 (h) A petitioner who acquired an ownership interest in property subject to forfeiture
259.7 after the commission of the crime giving rise to the forfeiture and who claims to be an
259.8 innocent owner bears the burden of proving by clear and convincing evidence that the person
259.9 has a legal right, title, or interest in the property seized under this chapter.

259.10 (i) If paragraph (h) is satisfied and the state seeks to proceed with the forfeiture of the
259.11 property, the state shall prove by clear and convincing evidence that, at the time the petitioner
259.12 acquired the property, the person:

259.13 (1) had actual knowledge that the property was subject to forfeiture; or

259.14 (2) was not a bona fide purchaser without notice of any defect in title and for valuable
259.15 consideration.

259.16 (j) If the state fails to meet its burden in paragraph (g) or (i), the court shall find that the
259.17 petitioner is an innocent owner and shall order the state to relinquish all claims of title to
259.18 the property.

259.19 (k) No information in the statement of interest or ownership filed pursuant to this section
259.20 shall be used as evidence in the criminal matter. Nothing in this section prohibits the
259.21 petitioner who has filed a statement of interest or ownership under this section from providing
259.22 information to any prosecuting authority or defendant involved in the related criminal matter
259.23 or representatives of any prosecuting authority or defendant, or from testifying in any
259.24 criminal trial as to facts within the petitioner's knowledge.

259.25 (l) The defendant or convicted offender may invoke the right against self-incrimination
259.26 or the marital privilege during the forfeiture-related stage of the prosecution. The trier of
259.27 fact at the hearing may draw an adverse inference from the invocation of the right or
259.28 privilege.

259.29 Subd. 22. **Judgment.** (a) If the prosecuting authority fails to meet its burden as to any
259.30 claimant, the court must enter judgment dismissing the forfeiture proceeding and delivering
259.31 the property to the prevailing owner, unless the owner's possession of the property is illegal.

259.32 (b) If the prosecuting authority meets its burden as to all claimants, the court shall enter
259.33 judgment forfeiting the seized property.

260.1 (c) A court may enter judgment following a hearing or pursuant to a stipulation or plea
260.2 agreement.

260.3 Subd. 23. **Substitution of assets.** Upon the state's motion following conviction, the court
260.4 may order the forfeiture of substitute property owned by the defendant up to the value of
260.5 unreachable property that is beyond the court's jurisdiction or cannot be located through
260.6 due diligence only if the state proves by a preponderance of the evidence that the defendant
260.7 intentionally:

260.8 (1) dissipated property;

260.9 (2) transferred, sold, or deposited property with a third party to avoid forfeiture;

260.10 (3) diminished substantially the value of the property; or

260.11 (4) commingled property with other property that cannot be divided without difficulty.

260.12 Subd. 24. **No additional remedies.** The state may not seek personal money judgments
260.13 or other remedies related to the forfeiture of property not provided for in this section.

260.14 Subd. 25. **No joint and several liability.** A defendant is not jointly and severally liable
260.15 for forfeiture awards owed by other defendants. When ownership is unclear, a court may
260.16 order each defendant to forfeit property on a pro rata basis or by another means the court
260.17 finds equitable.

260.18 Subd. 26. **Appeal.** (a) A party to forfeiture litigation, other than the defendant, may
260.19 appeal the district court's decision regarding the seizure, on an interlocutory basis, or
260.20 forfeiture of property under this chapter.

260.21 (b) The defendant may appeal the district court's decision regarding the seizure or
260.22 forfeiture of property following judgment in the forfeiture litigation.

260.23 Subd. 27. **Attorney fees.** In any proceeding in which a property owner's claims prevail
260.24 by recovering at least half, by value, of the property or currency claimed, the seizing agency
260.25 shall be liable for:

260.26 (1) attorney fees and other litigation costs reasonably incurred by the claimant;

260.27 (2) postjudgment interest; and

260.28 (3) in cases involving currency, other negotiable instruments, or the proceeds of an
260.29 interlocutory sale, any interest actually paid from the date of seizure.

260.30 Subd. 28. **Return of property; damages; costs.** (a) If the court orders the return of
260.31 property, the appropriate agency that holds the property shall return the property to the

261.1 owner or other prevailing claimant within a reasonable period of time not to exceed five
261.2 days after entry of judgment.

261.3 (b) Any owner to whom property is returned shall not be subject to any charges for
261.4 storage of the property or expenses incurred in the preservation of the property.

261.5 (c) The appropriate agency that holds the property is responsible for any damages, storage
261.6 fees, and related costs applicable to property returned under this section.

261.7 Subd. 29. Disposition of property and proceeds. (a) At any time when contraband held
261.8 for evidentiary purposes is no longer needed for that purpose, the court may order that it be
261.9 destroyed pursuant to state law.

261.10 (b) At any time when abandoned property held for evidentiary purposes is no longer
261.11 needed for that purpose, the court may order the property to be sold and the proceeds
261.12 distributed pursuant to subdivision 12, paragraphs (e) and (f).

261.13 (c) If forfeiture is granted, the proceeds from the sale of forfeited personal property shall
261.14 first be used to pay all outstanding recorded liens on the forfeited property.

261.15 (d) The court may then order that a portion of the currency seized or proceeds from the
261.16 sale of forfeited property be used to (1) pay the victim of the crime for which the defendant
261.17 is convicted, and (2) pay reasonable nonpersonnel expenses for the seizure, storage, and
261.18 maintenance of any forfeited property.

261.19 (e) The court must then order remaining funds be credited equally to:

261.20 (1) the justice programs forfeiture account in the special revenue fund and is appropriated
261.21 to the commissioner of public safety for grants administered through the Office of Justice
261.22 Programs;

261.23 (2) the commissioner of health to be deposited in the safe harbor for youth account in
261.24 the special revenue fund and is appropriated to the commissioner of health for distribution
261.25 to crime victims services organizations that provide services to sexually exploited youth,
261.26 as defined in section 260C.007, subdivision 31;

261.27 (3) the public defender forfeiture account in the special revenue fund and is appropriated
261.28 to the Minnesota Board of Public Defense; and

261.29 (4) the state general fund.

261.30 (f) A justice programs forfeiture account is established as a special account in the state
261.31 treasury.

262.1 (g) A public defender forfeiture account is established as a special account in the state
262.2 treasury.

262.3 Subd. 30. **Prohibition on retaining property; sale restrictions.** No appropriate agency
262.4 may retain forfeited or abandoned property for its own use or sell it directly or indirectly
262.5 to any employee of the agency, to a person related to an employee by blood or marriage,
262.6 or to another appropriate agency or any other law enforcement agency.

262.7 Subd. 31. **Prohibition of federal adoption.** A local, county, or state law enforcement
262.8 agency shall not refer, transfer, or otherwise relinquish possession of property seized under
262.9 state law to a federal agency by way of adoption of the seized property or other means by
262.10 the federal agency for the purpose of the property's forfeiture under the federal Controlled
262.11 Substances Act, United States Code, title 21, section 881, or the Comprehensive Drug Abuse
262.12 Prevention and Control Act of 1970, Public Law 91-513, section 413.

262.13 Subd. 32. **Limit on receiving forfeiture proceeds from joint task forces.** (a) In a case
262.14 in which the aggregate net equity value of the property and currency seized has a value of
262.15 \$50,000 or less, excluding the value of contraband, a local, county, or state law enforcement
262.16 agency or participant in a joint task force or other multijurisdictional collaboration with the
262.17 federal government shall transfer responsibility for the seized property to the state prosecuting
262.18 authority for forfeiture under state law.

262.19 (b) If the federal government prohibits the transfer of seized property and currency to
262.20 the state prosecuting authority as required by paragraph (a) and instead requires the property
262.21 be transferred to the federal government for forfeiture under federal law, the agency is
262.22 prohibited from accepting payment of any kind or distribution of forfeiture proceeds from
262.23 the federal government.

262.24 (c) Nothing in paragraph (a) or (b) shall be construed to restrict an agency from
262.25 transferring responsibility to the federal government for forfeiture of seized property and
262.26 currency that has an aggregate net equity value of greater than \$50,000, excluding the value
262.27 of contraband.

262.28 (d) Nothing in paragraph (a) or (b) or subdivision 31 shall be construed to restrict a local,
262.29 county, or state law enforcement agency from acting alone or collaborating with a federal
262.30 agency or other agency to seize contraband or property a law enforcement agent has probable
262.31 cause to believe is the proceeds or instruments of a crime that subjects property to forfeiture.

262.32 (e) Nothing in paragraph (a) or (b) or subdivision 31 shall be construed to prohibit the
262.33 federal government, acting without the involvement of a local, county, or state law
262.34 enforcement agency, from seizing property and seeking forfeiture under federal law.

263.1 Subd. 33. **Preemption.** This chapter preempts laws by other governments in the state
263.2 that regulate forfeiture of property in crimes related to controlled substances and driving
263.3 while impaired.

263.4 Subd. 34. **Exception.** The provisions of this section other than the reporting requirement
263.5 under subdivision 35 do not apply to seizure or forfeiture proceedings under chapter 84 or
263.6 97A.

263.7 Subd. 35. **Reporting requirement.** (a) For each forfeiture occurring in the state, the
263.8 appropriate agency and the prosecuting authority shall provide a written record of the
263.9 forfeiture incident to the state auditor. The record shall include the amount forfeited, the
263.10 statutory authority for the forfeiture, the date, a brief description of the circumstances
263.11 involved, and whether the forfeiture was contested. The record shall also list the number of
263.12 firearms forfeited and the make, model, and serial number of each firearm forfeited. The
263.13 record shall indicate how the property was or is to be disposed of.

263.14 (b) An appropriate agency or the prosecuting authority shall report to the state auditor
263.15 all instances in which property seized for forfeiture is returned to its owner either because
263.16 forfeiture is not pursued or for any other reason.

263.17 (c) Reports shall be made on a monthly basis in a manner prescribed by the state auditor.
263.18 The state auditor shall report annually to the legislature on the nature and extent of forfeitures.

263.19 (d) For forfeitures resulting from the activities of multijurisdictional law enforcement
263.20 entities, the entity on its own behalf shall report the information required in this subdivision.

263.21 (e) The prosecuting authority is not required to report information required by this
263.22 subdivision unless the prosecuting authority has been notified by the state auditor that the
263.23 appropriate agency has not reported it.

263.24 Sec. 10. Minnesota Statutes 2018, section 609.66, subdivision 1d, is amended to read:

263.25 Subd. 1d. **Possession on school property; penalty.** (a) Except as provided under
263.26 paragraphs (d) and (f), whoever possesses, stores, or keeps a dangerous weapon while
263.27 knowingly on school property is guilty of a felony and may be sentenced to imprisonment
263.28 for not more than five years or to payment of a fine of not more than \$10,000, or both.

263.29 (b) Whoever uses or brandishes a replica firearm or a BB gun while knowingly on school
263.30 property is guilty of a gross misdemeanor.

263.31 (c) Whoever possesses, stores, or keeps a replica firearm or a BB gun while knowingly
263.32 on school property is guilty of a misdemeanor.

264.1 (d) Notwithstanding paragraph (a), (b), or (c), it is a misdemeanor for a person authorized
264.2 to carry a firearm under the provisions of a permit or otherwise to carry a firearm on or
264.3 about the person's clothes or person in a location the person knows is school property.
264.4 Notwithstanding ~~section 609.531~~ any law to the contrary, a firearm carried in violation of
264.5 this paragraph is not subject to forfeiture.

264.6 (e) As used in this subdivision:

264.7 (1) "BB gun" means a device that fires or ejects a shot measuring .18 of an inch or less
264.8 in diameter;

264.9 (2) "dangerous weapon" has the meaning given it in section 609.02, subdivision 6;

264.10 (3) "replica firearm" has the meaning given it in section 609.713; and

264.11 (4) "school property" means:

264.12 (i) a public or private elementary, middle, or secondary school building and its improved
264.13 grounds, whether leased or owned by the school;

264.14 (ii) a child care center licensed under chapter 245A during the period children are present
264.15 and participating in a child care program;

264.16 (iii) the area within a school bus when that bus is being used by a school to transport
264.17 one or more elementary, middle, or secondary school students to and from school-related
264.18 activities, including curricular, cocurricular, noncurricular, extracurricular, and supplementary
264.19 activities; and

264.20 (iv) that portion of a building or facility under the temporary, exclusive control of a
264.21 public or private school, a school district, or an association of such entities where conspicuous
264.22 signs are prominently posted at each entrance that give actual notice to persons of the
264.23 school-related use.

264.24 (f) This subdivision does not apply to:

264.25 (1) active licensed peace officers;

264.26 (2) military personnel or students participating in military training, who are on-duty,
264.27 performing official duties;

264.28 (3) persons authorized to carry a pistol under section 624.714 while in a motor vehicle
264.29 or outside of a motor vehicle to directly place a firearm in, or retrieve it from, the trunk or
264.30 rear area of the vehicle;

265.1 (4) persons who keep or store in a motor vehicle pistols in accordance with section
265.2 624.714 or 624.715 or other firearms in accordance with section 97B.045;

265.3 (5) firearm safety or marksmanship courses or activities conducted on school property;

265.4 (6) possession of dangerous weapons, BB guns, or replica firearms by a ceremonial
265.5 color guard;

265.6 (7) a gun or knife show held on school property;

265.7 (8) possession of dangerous weapons, BB guns, or replica firearms with written
265.8 permission of the principal or other person having general control and supervision of the
265.9 school or the director of a child care center; or

265.10 (9) persons who are on unimproved property owned or leased by a child care center,
265.11 school, or school district unless the person knows that a student is currently present on the
265.12 land for a school-related activity.

265.13 (g) Notwithstanding section 471.634, a school district or other entity composed
265.14 exclusively of school districts may not regulate firearms, ammunition, or their respective
265.15 components, when possessed or carried by nonstudents or nonemployees, in a manner that
265.16 is inconsistent with this subdivision.

265.17 Sec. 11. Minnesota Statutes 2018, section 609.762, subdivision 2, is amended to read:

265.18 Subd. 2. **Seizure.** Forfeiture of property subject to forfeiture under identified in
265.19 subdivision 1 may be seized by any law enforcement agency upon process issued by any
265.20 court having jurisdiction over the property. Seizure without process may be made if: must
265.21 be made pursuant to section 609.112.

265.22 ~~(1) the seizure is incident to an arrest or a search under a search warrant;~~

265.23 ~~(2) the property subject to seizure has been the subject of a prior judgment in favor of~~
265.24 ~~the state in a criminal injunction or forfeiture proceeding; or~~

265.25 ~~(3) the law enforcement agency has probable cause to believe that the property was used~~
265.26 ~~or is intended to be used in a gambling violation and the delay occasioned by the necessity~~
265.27 ~~to obtain process would result in the removal, loss, or destruction of the property.~~

265.28 Sec. 12. Minnesota Statutes 2018, section 609.856, subdivision 2, is amended to read:

265.29 Subd. 2. **Forfeiture.** A radio or device defined in subdivision 1 that is used in the
265.30 commission of a felony or violation of section 609.487 or attempt to commit a felony or

266.1 violation of section 609.487 is contraband property and subject to the forfeiture provisions
266.2 of section ~~609.531~~ 609.112.

266.3 Sec. 13. Minnesota Statutes 2018, section 609.895, subdivision 5, is amended to read:

266.4 Subd. 5. **Forfeiture.** Property used to commit or facilitate the commission of a violation
266.5 of this section, and all money and property representing proceeds of a violation of this
266.6 section, shall be forfeited in accordance with ~~sections 609.531 to 609.5316~~ section 609.112.
266.7 Notwithstanding any provision of section ~~609.5315~~ 609.112 to the contrary, forfeited items
266.8 bearing or identified by a counterfeit mark must be destroyed unless the intellectual property
266.9 owner consents to another disposition.

266.10 Sec. 14. Minnesota Statutes 2018, section 609.908, subdivision 3, is amended to read:

266.11 Subd. 3. **Sale proceeds.** The proceeds of a sale or other disposition of forfeited property
266.12 under this section whether by final judgment, settlement, or otherwise, must be applied as
266.13 follows:

266.14 (1) to the fees and costs of the forfeiture and sale including expenses of seizure,
266.15 maintenance, and custody of the property pending its disposition, advertising, and court
266.16 costs;

266.17 (2) to all costs and expenses of investigation and prosecution including costs of resources
266.18 and personnel incurred in investigation and prosecution; and

266.19 (3) the balance to the appropriate agencies under section ~~609.5315, subdivision 5~~ 609.112,
266.20 subdivision 28.

266.21 Sec. 15. Minnesota Statutes 2018, section 609B.515, is amended to read:

266.22 **609B.515 DWI; VEHICLE FORFEITURE.**

266.23 Under section ~~169A.63~~ 609.112, a motor vehicle is subject to forfeiture if a driver is
266.24 convicted of a "designated offense," as defined in section ~~169A.63, subdivision 1~~ 609.112,
266.25 subdivision 1.

266.26 Section ~~169A.63, subdivision 7,~~ 609.112 specifies limitations on vehicle forfeiture.

266.27 ~~Section 169A.63, subdivisions 8 and 9, provide for administrative forfeiture procedure and~~
266.28 ~~judicial forfeiture procedure. Section 169A.63, subdivisions 10 and 11, provide for disposition~~
266.29 ~~of a forfeited vehicle.~~

267.1 Sec. 16. Minnesota Statutes 2018, section 611.32, subdivision 2, is amended to read:

267.2 Subd. 2. **Proceedings at time of apprehension or arrest.** Following the apprehension
267.3 or arrest of a person disabled in communication for an alleged violation of a criminal law,
267.4 the arresting officer, sheriff or other law enforcement official shall immediately make
267.5 necessary contacts to obtain a qualified interpreter and shall obtain an interpreter at the
267.6 earliest possible time at the place of detention. A law enforcement officer shall, with the
267.7 assistance of the interpreter, explain to the person disabled in communication, all charges
267.8 filed against the person, and all procedures relating to the person's detainment and release.
267.9 If the property of a person is seized under section ~~609.531~~, subdivision 4 609.112, the seizing
267.10 officer, sheriff, or other law enforcement official shall, upon request, make available to the
267.11 person at the earliest possible time a qualified interpreter to assist the person in understanding
267.12 the possible consequences of the seizure and the person's right to judicial review. ~~If the~~
267.13 ~~seizure is governed by section 609.5314, subdivision 2, a request for an interpreter must be~~
267.14 ~~made within 15 days after service of the notice of seizure and forfeiture. For a person who~~
267.15 ~~requests an interpreter under this section because of a seizure of property under section~~
267.16 ~~609.5314, the 60 days for filing a demand for a judicial determination of a forfeiture begins~~
267.17 ~~when the interpreter is provided.~~ The interpreter shall also assist the person with all other
267.18 communications, including communications relating to needed medical attention. Prior to
267.19 interrogating or taking the statement of the person disabled in communication, the arresting
267.20 officer, sheriff, or other law enforcement official shall make available to the person a
267.21 qualified interpreter to assist the person throughout the interrogation or taking of a statement.

267.22 Sec. 17. Minnesota Statutes 2018, section 624.714, subdivision 1b, is amended to read:

267.23 Subd. 1b. **Display of permit; penalty.** (a) The holder of a permit to carry must have the
267.24 permit card and a driver's license, state identification card, or other government-issued photo
267.25 identification in immediate possession at all times when carrying a pistol and must display
267.26 the permit card and identification document upon lawful demand by a peace officer, as
267.27 defined in section 626.84, subdivision 1. A violation of this paragraph is a petty misdemeanor.
267.28 The fine for a first offense must not exceed \$25. Notwithstanding section ~~609.531~~ 609.112,
267.29 a firearm carried in violation of this paragraph is not subject to forfeiture.

267.30 (b) A citation issued for violating paragraph (a) must be dismissed if the person
267.31 demonstrates, in court or in the office of the arresting officer, that the person was authorized
267.32 to carry the pistol at the time of the alleged violation.

267.33 (c) Upon the request of a peace officer, a permit holder must write a sample signature
267.34 in the officer's presence to aid in verifying the person's identity.

268.1 (d) Upon the request of a peace officer, a permit holder shall disclose to the officer
268.2 whether or not the permit holder is currently carrying a firearm.

268.3 Sec. 18. Minnesota Statutes 2018, section 624.714, subdivision 7a, is amended to read:

268.4 Subd. 7a. **Change of address; loss or destruction of permit.** (a) Within 30 days after
268.5 changing permanent address, or within 30 days of having lost or destroyed the permit card,
268.6 the permit holder must notify the issuing sheriff of the change, loss, or destruction. Failure
268.7 to provide notification as required by this subdivision is a petty misdemeanor. The fine for
268.8 a first offense must not exceed \$25. Notwithstanding section ~~609.531~~ 609.112, a firearm
268.9 carried in violation of this paragraph is not subject to forfeiture.

268.10 (b) After notice is given under paragraph (a), a permit holder may obtain a replacement
268.11 permit card by paying \$10 to the sheriff. The request for a replacement permit card must
268.12 be made on an official, standardized application adopted for this purpose under section
268.13 624.7151, and, except in the case of an address change, must include a notarized statement
268.14 that the permit card has been lost or destroyed.

268.15 Sec. 19. Minnesota Statutes 2018, section 624.714, subdivision 17, is amended to read:

268.16 Subd. 17. **Posting; trespass.** (a) A person carrying a firearm on or about his or her person
268.17 or clothes under a permit or otherwise who remains at a private establishment knowing that
268.18 the operator of the establishment or its agent has made a reasonable request that firearms
268.19 not be brought into the establishment may be ordered to leave the premises. A person who
268.20 fails to leave when so requested is guilty of a petty misdemeanor. The fine for a first offense
268.21 must not exceed \$25. Notwithstanding section ~~609.531~~ 609.112, a firearm carried in violation
268.22 of this subdivision is not subject to forfeiture.

268.23 (b) As used in this subdivision, the terms in this paragraph have the meanings given.

268.24 (1) "Reasonable request" means a request made under the following circumstances:

268.25 (i) the requester has prominently posted a conspicuous sign at every entrance to the
268.26 establishment containing the following language: "(INDICATE IDENTITY OF OPERATOR)
268.27 BANS GUNS IN THESE PREMISES."; or

268.28 (ii) the requester or the requester's agent personally informs the person that guns are
268.29 prohibited in the premises and demands compliance.

268.30 (2) "Prominently" means readily visible and within four feet laterally of the entrance
268.31 with the bottom of the sign at a height of four to six feet above the floor.

269.1 (3) "Conspicuous" means lettering in black arial typeface at least 1-1/2 inches in height
269.2 against a bright contrasting background that is at least 187 square inches in area.

269.3 (4) "Private establishment" means a building, structure, or portion thereof that is owned,
269.4 leased, controlled, or operated by a nongovernmental entity for a nongovernmental purpose.

269.5 (c) The owner or operator of a private establishment may not prohibit the lawful carry
269.6 or possession of firearms in a parking facility or parking area.

269.7 (d) The owner or operator of a private establishment may not prohibit the lawful carry
269.8 or possession of firearms by a peace officer, as defined in section 626.84, subdivision 1,
269.9 paragraph (c), within the private establishment or deny the officer access thereto, except
269.10 when specifically authorized by statute. The owner or operator of the private establishment
269.11 may require the display of official credentials issued by the agency that employs the peace
269.12 officer prior to granting the officer entry into the private establishment.

269.13 (e) This subdivision does not apply to private residences. The lawful possessor of a
269.14 private residence may prohibit firearms, and provide notice thereof, in any lawful manner.

269.15 (f) A landlord may not restrict the lawful carry or possession of firearms by tenants or
269.16 their guests.

269.17 (g) Notwithstanding any inconsistent provisions in section 609.605, this subdivision sets
269.18 forth the exclusive criteria to notify a permit holder when otherwise lawful firearm possession
269.19 is not allowed in a private establishment and sets forth the exclusive penalty for such activity.

269.20 (h) This subdivision does not apply to a security guard acting in the course and scope
269.21 of employment. The owner or operator of a private establishment may require the display
269.22 of official credentials issued by the company, which must be licensed by the Private Detective
269.23 and Protective Agent Services Board, that employs the security guard and the guard's permit
269.24 card prior to granting the guard entrance into the private establishment.

269.25 Sec. 20. Minnesota Statutes 2018, section 624.7142, subdivision 6, is amended to read:

269.26 Subd. 6. **Penalties.** (a) A person who violates a prohibition under subdivision 1, clauses
269.27 (1) to (5), is guilty of a misdemeanor. A second or subsequent violation is a gross
269.28 misdemeanor.

269.29 (b) A person who violates subdivision 1, clause (6), is guilty of a misdemeanor.

269.30 (c) In addition to the penalty imposed under paragraph (a), if a person violates subdivision
269.31 1, clauses (1) to (5), the person's authority to carry a pistol in a public place on or about the

270.1 person's clothes or person under the provisions of a permit or otherwise is revoked and the
270.2 person may not reapply for a period of one year from the date of conviction.

270.3 (d) In addition to the penalty imposed under paragraph (b), if a person violates subdivision
270.4 1, clause (6), the person's authority to carry a pistol in a public place on or about the person's
270.5 clothes or person under the provisions of a permit or otherwise is suspended for 180 days
270.6 from the date of conviction.

270.7 (e) Notwithstanding section ~~609.531~~ 609.112, a firearm carried in violation of subdivision
270.8 1, clause (6), is not subject to forfeiture.

270.9 Sec. 21. Minnesota Statutes 2018, section 629.715, subdivision 2, is amended to read:

270.10 Subd. 2. **Surrender of firearms.** The judge may order as a condition of release that the
270.11 person surrender to the local law enforcement agency all firearms, destructive devices, or
270.12 dangerous weapons owned or possessed by the person, and may not live in a residence
270.13 where others possess firearms. Any firearm, destructive device, or dangerous weapon
270.14 surrendered under this subdivision shall be inventoried and retained, with due care to preserve
270.15 its quality and function, by the local law enforcement agency, and must be returned to the
270.16 person upon the person's acquittal, when charges are dismissed, or if no charges are filed.
270.17 If the person is convicted, the firearm must be returned when the court orders the return or
270.18 when the person is discharged from probation and restored to civil rights. If the person is
270.19 convicted of a ~~designated~~ an offense as defined in section 609.531, under which the firearm
270.20 is subject to forfeiture, it is subject to forfeiture as provided under that section 609.112.
270.21 This condition may be imposed in addition to any other condition authorized by rule 6.02
270.22 of the Rules of Criminal Procedure.

270.23 Sec. 22. **REPEALER.**

270.24 Minnesota Statutes 2018, sections 169A.63; 609.531, subdivisions 1, 1a, 4, 5, 5a, 6a, 7,
270.25 and 8; 609.5311; 609.5312; 609.5313; 609.5314; 609.5315; 609.5316; 609.5317; 609.5318;
270.26 609.5319; 609.762, subdivisions 3, 4, 5, and 6; and 609.905, subdivision 3, are repealed.

270.27 Sec. 23. **EFFECTIVE DATE.**

270.28 This article is effective July 1, 2019.

271.1

ARTICLE 20

271.2

CIVIL POLICY

271.3

Section 1. **[3.8844] LEGISLATIVE COMMISSION ON INTELLIGENCE AND**

271.4

TECHNOLOGY.

271.5

Subdivision 1. Established. The Legislative Commission on Intelligence and Technology

271.6

is created to study and make recommendations on issues relating to the effect of emerging

271.7

technology on privacy. The commission has investigatory and oversight jurisdiction over

271.8

government surveillance programs and technology, including subpoena power.

271.9

Subd. 2. Membership. The commission consists of four members of the senate, two

271.10

appointed by the majority leader and two appointed by the minority leader, and four members

271.11

of the house of representatives, two appointed by the speaker of the house and two appointed

271.12

by the minority leader. Each appointing authority must make appointments as soon as

271.13

possible after the beginning of the regular legislative session in an odd-numbered year. Each

271.14

member of the commission must take an oath, swearing to faithfully discharge the duties

271.15

of members of the commission in compliance with the laws governing the commission.

271.16

Subd. 3. Terms; vacancies. Commission member terms begin upon appointment and

271.17

end at the beginning of the regular legislative session in the next odd-numbered year. In the

271.18

case of a vacancy, the appropriate appointing authority must fill the vacancy for the remainder

271.19

of the unexpired term.

271.20

Subd. 4. Officers. The commission must elect a chair and vice-chair and may elect other

271.21

officers as the commission determines is necessary. The chair alternates between a member

271.22

of the senate and a member of the house of representatives in January of each odd-numbered

271.23

year.

271.24

Subd. 5. Staff. Legislative staff must provide administrative and research assistance to

271.25

the commission.

271.26

Subd. 6. Meetings; data. Notwithstanding any other laws or legislative rules to the

271.27

contrary, the commission may determine that a meeting shall not be open to the public.

271.28

Notwithstanding any contrary provision of chapter 13 or other law, the commission may

271.29

require a law enforcement official to disclose not public data to the commission, as the

271.30

commission determines is necessary for performance of the commission's duties. If data

271.31

provided to the commission is disseminated by the commission or its members or agents

271.32

in violation of section 13.05, subdivision 4, the commission is subject to liability under

271.33

section 13.08, subdivisions 1 and 3. Disclosure of not public data by a member of the

272.1 commission is grounds for an ethics complaint to the committee with jurisdiction over ethics
272.2 in the chamber in which the member serves.

272.3 Subd. 7. **Subpoena power.** The chair or vice-chair or a member of the commission
272.4 designated by the chair may issue subpoenas requiring the appearance of persons, producing
272.5 relevant records, and giving relevant testimony on matters within the jurisdiction of the
272.6 commission. The person issuing the subpoena may request the issuance of an attachment
272.7 to compel the attendance of a witness who, having been duly subpoenaed to attend, fails to
272.8 do so. Section 3.153 applies to issuance of subpoenas under this section, except as otherwise
272.9 provided in this section.

272.10 **EFFECTIVE DATE.** This section is effective the day following final enactment.
272.11 Appointing authorities must make initial appointments by June 1, 2019. The speaker of the
272.12 house must designate one member of the commission to convene the first meeting of the
272.13 commission by June 15, 2019.

272.14 Sec. 2. Minnesota Statutes 2018, section 13.599, is amended by adding a subdivision to
272.15 read:

272.16 Subd. 5. **State Arts Board.** Notwithstanding subdivision 3, responses submitted by a
272.17 grantee to the State Arts Board or to a regional arts council under chapter 129D become
272.18 public data at the public review meeting at which they are considered, except for trade secret
272.19 data as defined and classified in section 13.37.

272.20 Sec. 3. Minnesota Statutes 2018, section 257.56, is amended to read:

272.21 **257.56 ARTIFICIAL INSEMINATION ASSISTED REPRODUCTION.**

272.22 Subdivision 1. ~~**Husband**~~ **Spouse treated as biological father parent.** If, under the
272.23 supervision of a licensed physician and with the consent of her ~~husband~~ spouse, a ~~wife is~~
272.24 ~~inseminated artificially~~ woman conceives through assisted reproduction with semen or ova
272.25 or both, donated by a ~~man not her husband~~ donor or donors not her spouse, the ~~husband~~
272.26 spouse is treated in law as ~~if he were the biological father~~ the parent of a child thereby
272.27 conceived. The ~~husband's~~ spouse's consent must be in writing and signed by ~~him and his~~
272.28 ~~wife~~ the spouse and the woman conceiving through assisted reproduction. The consent must
272.29 be retained by the physician for at least four years after the confirmation of a pregnancy
272.30 that occurs during the process of ~~artificial insemination~~ assisted reproduction.

273.1 All papers and records pertaining to the ~~insemination~~ assisted reproduction, whether
273.2 part of the permanent record of a court or of a file held by the supervising physician or
273.3 elsewhere, are subject to inspection only upon an order of the court for good cause shown.

273.4 Subd. 2. **Donor not treated as biological father parent.** The donor of semen or ova
273.5 provided to a licensed physician for use in ~~artificial insemination of~~ assisted reproduction
273.6 by a married woman other than the donor's wife spouse is treated in law as if he were the
273.7 donor is not the biological father parent of a child thereby conceived, unless a court finds
273.8 satisfactory evidence that the donor and the woman intended for the donor to be a parent.

273.9 Sec. 4. Minnesota Statutes 2018, section 363A.03, subdivision 43, is amended to read:

273.10 Subd. 43. **Sexual harassment.** (a) "Sexual harassment" includes unwelcome sexual
273.11 advances, requests for sexual favors, sexually motivated physical contact or other verbal or
273.12 physical conduct or communication of a sexual nature when:

273.13 (1) submission to that conduct or communication is made a term or condition, either
273.14 explicitly or implicitly, of obtaining employment, public accommodations or public services,
273.15 education, or housing;

273.16 (2) submission to or rejection of that conduct or communication by an individual is used
273.17 as a factor in decisions affecting that individual's employment, public accommodations or
273.18 public services, education, or housing; or

273.19 (3) that conduct or communication has the purpose or effect of substantially interfering
273.20 with an individual's employment, public accommodations or public services, education, or
273.21 housing, or creating an intimidating, hostile, or materially offensive employment, public
273.22 accommodations, public services, educational, or housing environment.

273.23 (b) Paragraph (a), clause (3), does not require the harassing conduct or communication
273.24 to be severe or pervasive. Conduct or communication has the purpose or effect of creating
273.25 an intimidating, hostile, or materially offensive environment when:

273.26 (1) a reasonable person in similar circumstances to the plaintiff would find the
273.27 environment intimidating, hostile, or materially offensive; and

273.28 (2) the plaintiff found the environment intimidating, hostile, or materially offensive.

273.29 The intimidating, hostile, or materially offensive environment must be determined based
273.30 on the totality of the circumstances.

273.31 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to causes
273.32 of action arising on or after that date.

274.1 Sec. 5. Minnesota Statutes 2018, section 363A.35, subdivision 3, is amended to read:

274.2 Subd. 3. **Access to closed files.** (a) Except as otherwise provided in this subdivision,
274.3 human rights investigative data contained in a closed case file are private data on individuals
274.4 or nonpublic data. The name and address of the charging party and respondent, factual basis
274.5 of the allegations, the statute under which the action is brought, the part of the summary of
274.6 the investigation that does not contain identifying data on a person other than the complainant
274.7 or respondent, and the commissioner's memorandum determining whether probable cause
274.8 has been shown are public data.

274.9 (b) The commissioner may make human rights investigative data contained in a closed
274.10 case file inaccessible to the charging party or the respondent in order to protect medical or
274.11 other security interests of the parties or third persons.

274.12 (c) Except for paragraph (b), when the charging party files a case in district court, the
274.13 commissioner may provide private data or nonpublic data in a closed case file to the charging
274.14 party and respondent.

274.15 Sec. 6. Minnesota Statutes 2018, section 363A.36, subdivision 1, is amended to read:

274.16 Subdivision 1. **Scope of application.** (a) ~~For all contracts for goods and services in~~
274.17 ~~excess of \$100,000, no department or agency of the state shall accept any bid or proposal~~
274.18 ~~for a contract or agreement from any business having more than 40 full-time employees~~
274.19 ~~within this state on a single working day during the previous 12 months, unless the~~
274.20 ~~commissioner is in receipt of the business' affirmative action plan for the employment of~~
274.21 ~~minority persons, women, and qualified disabled individuals. No department or agency of~~
274.22 ~~the state shall execute any such contract or agreement until the affirmative action plan has~~
274.23 ~~been approved by the commissioner. Receipt of a certificate of compliance issued by the~~
274.24 ~~commissioner shall signify that a firm or business has an affirmative action plan that has~~
274.25 ~~been approved by the commissioner. A certificate shall be valid for a period of four years.~~
274.26 A department, an agency of the state, the Metropolitan Council, an agency subject to section
274.27 473.143, subdivision 1, or a public officer or agency subject to section 16A.695 shall not
274.28 execute a contract for goods or services in excess of \$100,000 with a business that has 40
274.29 or more full-time employees in this state or a state where the business has its primary place
274.30 of business on a single day during the prior 12 months, unless the business has a workforce
274.31 certificate, as created in sections 363A.36 and 363A.37, from the commissioner of human
274.32 rights or has certified in writing that it is exempt. Determinations of exempt status shall be
274.33 made by the commissioner of human rights. A certificate is valid for four years. A
274.34 municipality as defined in section 466.01, subdivision 1, that receives state money for any

275.1 reason is encouraged to prepare and implement an affirmative action plan for the employment
275.2 of ~~minority persons, people with disabilities, people of color, and women, and the qualified~~
275.3 ~~disabled~~ and to submit the plan to the commissioner.

275.4 ~~(b) This paragraph applies to a contract for goods or services in excess of \$100,000 to~~
275.5 ~~be entered into between a department or agency of the state and a business that is not subject~~
275.6 ~~to paragraph (a), but that has more than 40 full-time employees on a single working day~~
275.7 ~~during the previous 12 months in the state where the business has its primary place of~~
275.8 ~~business. A department or agency of the state may not execute a contract or agreement with~~
275.9 ~~a business covered by this paragraph unless the business has a certificate of compliance~~
275.10 ~~issued by the commissioner under paragraph (a) or the business certifies that it is in~~
275.11 ~~compliance with federal affirmative action requirements.~~

275.12 ~~(e)~~ (b) This section does not apply to contracts entered into by the State Board of
275.13 Investment for investment options under section 356.645.

275.14 ~~(d)~~ (c) The commissioner shall issue a certificate of compliance or notice of denial within
275.15 15 days of the application submitted by the business or firm.

275.16 Sec. 7. Minnesota Statutes 2018, section 363A.36, subdivision 4, is amended to read:

275.17 Subd. 4. **Revocation of contract.** A contract awarded by a department or agency of the
275.18 state, the Metropolitan Council, an agency subject to section 473.143, subdivision 1, or a
275.19 public officer or agency subject to section 16A.695, may be terminated or abridged by the
275.20 department or agency, the Metropolitan Council, an agency subject to section 473.143,
275.21 subdivision 1, or a public officer or agency subject to section 16A.695, because of suspension
275.22 or revocation of a certificate based upon a contractor's failure to implement or make a good
275.23 faith effort to implement an affirmative action plan approved by the commissioner under
275.24 this section. If a contract is awarded to a person who does not have a contract compliance
275.25 certificate required under subdivision 1, the commissioner may void the contract on behalf
275.26 of the state.

275.27 Sec. 8. Minnesota Statutes 2018, section 363A.36, is amended by adding a subdivision to
275.28 read:

275.29 Subd. 6. **Access to data.** Data created, collected, and maintained by the commissioner
275.30 for a business to receive and retain a certificate of compliance under this section is private
275.31 data or nonpublic data. Applications, forms, or similar documents submitted by a business
275.32 seeking a certificate of compliance is public data. A letter that states the commissioner's
275.33 decision to issue, not issue, revoke, or suspend a certificate of compliance is public data.

276.1 Sec. 9. Minnesota Statutes 2018, section 363A.44, subdivision 1, is amended to read:

276.2 Subdivision 1. **Scope.** (a) ~~No~~ A department, an agency of the state, the Metropolitan
276.3 Council, ~~or~~ an agency subject to section 473.143, subdivision 1, or a public officer or agency
276.4 subject to section 16A.695 shall not execute a contract for goods or services or an agreement
276.5 for goods or services in excess of \$500,000 with a business that has 40 or more full-time
276.6 employees in this state or a state where the business has its primary place of business on a
276.7 single day during the prior 12 months, unless the business has an equal pay certificate or it
276.8 has certified in writing that it is exempt. A certificate is valid for four years.

276.9 (b) This section does not apply to a business with respect to a specific contract if the
276.10 commissioner of administration determines that application of this section would cause
276.11 undue hardship to the contracting entity. This section does not apply to a contract to provide
276.12 goods and services to individuals under chapters 43A, 62A, 62C, 62D, 62E, 256B, 256I,
276.13 256L, and 268A, with a business that has a license, certification, registration, provider
276.14 agreement, or provider enrollment contract that is prerequisite to providing those goods and
276.15 services. This section does not apply to contracts entered into by the State Board of
276.16 Investment for investment options under section 352.965, subdivision 4.

276.17 Sec. 10. Minnesota Statutes 2018, section 517.02, is amended to read:

276.18 **517.02 PERSONS CAPABLE OF CONTRACTING.**

276.19 ~~Every~~ A person who has attained the full age of 18 years is capable in law of contracting
276.20 into a civil marriage, if otherwise competent. ~~A person of the full age of 16 years may, with~~
276.21 ~~the consent of the person's legal custodial parents, guardian, or the court, as provided in~~
276.22 ~~section 517.08, receive a license to marry, when, after a careful inquiry into the facts and~~
276.23 ~~the surrounding circumstances, the person's application for a license and consent for civil~~
276.24 ~~marriage of a minor form is approved by the judge of the district court of the county in~~
276.25 ~~which the person resides. If the judge of the district court of the county in which the person~~
276.26 ~~resides is absent from the county and has not by order assigned another judge or a retired~~
276.27 ~~judge to act in the judge's stead, then the court commissioner or any judge of district court~~
276.28 ~~of the county may approve the application for a license.~~

276.29 ~~The consent for civil marriage of a minor must be in the following form:~~

276.30 ~~STATE OF MINNESOTA, COUNTY OF (insert county name)~~

276.31 ~~I/We (insert legal custodial parent or guardian names) under oath or~~
276.32 ~~affirmation say:~~

277.1 That I/we are the legal custodial parent(s) or guardian of (insert name
 277.2 of minor), who was born at (insert place of birth) on
 277.3 (insert date of birth) who is presently the age of (insert age).

277.4 That the minor has not been previously married.

277.5 That I/we consent to the civil marriage of this minor to (insert name
 277.6 of the person minor intends to marry) who is of the age of (insert age).

277.7 That affidavit is being made for the purpose of requesting the judge's consent to allow
 277.8 this minor to marry and make this civil marriage legal.

277.9 Date:

277.10

277.11

277.12 (Signature of legal custodial parents or guardian)

277.13 Sworn to or affirmed and acknowledged before me on this day of

277.14

277.15 NOTARY PUBLIC

277.16 STATE OF MINNESOTA, COUNTY OF (insert county name).

277.17 The undersigned is the judge of the district court where the minor resides and grants the
 277.18 request for the minor to marry.

277.19 (judge of district court)

277.20 (date).

277.21 **EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2019, and
 277.22 applies to marriages entered into on or after that date.

277.23 Sec. 11. Minnesota Statutes 2018, section 517.03, subdivision 1, is amended to read:

277.24 Subdivision 1. **General.** (a) The following civil marriages are prohibited:

277.25 (1) a civil marriage entered into before the dissolution of an earlier civil marriage of one
 277.26 of the parties becomes final, as provided in section 518.145 or by the law of the jurisdiction
 277.27 where the dissolution was granted;

277.28 (2) a civil marriage between an ancestor and a descendant, or between siblings, whether
 277.29 the relationship is by the half or the whole blood or by adoption; and

278.1 (3) a civil marriage between an uncle or aunt and a niece or nephew, or between first
278.2 cousins, whether the relationship is by the half or the whole blood, except as to civil marriages
278.3 permitted by the established customs of aboriginal cultures; and

278.4 (4) a civil marriage entered into between persons when both have not attained the full
278.5 age of 18 years.

278.6 (b) A civil marriage prohibited under paragraph (a), clause (4), that is recognized by
278.7 another state or foreign jurisdiction under common law or statute is void and against the
278.8 public policy of this state unless neither party was a resident of this state at the time the
278.9 marriage was entered into.

278.10 **EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2019, and
278.11 applies to marriages entered into on or after that date.

278.12 Sec. 12. Minnesota Statutes 2018, section 517.08, subdivision 1a, is amended to read:

278.13 Subd. 1a. **Form.** Application for a civil marriage license shall be made by both of the
278.14 parties upon a form provided for the purpose and shall contain the following information:

278.15 (1) the full names of the parties and the sex of each party;

278.16 (2) their post office addresses and county and state of residence;

278.17 (3) their full ages;

278.18 (4) if either party has previously been married, the party's married name, and the date,
278.19 place and court in which the civil marriage was dissolved or annulled or the date and place
278.20 of death of the former spouse;

278.21 ~~(5) if either party is a minor, the name and address of the minor's parents or guardian;~~

278.22 ~~(6)~~ (5) whether the parties are related to each other, and, if so, their relationship;

278.23 ~~(7)~~ (6) the address of the parties after the civil marriage is entered into to which the local
278.24 registrar shall send a certified copy of the civil marriage certificate;

278.25 ~~(8)~~ (7) the full names the parties will have after the civil marriage is entered into and
278.26 the parties' Social Security numbers. The Social Security numbers must be collected for the
278.27 application but must not appear on the civil marriage license. If a party listed on a civil
278.28 marriage application does not have a Social Security number, the party must certify on the
278.29 application, or a supplement to the application, that the party does not have a Social Security
278.30 number;

279.1 ~~(9)~~ (8) if one or both of the parties to the civil marriage license has a felony conviction
279.2 under Minnesota law or the law of another state or federal jurisdiction, the parties shall
279.3 provide to the county proof of service upon the prosecuting authority and, if applicable, the
279.4 attorney general, as required by section 259.13; and

279.5 ~~(10)~~ (9) notice that a party who has a felony conviction under Minnesota law or the law
279.6 of another state or federal jurisdiction may not use a different name after a civil marriage
279.7 except as authorized by section 259.13, and that doing so is a gross misdemeanor.

279.8 **EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2019, and
279.9 applies to applications submitted to the local registrar on or after that date.

279.10 Sec. 13. Minnesota Statutes 2018, section 517.08, subdivision 1b, is amended to read:

279.11 Subd. 1b. **Term of license; fee; premarital education.** (a) The local registrar shall
279.12 examine upon oath the parties applying for a license relative to the legality of the
279.13 contemplated civil marriage. Both parties must present proof of age to the local registrar.
279.14 If one party is unable to appear in person, the party appearing may complete the absent
279.15 applicant's information. The local registrar shall provide a copy of the civil marriage
279.16 application to the party who is unable to appear, who must verify the accuracy of the
279.17 appearing party's information in a notarized statement. The verification statement must be
279.18 accompanied by a copy of proof of age of the party. The civil marriage license must not be
279.19 released until the verification statement and proof of age has been received by the local
279.20 registrar. If the local registrar is satisfied that there is no legal impediment to it, including
279.21 the restriction contained in section 259.13, the local registrar shall issue the license,
279.22 containing the full names of the parties before and after the civil marriage, and county and
279.23 state of residence, with the county seal attached, and make a record of the date of issuance.
279.24 The license shall be valid for a period of six months. Except as provided in paragraph (b),
279.25 the local registrar shall collect from the applicant a fee of \$115 for administering the oath,
279.26 issuing, recording, and filing all papers required, and preparing and transmitting to the state
279.27 registrar of vital records the reports of civil marriage required by this section. If the license
279.28 should not be used within the period of six months due to illness or other extenuating
279.29 circumstances, it may be surrendered to the local registrar for cancellation, and in that case
279.30 a new license shall issue upon request of the parties of the original license without fee. A
279.31 local registrar who knowingly issues or signs a civil marriage license in any manner other
279.32 than as provided in this section shall pay to the parties aggrieved an amount not to exceed
279.33 \$1,000.

280.1 (b) The civil marriage license fee for parties who have completed at least 12 hours of
280.2 premarital education is \$40. In order to qualify for the reduced license fee, the parties must
280.3 submit at the time of applying for the civil marriage license a statement that is signed, dated,
280.4 and notarized or marked with a church seal from the person who provided the premarital
280.5 education on their letterhead confirming that it was received. The premarital education must
280.6 be provided by a licensed or ordained minister or the minister's designee, a person authorized
280.7 to solemnize civil marriages under section 517.18, or a person authorized to practice marriage
280.8 and family therapy under section 148B.33. The education must include the use of a premarital
280.9 inventory and the teaching of communication and conflict management skills.

280.10 (c) The statement from the person who provided the premarital education under paragraph
280.11 (b) must be in the following form:

280.12 "I, (name of educator), confirm that (names of both
280.13 parties) received at least 12 hours of premarital education that included the use of a premarital
280.14 inventory and the teaching of communication and conflict management skills. I am a licensed
280.15 or ordained minister, a person authorized to solemnize civil marriages under Minnesota
280.16 Statutes, section 517.18, or a person licensed to practice marriage and family therapy under
280.17 Minnesota Statutes, section 148B.33."

280.18 The names of the parties in the educator's statement must be identical to the legal names
280.19 of the parties as they appear in the civil marriage license application. Notwithstanding
280.20 section 138.17, the educator's statement must be retained for seven years, after which time
280.21 it may be destroyed.

280.22 (d) If section 259.13 applies to the request for a civil marriage license, the local registrar
280.23 shall grant the civil marriage license without the requested name change. Alternatively, the
280.24 local registrar may delay the granting of the civil marriage license until the party with the
280.25 conviction:

280.26 (1) certifies under oath that 30 days have passed since service of the notice for a name
280.27 change upon the prosecuting authority and, if applicable, the attorney general and no
280.28 objection has been filed under section 259.13; or

280.29 (2) provides a certified copy of the court order granting it. The parties seeking the civil
280.30 marriage license shall have the right to choose to have the license granted without the name
280.31 change or to delay its granting pending further action on the name change request.

280.32 **EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2019, and
280.33 applies to applications submitted to the local registrar on or after that date.

281.1 Sec. 14. Minnesota Statutes 2018, section 517.08, is amended by adding a subdivision to
281.2 read:

281.3 Subd. 1d. **Proof of age.** For purposes of this section, proof of age of a party may be
281.4 established in the form of:

281.5 (1) an original or certified copy of a birth certificate or birth record;

281.6 (2) a driver's license or other identification card issued by a government entity or school;
281.7 or

281.8 (3) a school record, immigration record, naturalization record, court record, or other
281.9 document or record issued by a government entity that contains the date of birth of a party.

281.10 **ARTICLE 21**

281.11 **COOPERATIVE PRIVATE DIVORCE PROGRAM**

281.12 Section 1. Minnesota Statutes 2018, section 62A.21, subdivision 2a, is amended to read:

281.13 Subd. 2a. **Continuation privilege.** Every policy described in subdivision 1 shall contain
281.14 a provision which permits continuation of coverage under the policy for the insured's
281.15 dependent children, which is defined as required by section 62A.302, and former spouse,
281.16 who was covered on the day before the entry of a valid decree of dissolution of marriage
281.17 or a certificate of marital dissolution. The coverage shall be continued until the earlier of
281.18 the following dates:

281.19 ~~(a)~~ (1) the date the insured's former spouse becomes covered under any other group
281.20 health plan; or

281.21 ~~(b)~~ (2) the date coverage would otherwise terminate under the policy.

281.22 If the coverage is provided under a group policy, any required premium contributions
281.23 for the coverage shall be paid by the insured on a monthly basis to the group policyholder
281.24 for remittance to the insurer. The policy must require the group policyholder to, upon request,
281.25 provide the insured with written verification from the insurer of the cost of this coverage
281.26 promptly at the time of eligibility for this coverage and at any time during the continuation
281.27 period. In no event shall the amount of premium charged exceed 102 percent of the cost to
281.28 the plan for such period of coverage for other similarly situated spouses and dependent
281.29 children with respect to whom the marital relationship has not dissolved, without regard to
281.30 whether such cost is paid by the employer or employee.

282.1 Upon request by the insured's former spouse, who was covered on the day before the
282.2 entry of a valid decree of dissolution, or dependent child, a health carrier must provide the
282.3 instructions necessary to enable the child or former spouse to elect continuation of coverage.

282.4 Sec. 2. Minnesota Statutes 2018, section 518.191, is amended by adding a subdivision to
282.5 read:

282.6 **Subd. 6. Summary real estate disposition judgment following certificate of marital**
282.7 **dissolution.** A summary real estate disposition judgment may also be obtained after a
282.8 certificate of marital dissolution is issued in accordance with section 518.80, subdivision
282.9 5. Upon the filing of the certificate the district court administrator may provide to a participant
282.10 upon request certified copies of a summary real estate disposition judgment submitted by
282.11 the participants that contains the following information:

282.12 (1) the dates of the participants' marriage and of the issuance of the certificate of marital
282.13 dissolution;

282.14 (2) the legal description of each parcel of real estate;

282.15 (3) the name or names of the persons awarded an interest in each parcel of real estate
282.16 and a description of the interest awarded;

282.17 (4) liens, mortgages, encumbrances, or other interests in the real estate described in the
282.18 declaration of divorce; and

282.19 (5) triggering or contingent events set forth in the declaration of divorce affecting the
282.20 disposition of each parcel of real estate.

282.21 Sec. 3. Minnesota Statutes 2018, section 518.195, is amended by adding a subdivision to
282.22 read:

282.23 **Subd. 5. Issuance of qualified domestic relations order following certificate of marital**
282.24 **dissolution.** A certificate of marital dissolution issued in accordance with section 518.80,
282.25 subdivision 5, may be filed with the district court administrator. Upon the filing of the
282.26 certificate, the district court administrator may enter a decree of dissolution and may issue
282.27 a qualified domestic relations order submitted by the participants and approved by the
282.28 retirement plan administrator for the assignment of an interest in a retirement plan as provided
282.29 in the declaration of divorce.

283.1 Sec. 4. **[518.80] COOPERATIVE PRIVATE DIVORCE PROGRAM.**

283.2 **Subdivision 1. Commissioner.** For purposes of this section, "commissioner" means the
283.3 commissioner of the Bureau of Mediation Services.

283.4 **Subd. 2. Establishment.** The commissioner shall establish a cooperative private divorce
283.5 program as provided in this section.

283.6 **Subd. 3. Requirements.** The cooperative private divorce program must, at a minimum:

283.7 (1) be made available on the Bureau of Mediation Services website;

283.8 (2) make available to the participants of the program the notices and instructions provided
283.9 under subdivisions 9 and 10 and section 518.82;

283.10 (3) allow participants of the program to electronically complete and submit to the
283.11 commissioner an intent to divorce and a declaration of divorce as provided under subdivision
283.12 11;

283.13 (4) require a separate unique login and password for each participant to access the
283.14 program;

283.15 (5) provide a notification system that automatically contacts one participant when the
283.16 other participant accesses the program;

283.17 (6) provide a list of supportive services and service providers that may be helpful to
283.18 participants;

283.19 (7) provide a method to authenticate the identities of the signatories of the forms required
283.20 under subdivision 11;

283.21 (8) employ security measures to protect the confidentiality and personal information of
283.22 the participants submitting information through the program; and

283.23 (9) encrypt all data sent and received through the program website.

283.24 **Subd. 4. Residency requirement.** Married participants seeking dissolution under this
283.25 section qualify for the cooperative private divorce program if the residency requirements
283.26 under section 518.07 have been met by the participants.

283.27 **Subd. 5. Procedure.** (a) Notwithstanding any law to the contrary, married participants
283.28 who meet the criteria under subdivision 4 may dissolve their marital status through the
283.29 cooperative private divorce program made available on the Bureau of Mediation Services
283.30 website by:

283.31 (1) signing and submitting the intent to divorce under subdivision 11; and

284.1 (2) completing, signing, and submitting the declaration of divorce under subdivision 11
284.2 at least 90 days after but not more than two years after the intent to divorce was submitted
284.3 by both participants.

284.4 (b) Upon receipt of the completed declaration of divorce, the commissioner shall issue
284.5 a certificate of marital dissolution that includes the following information:

284.6 (1) the name and any prior names of the two participants to the cooperative private
284.7 divorce dissolution;

284.8 (2) the name of any living minor or dependent children of the participants;

284.9 (3) that the marriage of the participants is dissolved and the date of the dissolution; and

284.10 (4) the Social Security numbers of the participants and any living minor or dependent
284.11 children of the participants.

284.12 (c) A certificate of marital dissolution issued under this section completely dissolves
284.13 the marital status of the participants.

284.14 (d) Upon receipt of a declaration of divorce, the commissioner shall issue a certificate
284.15 of marital dissolution that is accessible to each participant through the online cooperative
284.16 private divorce program. The certificate of marital dissolution is conclusive evidence of the
284.17 divorce.

284.18 (e) The commissioner shall maintain a public registry containing the following:

284.19 (1) the name and any prior names of any participant of the cooperative private divorce
284.20 program;

284.21 (2) the name of any living minor or dependent children of a participant; and

284.22 (3) that the marriage of the participants is dissolved and the date of the dissolution.

284.23 (f) Before the commissioner issues a certificate of marital dissolution to married
284.24 participants who are parents of minor children, the married participants must attend a
284.25 four-hour parent education program as required under section 518.81.

284.26 Subd. 6. **Certain agreements.** (a) Any agreement made by the participants as part of
284.27 the declaration of divorce that allocates expenses for their child or children is an enforceable
284.28 contract between the participants under section 518.1705.

284.29 (b) It is the intent of this paragraph that agreements recorded in a declaration of divorce
284.30 shall be deemed to be a decree of divorce wherever a decree of divorce is referred to in the
284.31 Internal Revenue Code, and agreements between the participants in a declaration of divorce

285.1 regarding alimony or maintenance shall be deemed to be a divorce or separation agreement
285.2 for purposes of deductibility under the Internal Revenue Code.

285.3 (c) Any issue that is not specifically addressed by the participants in the declaration of
285.4 divorce agreement is considered to be reserved for future agreement by the participants or
285.5 de novo review by the court.

285.6 Subd. 7. **Modification.** Any agreement made by the participants in their declaration of
285.7 divorce may be modified at any time after a declaration of divorce agreement is submitted
285.8 to the commissioner through the cooperative private divorce program, but prior to the parties
285.9 modifying or vacating an agreement under subdivision 8, if both participants agree to the
285.10 amendment and submit an amended declaration of divorce.

285.11 Subd. 8. **Court involvement.** (a) At any time prior to the submission of a declaration
285.12 of divorce, participants in a cooperative private divorce may initiate an action for marriage
285.13 dissolution under this chapter in district court. Any action under this chapter pending in
285.14 district court must be resolved or dismissed before participants may submit a declaration
285.15 of divorce.

285.16 (b) Cooperative private divorce agreements contained in a declaration of divorce may
285.17 be enforced, modified, or vacated by the district court, or the court may address issues that
285.18 were reserved by the participants according to the provisions of this chapter. Review of a
285.19 cooperative private divorce agreement under paragraph (e) in district court are de novo and
285.20 determined by existing statute.

285.21 (c) Upon the filing of a certificate of marital dissolution by the participants, the court
285.22 administrator shall enter a decree of dissolution as provided in section 518.195 without
285.23 necessity of court approval or a judgment and decree and without regard to the criteria or
285.24 procedures in section 518.195, subdivisions 1 and 2.

285.25 (d) By executing a declaration of divorce with the Bureau of Mediation Services that
285.26 may be filed with the court, each participant consents to the continuing personal jurisdiction
285.27 of the Minnesota courts as to all matters related to the declaration of divorce.

285.28 (e) A participant in a cooperative private divorce may by petition initiate an action in
285.29 district court to:

285.30 (1) enforce, modify, or vacate the declaration of divorce;

285.31 (2) petition the court to address any issue reserved by the participants;

285.32 (3) obtain a summary real estate disposition judgment;

286.1 (4) obtain a qualified domestic relations order; or

286.2 (5) obtain a court decree of dissolution when necessary to comply with state or federal
286.3 law involving interstate enforcement of the participants' divorce.

286.4 A participant initiating an action under this paragraph must, by personal service, provide
286.5 to the other participant notice of filing the certificate of marital dissolution with the district
286.6 court together with any motion for relief. Any subsequent court action related to the certificate
286.7 of marital dissolution may be initiated by notice of motion and motion. An action initiated
286.8 under this paragraph shall be venued in a county located in this state where either participant
286.9 was residing at the time the certificate of marital dissolution was issued by the Bureau of
286.10 Mediation Services. Matters reviewed by the court under this section are reviewed by the
286.11 court de novo and governed by this chapter, chapter 518A, and other applicable laws. The
286.12 filing fee for any action under this paragraph is \$315. For a motion to vacate the declaration
286.13 of divorce under section 518.145, the one-year period of limitation begins on the date of
286.14 the participants' dissolution, which is the date of the certificate of marital dissolution in
286.15 subdivision 5, paragraph (d).

286.16 Subd. 9. **Notices; introduction to private divorce; form.** The commissioner shall make
286.17 available the following form for use in the cooperative private divorce program:

286.18 **NOTICE: Introduction to Cooperative Private Divorce**

286.19 You are considering obtaining a Cooperative Private Divorce rather than going to court
286.20 to get divorced. Cooperative Private Divorce is a simplified procedure for couples who want
286.21 to avoid the expense, emotional strain, and arbitrary time frames that often accompany
286.22 adversarial court proceedings. To obtain a Cooperative Private Divorce you will need to
286.23 reach an agreement with your spouse about the issues in your divorce. Many public and
286.24 private services are available to help you.

286.25 The Cooperative Private Divorce process is based on the assumption that most people
286.26 have the capacity to divorce with respect and fairness if they are supported in that direction.
286.27 To that end, a Cooperative Private Divorce differs in two important ways from a court
286.28 divorce. First, the two of you have total control over your divorce and no one will oversee
286.29 or scrutinize the decisions you make. Second, it is a completely private process.

286.30 This leaves you with a great deal of flexibility. After you have educated yourself, you
286.31 can choose how detailed or simple to make your divorce decisions, and whether to postpone
286.32 some decisions to a later time. You can also create your own understanding of fairness
286.33 unique to your own situation.

287.1 These special features of a Cooperative Private Divorce, eliminating the anxiety of
287.2 someone else having control over your family, and lessening the pressure to resolve
287.3 everything all at once during a very stressful time are intended to replace conflict with your
287.4 spouse by creating a healthy transition for you and your family. You are encouraged to view
287.5 each other as partners in creating the best solution for you and your family in parenting and
287.6 financial matters.

287.7 **Basic Principles**

287.8 Cooperative Private Divorce is not for everyone. Because of the need to create a fair
287.9 and healthy plan without coercion or oversight, it is intended for couples who can work
287.10 together in good faith for the best interests of everyone in the family.

287.11 Here are the six principles underlying Cooperative Private Divorce. If you and your
287.12 spouse believe you can fashion your divorce according to these principles, then a Cooperative
287.13 Private Divorce may be the best procedure for you.

287.14 1. The preventing unnecessary divorce principle: You have reached a decision to initiate
287.15 a divorce only after exhausting other options to solve your problems within your marriage,
287.16 particularly if you have children.

287.17 2. The healthy relationships principle: If you have children, your parenting plan promotes
287.18 safe, nurturing, and stable relationships among the children and with both of their parents.

287.19 3. The maximum parent involvement principle: Your parenting plan promotes high
287.20 levels of involvement of both parents with the children when that is feasible and consistent
287.21 with the needs of the children.

287.22 4. The equity principle: Your financial plan promotes equitable and sustainable lifestyles
287.23 for all family members in light of the unique circumstances of your marriage and family.

287.24 5. The flexibility principle: Your divorce agreements take into account both the value
287.25 of having stable arrangements and the likelihood that the needs and circumstances of
287.26 your family will change over time.

287.27 6. The optimal timing principle: You create partial or comprehensive agreements with
287.28 the timing and sequence that work best for you and your family.

287.29 **Two Cautions**

287.30 First, if you feel pressured or intimidated by your spouse to use this process or to agree
287.31 to specific matters in your divorce, or if you have doubts generally about your spouse's

288.1 willingness to reach agreements that are best for everyone in your family, consider getting
288.2 professional assistance before going further.

288.3 Second, the flexibility of a Cooperative Private Divorce also leaves you with an important
288.4 responsibility. Some couples have relatively simple issues to address in their divorce. But
288.5 some couples have more complex financial and parenting matters to resolve. Financial
288.6 matters are often more complex if you are self-employed or a business owner. If you do not
288.7 consider such matters carefully, you may face problems such as having agreements that do
288.8 not work over time or that are not enforceable. You are responsible to educate yourself
288.9 about the issues in your divorce and to obtain professional assistance if you need it.

288.10 Professional and Community Resources

288.11 To begin with, recognize that going ahead with a divorce is a significant decision,
288.12 especially if you have children. Many research studies have shown that divorce can have
288.13 an adverse effect on children. If you want help to make sure you are making the right decision
288.14 for you and your family, you can make use of services available in local communities.

288.15 If you have made the decision to go ahead with the divorce, you may choose to work
288.16 with an advocate or with a facilitator who can guide you and your spouse in cooperative
288.17 processes that focus on your interests and needs and what will work for your family. You
288.18 may want to consult with an adviser on parenting or financial issues. From private sources
288.19 you can obtain sample agreements that may help you frame all of the issues you will likely
288.20 encounter. Although divorce can seem complex and difficult, these resources and professional
288.21 services can help make it easier for you and your spouse to reach an agreement.

288.22 The Bureau of Mediation Services serves as a clearinghouse for information about the
288.23 types of resources available. It can also provide information about services that are offered
288.24 for free or on a sliding fee.

288.25 Subd. 10. **Instructions; form.** The commissioner shall make available the following
288.26 form for use in the cooperative private divorce program:

288.27 Instructions for Cooperative Private Divorce

- 288.28 1. Both spouses obtain unique identifiers from the Bureau of Mediation Services.
- 288.29 2. Both spouses sign and submit the INTENT TO DIVORCE form with their unique
288.30 identifiers to register with the Bureau of Mediation Services.
- 288.31 3. At any time at least 90 days after but not more than two years after submitting the INTENT
288.32 TO DIVORCE form, submit the Declaration of Divorce form signed by both spouses.

289.1 4. Upon submitting the Declaration of Divorce form, both spouses will receive a certification
289.2 that your marriage is dissolved.

289.3 5. Most complete divorce agreements address the issues set forth in the Declaration of
289.4 Divorce form. It is up to you whether you want to record agreements in all or any of these
289.5 areas. But recognize that if your agreements are vague or incomplete or if you do not record
289.6 your agreements, it may be difficult for you to recall them, live up to your obligations, or
289.7 later ask a court to enforce an agreement. Use attachments if you want to record agreements
289.8 that are longer than space here permits. No one will review or approve the agreements you
289.9 set forth here before your divorce is certified. They are for your use only.

289.10 6. At any time, either spouse can retrieve the Declaration of Divorce form containing your
289.11 agreements by providing your unique identifier. No one except you and your spouse will
289.12 have access to this form.

289.13 7. At any time, you and your former spouse can retrieve the Declaration of Divorce form,
289.14 make additions or modifications that you both agree to, and resubmit it.

289.15 8. If you want to modify your previous agreements but you and your former spouse cannot
289.16 agree on the modifications, or if you want to seek enforcement of a previous agreement,
289.17 you are encouraged to seek assistance from professionals in the community who specialize
289.18 in helping former spouses reach fair agreements. You also have the option of going to court
289.19 to submit your Declaration of Divorce form.

289.20 9. Remember that by creating a smooth family transition now and working on issues that
289.21 may arise in the future, developing a trustworthy working relationship with your spouse
289.22 will be just as helpful as written agreements.

289.23 Subd. 11. **Intent to divorce; declaration of divorce; form.** The commissioner shall
289.24 make available the following form for use in the cooperative private divorce program:

289.25 **Intent to Divorce**

289.26 We hereby declare that we are legally married, have both been residents of Minnesota
289.27 for at least 180 days, and intend to divorce. We understand that our divorce will be certified
289.28 if we submit the Declaration of Divorce form signed by both spouses at least 90 days after
289.29 but not more than two years after the date this INTENT TO DIVORCE form is submitted.

289.30 Date and place of marriage:
289.31 Signature, date:
289.32 E-mail address:
289.33 Social Security number:
289.34 Signature, date:

290.1 E-mail address:

290.2 Social Security number:

290.3 **Declaration of Divorce**

290.4 **Facts**

290.5 1. We agree that the following is a list of all our assets and their approximate value:

290.6 2. We agree that the following is a list of all our debts:

290.7 3. Spouse A name, previous name(s) if any, and yearly income, including any bonuses:

290.8 4. Spouse B name, previous name(s) if any, and yearly income, including any bonuses:

290.9 5. The names, dates of birth, and Social Security numbers of our minor or dependent
290.10 children covered by this agreement are:

290.11 **Agreements**

290.12 1. We agree to the following plan for parenting our child or children together after the

290.13 divorce. If our plan is temporary, we agree to the following process for updating it. (A

290.14 comprehensive plan would include: (a) how you will make important decisions like those

290.15 about school, health care, and religion; (b) how you will allocate your time with the children

290.16 during the school year, summer, holidays, and vacations to provide a nurturing environment

290.17 and rich relationships with both of you; and (c) how you will communicate with each other

290.18 and work out differences of opinion.)

290.19 2. We agree to the following plan for sharing the expenses of raising our child or children.

290.20 **Guideline Child Support**

290.21 The guideline child support for our child(ren) is \$..... We agree that will pay

290.22 the guideline child support amount.

290.23 (The Minnesota Child Support guidelines calculator can be accessed at)

290.24 Attach the guidelines printout.

290.25 **Non-Guideline Child Support**

290.26 We agree to deviate from the guideline child support amount after considering the

290.27 following factors that support deviation (Make a check or "X" on all that apply):

290.28 each of our earnings, income, circumstances, and resources, including our
290.29 real and personal property, but excluding income from excess employment
290.30 of the obligor or obligee that meets the criteria of Minnesota Statutes,
290.31 section 518A.29, paragraph (b);

290.32 the extraordinary financial needs and resources, physical and emotional
290.33 condition, and educational needs of our child(ren) to be supported;

290.34 the standard of living our child would enjoy if we were currently living
290.35 together, but recognizing that we now have separate households;

290.36 whether our child resides for more than one year in a foreign country that
290.37 has a substantially higher or lower cost of living than this country;

292.1 a. Real estate (Include who will pay any mortgages or agreements to refinance a mortgage,
292.2 and make provisions for recording necessary documents with the county recorder. This
292.3 declaration of divorce does not transfer an interest in real estate. To transfer interest in
292.4 real estate, you must prepare a quitclaim deed or a summary real estate disposition
292.5 judgment for the court administrator, either of which you would need to file with the
292.6 county recorder. It is advisable to seek professional assistance about this process.)

292.7 b. Personal property, such as household furnishings, vehicles, and other objects you
292.8 own.

292.9 c. Financial assets, such as retirements, investments, stock, bank accounts, and business
292.10 interests. (This declaration of divorce has no effect on the division of a retirement account
292.11 or pension plan unless the account or plan receives proper instructions. Many retirement
292.12 assets cannot be divided unless they receive a qualified domestic relations order from a
292.13 court. Often a draft of such an order is approved by the pension plan administrator before
292.14 it is submitted to the court. It is advisable to seek professional assistance about this
292.15 process.)

292.16 6. We agree to the following schedule of payments for spousal support (alimony) which
292.17 ends upon the death of either of us or the remarriage of the payee spouse. (If there is a large
292.18 difference in your incomes and you agree to a minimal amount or no amount of spousal
292.19 support, provide the reasons for the spousal support agreement. For purposes of federal tax
292.20 deductibility, this agreement is deemed to be a divorce or separation instrument. Be aware
292.21 that, upon motion, a court has the authority to modify the amount of spousal support you
292.22 agree on here at any time during the time period in which spousal support is being paid.)

292.23 7. We agree to the following plan to maintain health insurance coverage for both spouses.
292.24 (If one spouse is interested in continuing health insurance coverage under the other spouse's
292.25 employer-provided policy, certain laws apply, including a requirement that an election must
292.26 be made and submitted to the other spouse's employer and health insurance carrier within
292.27 60 days of your divorce.)

292.28 8. We agree to the following plan for paying any past joint tax liability or future tax liability,
292.29 or both, and we agree to the following plan for who will claim the child or dependency
292.30 exemptions or credits for our child or children.

292.31 9. We have reached the following additional agreements which we wish to record.

292.32 (You may not use the cooperative private divorce program to legally change a name. A
292.33 name can be changed only by a court.)

293.1

Dissolution

293.2

We hereby agree to the dissolution of our marriage according to the preceding terms.

293.3

We hereby warrant that we have made complete disclosure to each other of all information

293.4

and documents that are important to these agreements, and that the list of assets and debts

293.5

contained in paragraph (1) are complete and accurate and there are no open court cases

293.6

involving these issues.

293.7

Signature, date:

293.8

Signature, date:

293.9

Subd. 12. **Fee.** The commissioner shall charge the participants of the cooperative private

293.10

divorce program a fee of \$1,062. Collected fees must be deposited in the cooperative divorce

293.11

account established under subdivision 13. The commissioner may reduce the fee to ensure

293.12

that revenue more closely matches the expenses of the program.

293.13

Subd. 13. **Cooperative divorce account.** The cooperative divorce account is established

293.14

as a separate account in the special revenue fund in the state treasury. Money in the account

293.15

is appropriated to the commissioner to administer and manage the online program under

293.16

this section.

293.17

Subd. 14. **Data.** Data collected under this section is classified as private data on

293.18

individuals as defined in section 13.02, subdivision 12.

293.19

Subd. 15. **Notice; translations.** Notices provided in this section and section 518.82 must

293.20

be provided in languages that participants can understand and versions of the notices must

293.21

be available online in languages commonly spoken in Minnesota.

293.22

Sec. 5. [518.81] PARENT EDUCATION; COOPERATIVE PRIVATE DIVORCE.

293.23

Subdivision 1. **Parent education requirements.** Married participants who are parents

293.24

of minor children shall attend a four-hour parent education program prior to receiving a

293.25

certificate of marital dissolution under section 518.80, subdivision 5. The parent education

293.26

program must provide information on:

293.27

(1) **constructive parenting in the dissolution process, including risk factors for families,**

293.28

how marriage dissolution affects children of different ages, and skills that parents can learn

293.29

to increase cooperation and minimize conflict, particularly conflict arising when parents

293.30

place children in the middle, creating conflicting loyalty. This component of the program

293.31

must be aimed at increasing a parent's sensitivity to a child's needs and at giving a parent

293.32

skills to improve the parent's and the child's adjustment to the dissolution of the marriage.

293.33

The primary emphasis of the program must be on constructive parenting information, and

294.1 its content must be consistent with and promote the principles of cooperative private divorce
294.2 as described in section 518.80, subdivision 9;

294.3 (2) assessing if a parent is perpetrating domestic violence against the other parent and
294.4 when cooperation in co-parenting may not be desirable because of safety risks, and providing
294.5 information on local domestic violence resources;

294.6 (3) information on the option of reconciliation, including research on reconciliation
294.7 interests among couples considering marriage dissolution, the potential benefits of avoiding
294.8 marriage dissolution, resources to assist with reconciliation for interested couples, and
294.9 information on when the risk of domestic violence should exclude consideration of
294.10 reconciliation; and

294.11 (4) an overview of the legal process of marital dissolution and the advantages and
294.12 disadvantages of litigation and alternative processes, including but not limited to mediation,
294.13 collaborative and cooperative law, and restorative circles.

294.14 Subd. 2. **Program requirements.** A parent education program under this section may
294.15 be conducted in person or online.

294.16 Subd. 3. **Confidentiality.** Unless all parties agree in writing, statements made by a party
294.17 during participation in a parent education program are inadmissible as evidence for any
294.18 purpose, including impeachment. No record may be made regarding a party's participation
294.19 in a parent education program, except a record of completion of the program as required
294.20 under this section. Instructors shall not disclose information regarding an individual
294.21 participant obtained as a result of participation in a parent education program. Parent
294.22 education instructors may not be subpoenaed or called as witnesses in court proceedings.

294.23 Subd. 4. **Costs and program providers.** Each parent education program must enable
294.24 persons to have timely and reasonable access to education sessions. A party who qualifies
294.25 for a waiver of filing fees under section 563.01 is exempt from paying the parent education
294.26 program fee. Program providers shall implement a sliding fee scale.

294.27 Sec. 6. **[518.82] COOPERATIVE PRIVATE DIVORCE SCREENING; NOTICE;**
294.28 **FORM.**

294.29 The commissioner of the Bureau of Mediation Services shall make available the following
294.30 notice for use in the cooperative private divorce program under section 518.80 before full
294.31 access to the program is granted to a user. The data maintained by the coercion screening
294.32 tool are private data on individuals, as defined in section 13.02, subdivision 12, and shall
294.33 not be tracked or recorded by any means at any time.

295.1 COERCION SCREENING TOOL295.2 WHEN NOT TO USE COOPERATIVE PRIVATE DIVORCE

295.3 Cooperative private divorce is not for everyone. It is probably not appropriate for you if
295.4 any of the following statements are true. Choices you make in this section are private. No
295.5 record of any choice you make in this section will be recorded or tracked.

295.6 You are feeling undue pressure or intimidation from your spouse to use
295.7 cooperative private divorce.

295.8 You have serious doubts about your spouse's willingness to reach agreements
295.9 that are best for everyone in the family.

295.10 Your spouse has made threats of physical or emotional harm during discussions
295.11 of divorce.

295.12 Your spouse has unilaterally ruled out involving any professionals in your divorce
295.13 process even though you want this kind of support.

295.14 Your spouse is telling you not to discuss your divorce options with anyone.

295.15 Information on resources can be provided upon request if any of the above risks are occurring.

295.16 Sec. 7. Minnesota Statutes 2018, section 518A.43, subdivision 1, is amended to read:

295.17 Subdivision 1. **General factors.** Among other reasons, deviation from the presumptive
295.18 child support obligation computed under section 518A.34 is intended to encourage prompt
295.19 and regular payments of child support and to prevent either parent or the joint children from
295.20 living in poverty. In addition to the child support guidelines and other factors used to calculate
295.21 the child support obligation under section 518A.34, the court must take into consideration
295.22 the following factors in setting or modifying child support or in determining whether to
295.23 deviate upward or downward from the presumptive child support obligation:

295.24 (1) all earnings, income, circumstances, and resources of each parent, including real and
295.25 personal property, but excluding income from excess employment of the obligor or obligee
295.26 that meets the criteria of section 518A.29, paragraph (b);

295.27 (2) the extraordinary financial needs and resources, physical and emotional condition,
295.28 and educational needs of the child to be supported;

295.29 (3) the standard of living the child would enjoy if the parents were currently living
295.30 together, but recognizing that the parents now have separate households;

295.31 (4) whether the child resides in a foreign country for more than one year that has a
295.32 substantially higher or lower cost of living than this country;

295.33 (5) which parent receives the income taxation dependency exemption and the financial
295.34 benefit the parent receives from it;

296.1 (6) the parents' debts as provided in subdivision 2; ~~and~~

296.2 (7) the obligor's total payments for court-ordered child support exceed the limitations
296.3 set forth in section 571.922; and

296.4 (8) an allocation of expenses of the children in a parenting plan under section 518.1705,
296.5 subdivision 8, or in a declaration of dissolution under section 518.80, subdivision 6, paragraph
296.6 (a), that enables both parents to maintain a suitable place for their children, taking into
296.7 account their current standard of living.

296.8 Sec. 8. **REPORT.**

296.9 The commissioner of the Bureau of Mediation Services shall conduct an evaluation of
296.10 the cooperative private divorce program after the first and second years of operation. The
296.11 areas of evaluation shall include but not be limited to:

296.12 (1) number of users of the cooperative private divorce program, both initially and
296.13 transferring to and from a court divorce;

296.14 (2) costs of the cooperative private divorce program to government and families in
296.15 comparison to court divorces;

296.16 (3) user satisfaction with the cooperative private divorce program process and with their
296.17 agreements; and

296.18 (4) any correlation between use of the cooperative private divorce program system and
296.19 subsequent use of court services for the same case or related cases.

152.027 OTHER CONTROLLED SUBSTANCE OFFENSES.

Subd. 3. **Possession of marijuana in a motor vehicle.** A person is guilty of a misdemeanor if the person is the owner of a private motor vehicle, or is the driver of the motor vehicle if the owner is not present, and possesses on the person, or knowingly keeps or allows to be kept within the area of the vehicle normally occupied by the driver or passengers, more than 1.4 grams of marijuana. This area of the vehicle does not include the trunk of the motor vehicle if the vehicle is equipped with a trunk, or another area of the vehicle not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk. A utility or glove compartment is deemed to be within the area occupied by the driver and passengers.

Subd. 4. **Possession or sale of small amounts of marijuana.** (a) A person who unlawfully sells a small amount of marijuana for no remuneration, or who unlawfully possesses a small amount of marijuana is guilty of a petty misdemeanor and shall be required to participate in a drug education program unless the court enters a written finding that a drug education program is inappropriate. The program must be approved by an area mental health board with a curriculum approved by the state alcohol and drug abuse authority.

(b) A person convicted of an unlawful sale under paragraph (a) who is subsequently convicted of an unlawful sale under paragraph (a) within two years is guilty of a misdemeanor and shall be required to participate in a chemical dependency evaluation and treatment if so indicated by the evaluation.

(c) A person who is convicted of a petty misdemeanor under paragraph (a) who willfully and intentionally fails to comply with the sentence imposed, is guilty of a misdemeanor. Compliance with the terms of the sentence imposed before conviction under this paragraph is an absolute defense.

169A.63 VEHICLE FORFEITURE.

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

(b) "Appropriate agency" means a law enforcement agency that has the authority to make an arrest for a violation of a designated offense or to require a test under section 169A.51 (chemical tests for intoxication).

(c) "Claimant" means an owner of a motor vehicle or a person claiming a leasehold or security interest in a motor vehicle.

(d) "Designated license revocation" includes a license revocation under section 169A.52 (license revocation for test failure or refusal) or 171.177 (revocation; search warrant) or a license disqualification under section 171.165 (commercial driver's license disqualification) resulting from a violation of section 169A.52 or 171.177; within ten years of the first of two or more qualified prior impaired driving incidents.

(e) "Designated offense" includes:

(1) a violation of section 169A.20 (driving while impaired) under the circumstances described in section 169A.24 (first-degree driving while impaired), or 169A.25 (second-degree driving while impaired); or

(2) a violation of section 169A.20 or an ordinance in conformity with it:

(i) by a person whose driver's license or driving privileges have been canceled as inimical to public safety under section 171.04, subdivision 1, clause (10), and not reinstated; or

(ii) by a person who is subject to a restriction on the person's driver's license under section 171.09 (commissioner's license restrictions), which provides that the person may not use or consume any amount of alcohol or a controlled substance.

(f) "Family or household member" means:

(1) a parent, stepparent, or guardian;

(2) any of the following persons related by blood, marriage, or adoption: brother, sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece, grandparent, great-grandparent, great-uncle, great-aunt; or

(3) persons residing together or persons who regularly associate and communicate with one another outside of a workplace setting.

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(g) "Motor vehicle" and "vehicle" do not include a vehicle which is stolen or taken in violation of the law.

(h) "Owner" means a person legally entitled to possession, use, and control of a motor vehicle, including a lessee of a motor vehicle if the lease agreement has a term of 180 days or more. There is a rebuttable presumption that a person registered as the owner of a motor vehicle according to the records of the Department of Public Safety is the legal owner. For purposes of this section, if a motor vehicle is owned jointly by two or more people, each owner's interest extends to the whole of the vehicle and is not subject to apportionment.

(i) "Prosecuting authority" means the attorney in the jurisdiction in which the designated offense occurred who is responsible for prosecuting violations of a designated offense or a designee. If a state agency initiated the forfeiture, and the attorney responsible for prosecuting the designated offense declines to pursue forfeiture, the Attorney General's Office or its designee may initiate forfeiture under this section.

(j) "Security interest" means a bona fide security interest perfected according to section 168A.17, subdivision 2, based on a loan or other financing that, if a vehicle is required to be registered under chapter 168, is listed on the vehicle's title.

Subd. 2. **Seizure.** (a) A motor vehicle subject to forfeiture under this section may be seized by the appropriate agency upon process issued by any court having jurisdiction over the vehicle.

(b) Property may be seized without process if:

(1) the seizure is incident to a lawful arrest or a lawful search;

(2) the vehicle subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding under this section; or

(3) the appropriate agency has probable cause to believe that the delay occasioned by the necessity to obtain process would result in the removal or destruction of the vehicle. If property is seized without process under this clause, the prosecuting authority must institute a forfeiture action under this section as soon as is reasonably possible by serving a notice of seizure and intent to forfeit at the address of the owner as listed in the records of the Department of Public Safety.

(c) When a motor vehicle is seized, the officer must provide a receipt to the person found in possession of the motor vehicle; or in the absence of any person, the officer must leave a receipt in the place where the motor vehicle was found, if reasonably possible.

Subd. 3. **Right to possession vests immediately; custody.** All right, title, and interest in a vehicle subject to forfeiture under this section vests in the appropriate agency upon commission of the conduct resulting in the designated offense or designated license revocation giving rise to the forfeiture. Any vehicle seized under this section is not subject to replevin, but is deemed to be in the custody of the appropriate agency subject to the orders and decrees of the court having jurisdiction over the forfeiture proceedings. When a vehicle is seized under this section, the appropriate agency shall use reasonable diligence to secure the property and prevent waste and may do any of the following:

(1) place the vehicle under seal;

(2) remove the vehicle to a place designated by it; and

(3) place a disabling device on the vehicle.

Subd. 4. **Bond by owner for possession.** If the owner of a vehicle that has been seized under this section seeks possession of the vehicle before the forfeiture action is determined, the owner may give security or post bond payable to the appropriate agency in an amount equal to the retail value of the seized vehicle. On posting the security or bond, the seized vehicle may be returned to the owner only if a disabling device is attached to the vehicle. The forfeiture action must proceed against the security as if it were the seized vehicle. This subdivision does not apply to a vehicle being held for investigatory purposes.

Subd. 5. **Evidence.** Certified copies of court records and motor vehicle and driver's license records concerning qualified prior impaired driving incidents are admissible as substantive evidence where necessary to prove the commission of a designated offense or the occurrence of a designated license revocation.

Subd. 5a. **Petition for remission or mitigation.** Prior to the entry of a court order disposing with the forfeiture action, any person who has an interest in forfeited property may file with the

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prosecuting authority a petition for remission or mitigation of the forfeiture. The prosecuting authority may remit or mitigate the forfeiture upon terms and conditions the prosecuting authority deems reasonable if the prosecuting authority finds that: (1) the forfeiture was incurred without willful negligence or without any intention on the part of the petitioner to violate the law; or (2) extenuating circumstances justify the remission or mitigation of the forfeiture.

Subd. 6. **Vehicle subject to forfeiture.** (a) A motor vehicle is subject to forfeiture under this section if it was used in the commission of a designated offense or was used in conduct resulting in a designated license revocation.

(b) Motorboats subject to seizure and forfeiture under this section also include their trailers.

Subd. 7. **Limitations on vehicle forfeiture.** (a) A vehicle is presumed subject to forfeiture under this section if:

(1) the driver is convicted of the designated offense upon which the forfeiture is based;

(2) the driver fails to appear for a scheduled court appearance with respect to the designated offense charged and fails to voluntarily surrender within 48 hours after the time required for appearance; or

(3) the driver's conduct results in a designated license revocation and the driver fails to seek judicial review of the revocation in a timely manner as required by section 169A.53, subdivision 2, (petition for judicial review), or the license revocation is judicially reviewed and sustained under section 169A.53, subdivision 2.

(b) A vehicle encumbered by a security interest perfected according to section 168A.17, subdivision 2, or subject to a lease that has a term of 180 days or more, is subject to the interest of the secured party or lessor unless the party or lessor had knowledge of or consented to the act upon which the forfeiture is based. However, when the proceeds of the sale of a seized vehicle do not equal or exceed the outstanding loan balance, the appropriate agency shall remit all proceeds of the sale to the secured party after deducting the agency's costs for the seizure, tow, storage, forfeiture, and sale of the vehicle. If the sale of the vehicle is conducted in a commercially reasonable manner consistent with the provisions of section 336.9-610, the agency is not liable to the secured party for any amount owed on the loan in excess of the sale proceeds. The validity and amount of a nonperfected security interest must be established by its holder by clear and convincing evidence.

(c) Notwithstanding paragraph (b), the secured party's or lessor's interest in a vehicle is not subject to forfeiture based solely on the secured party's or lessor's knowledge of the act or omission upon which the forfeiture is based if the secured party or lessor demonstrates by clear and convincing evidence that the party or lessor took reasonable steps to terminate use of the vehicle by the offender.

(d) A motor vehicle is not subject to forfeiture under this section if any of its owners who petition the court can demonstrate by clear and convincing evidence that the petitioning owner did not have actual or constructive knowledge that the vehicle would be used or operated in any manner contrary to law or that the petitioning owner took reasonable steps to prevent use of the vehicle by the offender. If the offender is a family or household member of any of the owners who petition the court and has three or more prior impaired driving convictions, the petitioning owner is presumed to know of any vehicle use by the offender that is contrary to law. "Vehicle use contrary to law" includes, but is not limited to, violations of the following statutes:

(1) section 171.24 (violations; driving without valid license);

(2) section 169.791 (criminal penalty for failure to produce proof of insurance);

(3) section 171.09 (driving restrictions; authority, violations);

(4) section 169A.20 (driving while impaired);

(5) section 169A.33 (underage drinking and driving); and

(6) section 169A.35 (open bottle law).

Subd. 8. **Administrative forfeiture procedure.** (a) A motor vehicle used to commit a designated offense or used in conduct resulting in a designated license revocation is subject to administrative forfeiture under this subdivision.

(b) Within 60 days from when a motor vehicle is seized under subdivision 2, or within a reasonable time after seizure, the appropriate agency shall serve the driver or operator of the vehicle with a notice of the seizure and intent to forfeit the vehicle. Additionally, when a motor vehicle is

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seized under subdivision 2, or within a reasonable time after that, all persons known to have an ownership, possessory, or security interest in the vehicle must be notified of the seizure and the intent to forfeit the vehicle. For those vehicles required to be registered under chapter 168, the notification to a person known to have a security interest in the vehicle is required only if the vehicle is registered under chapter 168 and the interest is listed on the vehicle's title. Upon motion by the appropriate agency or prosecuting authority, a court may extend the time period for sending notice for a period not to exceed 90 days for good cause shown. Notice mailed by certified mail to the address shown in Department of Public Safety records is sufficient notice to the registered owner of the vehicle. For motor vehicles not required to be registered under chapter 168, notice mailed by certified mail to the address shown in the applicable filing or registration for the vehicle is sufficient notice to a person known to have an ownership, possessory, or security interest in the vehicle. Otherwise, notice may be given in the manner provided by law for service of a summons in a civil action.

(c) The notice must be in writing and contain:

(1) a description of the vehicle seized;

(2) the date of seizure; and

(3) notice of the right to obtain judicial review of the forfeiture and of the procedure for obtaining that judicial review, printed in English. This requirement does not preclude the appropriate agency from printing the notice in other languages in addition to English.

Substantially the following language must appear conspicuously in the notice:

"WARNING: You will automatically lose the above-described property and the right to be heard in court if you do not file a lawsuit and serve the prosecuting authority within 60 days. You may file your lawsuit in conciliation court if the property is worth \$15,000 or less; otherwise, you must file in district court. You may not have to pay a filing fee for your lawsuit if you are unable to afford the fee. You do not have to pay a conciliation court fee if your property is worth less than \$500."

(d) If notice is not sent in accordance with paragraph (b), and no time extension is granted or the extension period has expired, the appropriate agency shall return the property to the person from whom the property was seized, if known. An agency's return of property due to lack of proper notice does not restrict the agency's authority to commence a forfeiture proceeding at a later time. The agency shall not be required to return contraband or other property that the person from whom the property was seized may not legally possess.

(e) Within 60 days following service of a notice of seizure and forfeiture under this subdivision, a claimant may file a demand for a judicial determination of the forfeiture. The demand must be in the form of a civil complaint and must be filed with the court administrator in the county in which the seizure occurred, together with proof of service of a copy of the complaint on the prosecuting authority having jurisdiction over the forfeiture, including the standard filing fee for civil actions unless the petitioner has the right to sue in forma pauperis under section 563.01. The claimant may serve the complaint by any means permitted by court rules. If the value of the seized property is \$15,000 or less, the claimant may file an action in conciliation court for recovery of the seized vehicle. A copy of the conciliation court statement of claim must be served personally or by mail on the prosecuting authority having jurisdiction over the forfeiture, as well as on the appropriate agency that initiated the forfeiture, within 60 days following service of the notice of seizure and forfeiture under this subdivision. If the value of the seized property is less than \$500, the claimant does not have to pay the conciliation court filing fee.

No responsive pleading is required of the prosecuting authority and no court fees may be charged for the prosecuting authority's appearance in the matter. The prosecuting authority may appear for the appropriate agency. Pleadings, filings, and methods of service are governed by the Rules of Civil Procedure.

(f) The complaint must be captioned in the name of the claimant as plaintiff and the seized vehicle as defendant, and must state with specificity the grounds on which the claimant alleges the vehicle was improperly seized, the claimant's interest in the vehicle seized, and any affirmative defenses the claimant may have. Notwithstanding any law to the contrary, an action for the return of a vehicle seized under this section may not be maintained by or on behalf of any person who has been served with a notice of seizure and forfeiture unless the person has complied with this subdivision.

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(g) If the claimant makes a timely demand for a judicial determination under this subdivision, the forfeiture proceedings must be conducted as provided under subdivision 9.

Subd. 9. **Judicial forfeiture procedure.** (a) This subdivision governs judicial determinations of the forfeiture of a motor vehicle used to commit a designated offense or used in conduct resulting in a designated license revocation. An action for forfeiture is a civil in rem action and is independent of any criminal prosecution. All proceedings are governed by the Rules of Civil Procedure.

(b) If no demand for judicial determination of the forfeiture is pending, the prosecuting authority may, in the name of the jurisdiction pursuing the forfeiture, file a separate complaint against the vehicle, describing it, specifying that it was used in the commission of a designated offense or was used in conduct resulting in a designated license revocation, and specifying the time and place of its unlawful use.

(c) The prosecuting authority may file an answer to a properly served demand for judicial determination, including an affirmative counterclaim for forfeiture. The prosecuting authority is not required to file an answer.

(d) A judicial determination under this subdivision must be held at the earliest practicable date, and in any event no later than 180 days following the filing of the demand by the claimant. If a related criminal proceeding is pending, the hearing shall not be held until the conclusion of the criminal proceedings. The district court administrator shall schedule the hearing as soon as practicable after the conclusion of the criminal prosecution. The district court administrator shall establish procedures to ensure efficient compliance with this subdivision. The hearing is to the court without a jury.

(e) There is a presumption that a vehicle seized under this section is subject to forfeiture if the prosecuting authority establishes that the vehicle was used in the commission of a designated offense or designated license revocation. A claimant bears the burden of proving any affirmative defense raised.

(f) If the forfeiture is based on the commission of a designated offense and the person charged with the designated offense appears in court as required and is not convicted of the offense, the court shall order the property returned to the person legally entitled to it upon that person's compliance with the redemption requirements of section 169A.42. If the forfeiture is based on a designated license revocation, and the license revocation is rescinded under section 169A.53, subdivision 3 (judicial review hearing, issues, order, appeal), the court shall order the property returned to the person legally entitled to it upon that person's compliance with the redemption requirements of section 169A.42.

(g) If the lawful ownership of the vehicle used in the commission of a designated offense or used in conduct resulting in a designated license revocation can be determined and the owner makes the demonstration required under subdivision 7, paragraph (d), the vehicle must be returned immediately upon the owner's compliance with the redemption requirements of section 169A.42.

(h) If the court orders the return of a seized vehicle under this subdivision it must order that filing fees be reimbursed to the person who filed the demand for judicial determination. In addition, the court may order sanctions under section 549.211 (sanctions in civil actions). Any reimbursement fees or sanctions must be paid from other forfeiture proceeds of the law enforcement agency and prosecuting authority involved and in the same proportion as distributed under subdivision 10, paragraph (b).

Subd. 10. **Disposition of forfeited vehicle.** (a) If the vehicle is administratively forfeited under subdivision 8, or if the court finds under subdivision 9 that the vehicle is subject to forfeiture under subdivisions 6 and 7, the appropriate agency shall:

(1) sell the vehicle and distribute the proceeds under paragraph (b); or

(2) keep the vehicle for official use. If the agency keeps a forfeited motor vehicle for official use, it shall make reasonable efforts to ensure that the motor vehicle is available for use by the agency's officers who participate in the drug abuse resistance education program.

(b) The proceeds from the sale of forfeited vehicles, after payment of seizure, towing, storage, forfeiture, and sale expenses, and satisfaction of valid liens against the property, must be distributed as follows:

(1) 70 percent of the proceeds must be forwarded to the appropriate agency for deposit as a supplement to the state or local agency's operating fund or similar fund for use in DWI-related enforcement, training, and education; and

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(2) 30 percent of the money or proceeds must be forwarded to the prosecuting authority that handled the forfeiture for deposit as a supplement to its operating fund or similar fund for prosecutorial purposes.

(c) If a vehicle is sold under paragraph (a), the appropriate agency shall not sell the vehicle to: (1) an officer or employee of the agency that seized the property or to a person related to the officer or employee by blood or marriage; or (2) the prosecuting authority or any individual working in the same office or a person related to the authority or individual by blood or marriage.

(d) Sales of forfeited vehicles under this section must be conducted in a commercially reasonable manner.

(e) If a vehicle is forfeited administratively under this section and no demand for judicial determination is made, the appropriate agency shall provide the prosecuting authority with a copy of the forfeiture or evidence receipt, the notice of seizure and intent to forfeit, a statement of probable cause for forfeiture of the property, and a description of the property and its estimated value. Upon review and certification by the prosecuting authority that (1) the appropriate agency provided a receipt in accordance with subdivision 2, paragraph (c), (2) the appropriate agency served notice in accordance with subdivision 8, and (3) probable cause for forfeiture exists based on the officer's statement, the appropriate agency may dispose of the property in any of the ways listed in this subdivision.

Subd. 11. Sale of forfeited vehicle by secured party. (a) A financial institution with a valid security interest in or a valid lease covering a forfeited vehicle may choose to dispose of the vehicle under this subdivision, in lieu of the appropriate agency disposing of the vehicle under subdivision 9. A financial institution wishing to dispose of a vehicle under this subdivision shall notify the appropriate agency of its intent, in writing, within 30 days after receiving notice of the seizure and forfeiture. The appropriate agency shall release the vehicle to the financial institution or its agent after the financial institution presents proof of its valid security agreement or of its lease agreement and the financial institution agrees not to sell the vehicle to a member of the violator's household, unless the violator is not convicted of the offense on which the forfeiture is based. The financial institution shall dispose of the vehicle in a commercially reasonable manner as defined in section 336.9-610.

(b) After disposing of the forfeited vehicle, the financial institution shall reimburse the appropriate agency for its seizure, storage, and forfeiture costs. The financial institution may then apply the proceeds of the sale to its storage costs, to its sale expenses, and to satisfy the lien or the lease on the vehicle. If any proceeds remain, the financial institution shall forward the proceeds to the state treasury, which shall credit the appropriate fund as specified in subdivision 9.

Subd. 12. Reporting. The appropriate agency and prosecuting authority shall report on forfeitures occurring under this section as described in section 609.5315, subdivision 6.

299A.12 WHEELCHAIR SECUREMENT DEVICE.

Subd. 4. Transit vehicle; rules. A transit vehicle used to provide transportation services may be equipped with wheelchair securement devices that may be engaged and released by the user or the user's assistant. The commissioner of public safety shall adopt rules as necessary to set standards for the operation, strength, and use of these wheelchair securement devices.

299A.18 RULES; APPROVAL OF WHEELCHAIR SECUREMENT DEVICE.

The commissioner of public safety shall, no later than July 1, 1979, adopt rules containing standards for wheelchair securement devices that meet the requirements of sections 299A.12, subdivision 1, and 299A.13, subdivision 1, and shall approve or disapprove of securement devices that meet those standards.

401.13 COSTS OF CONFINEMENT; PAYMENT.

Each participating county will be charged a sum equal to the actual per diem cost of confinement, excluding educational costs, of those juveniles committed to the commissioner and confined in a state correctional facility. The commissioner shall annually determine costs making necessary adjustments to reflect the actual costs of confinement. The commissioner of corrections shall bill the counties and deposit the receipts from the counties in the general fund. All charges shall be a charge upon the county of commitment.

609.349 VOLUNTARY RELATIONSHIPS.

A person does not commit criminal sexual conduct under sections 609.342, clauses (a) and (b), 609.343, clauses (a) and (b), 609.344, clauses (a), (b), (d), (e), and (n), and 609.345, clauses (a), (b), (d), (e), and (n), if the actor and complainant were adults cohabiting in an ongoing voluntary sexual relationship at the time of the alleged offense, or if the complainant is the actor's legal spouse, unless the couple is living apart and one of them has filed for legal separation or dissolution of the marriage. Nothing in this section shall be construed to prohibit or restrain the prosecution for any other offense committed by one legal spouse against the other.

609.531 FORFEITURES.

Subdivision 1. **Definitions.** For the purpose of sections 609.531 to 609.5318, the following terms have the meanings given them.

(a) "Conveyance device" means a device used for transportation and includes, but is not limited to, a motor vehicle, trailer, snowmobile, airplane, and vessel and any equipment attached to it. The term "conveyance device" does not include property which is, in fact, itself stolen or taken in violation of the law.

(b) "Weapon used" means a dangerous weapon as defined under section 609.02, subdivision 6, that the actor used or had in possession in furtherance of a crime.

(c) "Property" means property as defined in section 609.52, subdivision 1, clause (1).

(d) "Contraband" means property which is illegal to possess under Minnesota law.

(e) "Appropriate agency" means the Bureau of Criminal Apprehension, the Department of Commerce Fraud Bureau, the Minnesota Division of Driver and Vehicle Services, the Minnesota State Patrol, a county sheriff's department, the Three Rivers Park District park rangers, the Department of Natural Resources Division of Enforcement, the University of Minnesota Police Department, the Department of Corrections Fugitive Apprehension Unit, a city, metropolitan transit, or airport police department; or a multijurisdictional entity established under section 299A.642 or 299A.681.

(f) "Designated offense" includes:

(1) for weapons used: any violation of this chapter, chapter 152 or 624;

(2) for driver's license or identification card transactions: any violation of section 171.22; and

(3) for all other purposes: a felony violation of, or a felony-level attempt or conspiracy to violate, section 325E.17; 325E.18; 609.185; 609.19; 609.195; 609.2112; 609.2113; 609.2114; 609.221; 609.222; 609.223; 609.2231; 609.2335; 609.24; 609.245; 609.25; 609.255; 609.282; 609.283; 609.322; 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1, clauses (a) to (f); 609.344, subdivision 1, clauses (a) to (e), and (h) to (j); 609.345, subdivision 1, clauses (a) to (e), and (h) to (j); 609.352; 609.42; 609.425; 609.466; 609.485; 609.487; 609.52; 609.525; 609.527; 609.528; 609.53; 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59; 609.595; 609.611; 609.631; 609.66, subdivision 1e; 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89; 609.893; 609.895; 617.246; 617.247; or a gross misdemeanor or felony violation of section 609.891 or 624.7181; or any violation of section 609.324; or a felony violation of, or a felony-level attempt or conspiracy to violate, Minnesota Statutes 2012, section 609.21.

(g) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

(h) "Prosecuting authority" means the attorney who is responsible for prosecuting an offense that is the basis for a forfeiture under sections 609.531 to 609.5318.

Subd. 1a. **Construction.** Sections 609.531 to 609.5318 must be liberally construed to carry out the following remedial purposes:

(1) to enforce the law;

(2) to deter crime;

(3) to reduce the economic incentive to engage in criminal enterprise;

(4) to increase the pecuniary loss resulting from the detection of criminal activity; and

(5) to forfeit property unlawfully used or acquired and divert the property to law enforcement purposes.

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Subd. 4. **Seizure.** (a) Property subject to forfeiture under sections 609.531 to 609.5318 may be seized by the appropriate agency upon process issued by any court having jurisdiction over the property. Property may be seized without process if:

(1) the seizure is incident to a lawful arrest or a lawful search;

(2) the property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding under this chapter; or

(3) the appropriate agency has probable cause to believe that the delay occasioned by the necessity to obtain process would result in the removal or destruction of the property and that:

(i) the property was used or is intended to be used in commission of a felony; or

(ii) the property is dangerous to health or safety.

If property is seized without process under item (i), the prosecuting authority must institute a forfeiture action under section 609.5313 as soon as is reasonably possible.

(b) When property is seized, the officer must provide a receipt to the person found in possession of the property; or in the absence of any person, the officer must leave a receipt in the place where the property was found, if reasonably possible.

Subd. 5. **Right to possession vests immediately; custody of seized property.** All right, title, and interest in property subject to forfeiture under sections 609.531 to 609.5318 vests in the appropriate agency upon commission of the act or omission giving rise to the forfeiture. Any property seized under sections 609.531 to 609.5318 is not subject to replevin, but is deemed to be in the custody of the appropriate agency subject to the orders and decrees of the court having jurisdiction over the forfeiture proceedings. When property is so seized, the appropriate agency shall use reasonable diligence to secure the property and prevent waste and may do any of the following:

(1) place the property under seal;

(2) remove the property to a place designated by it; and

(3) in the case of controlled substances, require the state Board of Pharmacy to take custody of the property and remove it to an appropriate location for disposition in accordance with law.

Subd. 5a. **Bond by owner for possession.** (a) If the owner of property that has been seized under sections 609.531 to 609.5318 seeks possession of the property before the forfeiture action is determined, the owner may give security or post bond payable to the appropriate agency in an amount equal to the retail value of the seized property. On posting the security or bond, the seized property must be returned to the owner and the forfeiture action shall proceed against the security as if it were the seized property. This subdivision does not apply to contraband property or property being held for investigatory purposes.

(b) If the owner of a motor vehicle that has been seized under this section seeks possession of the vehicle before the forfeiture action is determined, the owner may surrender the vehicle's certificate of title in exchange for the vehicle. The motor vehicle must be returned to the owner within 24 hours if the owner surrenders the motor vehicle's certificate of title to the appropriate agency, pending resolution of the forfeiture action. If the certificate is surrendered, the owner may not be ordered to post security or bond as a condition of release of the vehicle. When a certificate of title is surrendered under this provision, the agency shall notify the Department of Public Safety and any secured party noted on the certificate. The agency shall also notify the department and the secured party when it returns a surrendered title to the motor vehicle owner.

Subd. 6a. **Forfeiture a civil procedure; conviction required.** (a) An action for forfeiture is a civil in rem action and is independent of any criminal prosecution, except as provided in this subdivision.

(b) An asset is subject to forfeiture by judicial determination under sections 609.5311 to 609.5318 only if:

(1) a person is convicted of the criminal offense related to the action for forfeiture; or

(2) a person is not charged with a criminal offense under chapter 152 related to the action for forfeiture based in whole or in part on the person's agreement to provide information regarding the criminal activity of another person.

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For purposes of clause (1), an admission of guilt to an offense chargeable under chapter 152, a sentence under section 152.152, a stay of adjudication under section 152.18, or a referral to a diversion program for an offense chargeable under chapter 152 is considered a conviction.

(c) The appropriate agency handling the judicial forfeiture may introduce into evidence in the judicial forfeiture case in civil court the agreement in paragraph (b), clause (2).

(d) The appropriate agency handling the judicial forfeiture bears the burden of proving by clear and convincing evidence that the property is an instrument or represents the proceeds of the underlying offense.

Subd. 7. Petition for remission or mitigation. Prior to the entry of a court order disposing with the forfeiture action, any person who has an interest in forfeited property may file with the prosecuting authority a petition for remission or mitigation of the forfeiture. The prosecuting authority may remit or mitigate the forfeiture upon terms and conditions the prosecuting authority deems reasonable if the prosecuting authority finds that: (1) the forfeiture was incurred without willful negligence or without any intention on the part of the petitioner to violate the law; or (2) extenuating circumstances justify the remission or mitigation of the forfeiture.

Subd. 8. Forfeiture policies; statewide model policy required. (a) By December 1, 2010, the Peace Officer Standards and Training Board, after consulting with the Minnesota County Attorneys Association, the Minnesota Sheriffs' Association, the Minnesota Chiefs of Police Association, and the Minnesota Police and Peace Officers Association, shall develop a model policy that articulates best practices for forfeiture and is designed to encourage the uniform application of forfeiture laws statewide. At a minimum, the policy shall address the following:

- (1) best practices in pursuing, seizing, and tracking forfeitures;
- (2) type and frequency of training for law enforcement on forfeiture laws; and
- (3) situations in which forfeitures should not be pursued.

(b) By December 1, 2010, the Minnesota County Attorneys Association, after consulting with the attorney general, the Peace Officer Standards and Training Board, the Minnesota Sheriffs' Association, the Minnesota Chiefs of Police Association, and the Minnesota Police and Peace Officers Association, shall develop a model policy that articulates best practices for forfeiture and is designed to encourage the uniform application of forfeiture laws statewide. At a minimum, the policy shall address the following:

- (1) statutory role of prosecuting authorities in forfeiture procedures;
- (2) best practices for timely and fair resolution of forfeiture cases;
- (3) type and frequency of training for prosecuting authorities on forfeiture laws; and
- (4) situations in which forfeitures should not be pursued.

(c) By December 1, 2010, the Minnesota County Attorneys Association and the Peace Officer Standards and Training Board shall forward an electronic copy of its respective model policy to the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over criminal justice and civil law policy.

(d) By March 1, 2011, the chief law enforcement officer of every state and local law enforcement agency and every prosecution office in the state shall adopt and implement a written policy on forfeiture that is identical or substantially similar to the model policies developed under paragraphs (a) and (b). The written policy shall be made available to the public upon request.

609.5311 FORFEITURE OF PROPERTY ASSOCIATED WITH CONTROLLED SUBSTANCES.

Subdivision 1. Controlled substances. All controlled substances that were manufactured, distributed, dispensed, or acquired in violation of chapter 152 are subject to forfeiture under this section, except as provided in subdivision 3 and section 609.5316.

Subd. 2. Associated property. (a) All property, real and personal, that has been used, or is intended for use, or has in any way facilitated, in whole or in part, the manufacturing, compounding, processing, delivering, importing, cultivating, exporting, transporting, or exchanging of contraband or a controlled substance that has not been lawfully manufactured, distributed, dispensed, and acquired is subject to forfeiture under this section, except as provided in subdivision 3.

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(b) The Department of Corrections Fugitive Apprehension Unit shall not seize real property for the purposes of forfeiture under paragraph (a).

Subd. 3. Limitations on forfeiture of certain property associated with controlled substances. (a) A conveyance device is subject to forfeiture under this section only if the retail value of the controlled substance is \$75 or more and the conveyance device is associated with a felony-level controlled substance crime.

(b) Real property is subject to forfeiture under this section only if the retail value of the controlled substance or contraband is \$2,000 or more.

(c) Property used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section only if the owner of the property is a consenting party to, or is privy to, the use or intended use of the property as described in subdivision 2.

(d) Property is subject to forfeiture under this section only if its owner was privy to the use or intended use described in subdivision 2, or the unlawful use or intended use of the property otherwise occurred with the owner's knowledge or consent.

(e) Forfeiture under this section of a conveyance device or real property encumbered by a bona fide security interest is subject to the interest of the secured party unless the secured party had knowledge of or consented to the act or omission upon which the forfeiture is based. A person claiming a security interest bears the burden of establishing that interest by clear and convincing evidence.

(f) Forfeiture under this section of real property is subject to the interests of a good faith purchaser for value unless the purchaser had knowledge of or consented to the act or omission upon which the forfeiture is based.

(g) Notwithstanding paragraphs (d), (e), and (f), property is not subject to forfeiture based solely on the owner's or secured party's knowledge of the unlawful use or intended use of the property if: (1) the owner or secured party took reasonable steps to terminate use of the property by the offender; or (2) the property is real property owned by the parent of the offender, unless the parent actively participated in, or knowingly acquiesced to, a violation of chapter 152, or the real property constitutes proceeds derived from or traceable to a use described in subdivision 2.

(h) The Department of Corrections Fugitive Apprehension Unit shall not seize a conveyance device or real property, for the purposes of forfeiture under paragraphs (a) to (g).

Subd. 4. Records; proceeds. (a) All books, records, and research products and materials, including formulas, microfilm, tapes, and data that are used, or intended for use in the manner described in subdivision 2 are subject to forfeiture.

(b) All property, real and personal, that represents proceeds derived from or traceable to a use described in subdivision 2 is subject to forfeiture.

609.5312 FORFEITURE OF PROPERTY ASSOCIATED WITH DESIGNATED OFFENSES.

Subdivision 1. Property subject to forfeiture. (a) All personal property is subject to forfeiture if it was used or intended for use to commit or facilitate the commission of a designated offense. All money and other property, real and personal, that represent proceeds of a designated offense, and all contraband property, are subject to forfeiture, except as provided in this section.

(b) All money used or intended to be used to facilitate the commission of a violation of section 609.322 or 609.324 or a violation of a local ordinance substantially similar to section 609.322 or 609.324 is subject to forfeiture.

(c) The Department of Corrections Fugitive Apprehension Unit shall not seize real property for the purposes of forfeiture under paragraph (a).

Subd. 1a. Computers and related property subject to forfeiture. (a) As used in this subdivision, "property" has the meaning given in section 609.87, subdivision 6.

(b) When a computer or a component part of a computer is used or intended for use to commit or facilitate the commission of a designated offense, the computer and all software, data, and other property contained in the computer are subject to forfeiture unless prohibited by the Privacy Protection Act, United States Code, title 42, sections 2000aa to 2000aa-12, or other state or federal law.

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(c) Regardless of whether a forfeiture action is initiated following the lawful seizure of a computer and related property, if the appropriate agency returns hardware, software, data, or other property to the owner, the agency may charge the owner for the cost of separating contraband from the computer or other property returned, including salary and contract costs. The agency may not charge these costs to an owner of a computer or related property who was not privy to the act or omission upon which the seizure was based, or who did not have knowledge of or consent to the act or omission, if the owner:

(1) requests from the agency copies of specified legitimate data files and provides sufficient storage media; or

(2) requests the return of a computer or other property less data storage devices on which contraband resides.

Subd. 2. Limitations on forfeiture of property associated with designated offenses. (a) Property used by a person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section only if the owner of the property is a consenting party to, or is privy to, the commission of a designated offense.

(b) Property is subject to forfeiture under this section only if the owner was privy to the act or omission upon which the forfeiture is based, or the act or omission occurred with the owner's knowledge or consent.

(c) Property encumbered by a bona fide security interest is subject to the interest of the secured party unless the party had knowledge of or consented to the act or omission upon which the forfeiture is based. A person claiming a security interest bears the burden of establishing that interest by clear and convincing evidence.

(d) Notwithstanding paragraphs (b) and (c), property is not subject to forfeiture based solely on the owner's or secured party's knowledge of the act or omission upon which the forfeiture is based if the owner or secured party took reasonable steps to terminate use of the property by the offender.

Subd. 3. Vehicle forfeiture for prostitution offenses. (a) A motor vehicle is subject to forfeiture under this subdivision if it was used to commit or facilitate, or used during the commission of, a violation of section 609.324 or a violation of a local ordinance substantially similar to section 609.324. A motor vehicle is subject to forfeiture under this subdivision only if the offense is established by proof of a criminal conviction for the offense. Except as otherwise provided in this subdivision, a forfeiture under this subdivision is governed by sections 609.531, 609.5312, and 609.5313.

(b) When a motor vehicle subject to forfeiture under this subdivision is seized in advance of a judicial forfeiture order, a hearing before a judge or referee must be held within 96 hours of the seizure. Notice of the hearing must be given to the registered owner within 48 hours of the seizure. The prosecuting authority shall certify to the court, at or in advance of the hearing, that it has filed or intends to file charges against the alleged violator for violating section 609.324 or a local ordinance substantially similar to section 609.324. After conducting the hearing, the court shall order that the motor vehicle be returned to the owner if:

(1) the prosecuting authority has failed to make the certification required by paragraph (b);

(2) the owner of the motor vehicle has demonstrated to the court's satisfaction that the owner has a defense to the forfeiture, including but not limited to the defenses contained in subdivision 2; or

(3) the court determines that seizure of the vehicle creates or would create an undue hardship for members of the owner's family.

(c) If the defendant is acquitted or prostitution charges against the defendant are dismissed, neither the owner nor the defendant is responsible for paying any costs associated with the seizure or storage of the vehicle.

(d) A vehicle leased or rented under section 168.27, subdivision 4, for a period of 180 days or less is not subject to forfeiture under this subdivision.

(e) For purposes of this subdivision, seizure occurs either:

(1) at the date at which personal service of process upon the registered owner is made; or

(2) at the date when the registered owner has been notified by certified mail at the address listed in the Minnesota Department of Public Safety computerized motor vehicle registration records.

(f) The Department of Corrections Fugitive Apprehension Unit shall not participate in paragraphs (a) to (e).

Subd. 4. **Vehicle forfeiture for fleeing peace officer.** (a) A motor vehicle is subject to forfeiture under this subdivision if it was used to commit a violation of section 609.487 and endanger life or property. A motor vehicle is subject to forfeiture under this subdivision only if the offense is established by proof of a criminal conviction for the offense. Except as otherwise provided in this subdivision, a forfeiture under this subdivision is governed by sections 609.531, 609.5312, 609.5313, and 609.5315, subdivision 6.

(b) When a motor vehicle subject to forfeiture under this subdivision is seized in advance of a judicial forfeiture order, a hearing before a judge or referee must be held within 96 hours of the seizure. Notice of the hearing must be given to the registered owner within 48 hours of the seizure. The prosecuting authority shall certify to the court, at or in advance of the hearing, that it has filed or intends to file charges against the alleged violator for violating section 609.487. After conducting the hearing, the court shall order that the motor vehicle be returned to the owner if:

(1) the prosecuting authority has failed to make the certification required by this paragraph;

(2) the owner of the motor vehicle has demonstrated to the court's satisfaction that the owner has a defense to the forfeiture, including but not limited to the defenses contained in subdivision 2; or

(3) the court determines that seizure of the vehicle creates or would create an undue hardship for members of the owner's family.

(c) If the defendant is acquitted or the charges against the defendant are dismissed, neither the owner nor the defendant is responsible for paying any costs associated with the seizure or storage of the vehicle.

(d) A vehicle leased or rented under section 168.27, subdivision 4, for a period of 180 days or less is not subject to forfeiture under this subdivision.

(e) A motor vehicle that is an off-road recreational vehicle as defined in section 169A.03, subdivision 16, or a motorboat as defined in section 169A.03, subdivision 13, is not subject to paragraph (b).

(f) For purposes of this subdivision, seizure occurs either:

(1) at the date at which personal service of process upon the registered owner is made; or

(2) at the date when the registered owner has been notified by certified mail at the address listed in the Minnesota Department of Public Safety computerized motor vehicle registration records.

(g) The Department of Corrections Fugitive Apprehension Unit shall not seize a motor vehicle for the purposes of forfeiture under paragraphs (a) to (f).

609.5313 FORFEITURE BY JUDICIAL ACTION; PROCEDURE.

(a) The forfeiture of property under sections 609.5311 and 609.5312 is governed by this section. A separate complaint must be filed against the property stating the act, omission, or occurrence giving rise to the forfeiture and the date and place of the act or occurrence. Within 60 days from when the seizure occurs, the prosecuting authority shall notify the owner or possessor of the property of the action, if known or readily ascertainable. The action must be captioned in the name of the prosecuting authority or the prosecuting authority's designee as plaintiff and the property as defendant. Upon motion by the prosecuting authority, a court may extend the time period for sending notice for a period not to exceed 90 days for good cause shown.

(b) If notice is not sent in accordance with paragraph (a), and no time extension is granted or the extension period has expired, the appropriate agency shall return the property to the person from whom the property was seized, if known. An agency's return of property due to lack of proper notice does not restrict the right of the agency to commence a forfeiture proceeding at a later time. The agency shall not be required to return contraband or other property that the person from whom the property was seized may not legally possess.

609.5314 ADMINISTRATIVE FORFEITURE OF CERTAIN PROPERTY SEIZED IN CONNECTION WITH A CONTROLLED SUBSTANCES SEIZURE.

Subdivision 1. **Property subject to administrative forfeiture; presumption.** (a) The following are presumed to be subject to administrative forfeiture under this section:

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- (1) all money, precious metals, and precious stones found in proximity to:
 - (i) controlled substances;
 - (ii) forfeitable drug manufacturing or distributing equipment or devices; or
 - (iii) forfeitable records of manufacture or distribution of controlled substances;
 - (2) all conveyance devices containing controlled substances with a retail value of \$100 or more if possession or sale of the controlled substance would be a felony under chapter 152; and
 - (3) all firearms, ammunition, and firearm accessories found:
 - (i) in a conveyance device used or intended for use to commit or facilitate the commission of a felony offense involving a controlled substance;
 - (ii) on or in proximity to a person from whom a felony amount of controlled substance is seized; or
 - (iii) on the premises where a controlled substance is seized and in proximity to the controlled substance, if possession or sale of the controlled substance would be a felony under chapter 152.
- (b) The Department of Corrections Fugitive Apprehension Unit shall not seize items listed in paragraph (a), clauses (2) and (3), for the purposes of forfeiture.
- (c) A claimant of the property bears the burden to rebut this presumption.

Subd. 2. Administrative forfeiture procedure. (a) Forfeiture of property described in subdivision 1 that does not exceed \$50,000 in value is governed by this subdivision. Within 60 days from when seizure occurs, all persons known to have an ownership, possessory, or security interest in seized property must be notified of the seizure and the intent to forfeit the property. In the case of a motor vehicle required to be registered under chapter 168, notice mailed by certified mail to the address shown in Department of Public Safety records is deemed sufficient notice to the registered owner. The notification to a person known to have a security interest in seized property required under this paragraph applies only to motor vehicles required to be registered under chapter 168 and only if the security interest is listed on the vehicle's title. Upon motion by the appropriate agency or the prosecuting authority, a court may extend the time period for sending notice for a period not to exceed 90 days for good cause shown.

(b) Notice may otherwise be given in the manner provided by law for service of a summons in a civil action. The notice must be in writing and contain:

- (1) a description of the property seized;
- (2) the date of seizure; and
- (3) notice of the right to obtain judicial review of the forfeiture and of the procedure for obtaining that judicial review, printed in English. This requirement does not preclude the appropriate agency from printing the notice in other languages in addition to English.

Substantially the following language must appear conspicuously in the notice:

"WARNING: You will automatically lose the above-described property and the right to be heard in court if you do not file a lawsuit and serve the prosecuting authority within 60 days. You may file your lawsuit in conciliation court if the property is worth \$15,000 or less; otherwise, you must file in district court. You may not have to pay a filing fee for your lawsuit if you are unable to afford the fee. You do not have to pay a conciliation court fee if your property is worth less than \$500."

(c) If notice is not sent in accordance with paragraph (a), and no time extension is granted or the extension period has expired, the appropriate agency shall return the property to the person from whom the property was seized, if known. An agency's return of property due to lack of proper notice does not restrict the agency's authority to commence a forfeiture proceeding at a later time. The agency shall not be required to return contraband or other property that the person from whom the property was seized may not legally possess.

Subd. 3. Judicial determination. (a) Within 60 days following service of a notice of seizure and forfeiture under this section, a claimant may file a demand for a judicial determination of the forfeiture. The demand must be in the form of a civil complaint and must be filed with the court administrator in the county in which the seizure occurred, together with proof of service of a copy of the complaint on the prosecuting authority for that county, and the standard filing fee for civil

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actions unless the petitioner has the right to sue in forma pauperis under section 563.01. The claimant may serve the complaint on the prosecuting authority by any means permitted by court rules. If the value of the seized property is \$15,000 or less, the claimant may file an action in conciliation court for recovery of the seized property. If the value of the seized property is less than \$500, the claimant does not have to pay the conciliation court filing fee. No responsive pleading is required of the prosecuting authority and no court fees may be charged for the prosecuting authority's appearance in the matter. The district court administrator shall schedule the hearing as soon as practicable after, and in any event no later than 90 days following, the conclusion of the criminal prosecution. The proceedings are governed by the Rules of Civil Procedure.

(b) The complaint must be captioned in the name of the claimant as plaintiff and the seized property as defendant, and must state with specificity the grounds on which the claimant alleges the property was improperly seized and the plaintiff's interest in the property seized. Notwithstanding any law to the contrary, an action for the return of property seized under this section may not be maintained by or on behalf of any person who has been served with a notice of seizure and forfeiture unless the person has complied with this subdivision.

(c) If the claimant makes a timely demand for judicial determination under this subdivision, the appropriate agency must conduct the forfeiture under section 609.531, subdivision 6a. The limitations and defenses set forth in section 609.5311, subdivision 3, apply to the judicial determination.

(d) If a demand for judicial determination of an administrative forfeiture is filed under this subdivision and the court orders the return of the seized property, the court shall order that filing fees be reimbursed to the person who filed the demand. In addition, the court may order sanctions under section 549.211. If the court orders payment of these costs, they must be paid from forfeited money or proceeds from the sale of forfeited property from the appropriate law enforcement and prosecuting agencies in the same proportion as they would be distributed under section 609.5315, subdivision 5.

609.5315 DISPOSITION OF FORFEITED PROPERTY.

Subdivision 1. **Disposition.** (a) Subject to paragraph (b), if the court finds under section 609.5313, 609.5314, or 609.5318 that the property is subject to forfeiture, it shall order the appropriate agency to do one of the following:

(1) unless a different disposition is provided under clause (3) or (4), either destroy firearms, ammunition, and firearm accessories that the agency decides not to use for law enforcement purposes under clause (8), or sell them to federally licensed firearms dealers, as defined in section 624.7161, subdivision 1, and distribute the proceeds under subdivision 5 or 5b;

(2) sell property that is not required to be destroyed by law and is not harmful to the public and distribute the proceeds under subdivision 5 or 5b;

(3) sell antique firearms, as defined in section 624.712, subdivision 3, to the public and distribute the proceeds under subdivision 5 or 5b;

(4) destroy or use for law enforcement purposes semiautomatic military-style assault weapons, as defined in section 624.712, subdivision 7;

(5) take custody of the property and remove it for disposition in accordance with law;

(6) forward the property to the federal drug enforcement administration;

(7) disburse money as provided under subdivision 5, 5b, or 5c; or

(8) keep property other than money for official use by the agency and the prosecuting agency.

(b) Notwithstanding paragraph (a), the Hennepin or Ramsey County sheriff may not sell firearms, ammunition, or firearm accessories if the policy is disapproved by the applicable county board.

(c) If property is sold under paragraph (a), the appropriate agency shall not sell property to: (1) an officer or employee of the agency that seized the property or to a person related to the officer or employee by blood or marriage; or (2) the prosecuting authority or any individual working in the same office or a person related to the authority or individual by blood or marriage.

(d) Sales of forfeited property under this section must be conducted in a commercially reasonable manner.

Subd. 2. **Disposition of administratively forfeited property.** If property is forfeited administratively under section 609.5314 or 609.5318 and no demand for judicial determination is

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made, the appropriate agency shall provide the prosecuting authority with a copy of the forfeiture or evidence receipt, the notice of seizure and intent to forfeit, a statement of probable cause for forfeiture of the property, and a description of the property and its estimated value. Upon review and certification by the prosecuting authority that (1) the appropriate agency provided a receipt in accordance with section 609.531, subdivision 4, or 626.16; (2) the appropriate agency served notice in accordance with section 609.5314, subdivision 2, or 609.5318, subdivision 2; and (3) probable cause for forfeiture exists based on the officer's statement, the appropriate agency may dispose of the property in any of the ways listed in subdivision 1.

Subd. 3. Use by law enforcement. (a) Property kept under this section may be used only in the performance of official duties of the appropriate agency or prosecuting agency and may not be used for any other purpose. If an appropriate agency keeps a forfeited motor vehicle for official use, it shall make reasonable efforts to ensure that the motor vehicle is available for use and adaptation by the agency's officers who participate in the drug abuse resistance education program.

(b) Proceeds from the sale of property kept under this subdivision must be disbursed as provided in subdivision 5.

Subd. 4. Distribution of proceeds of the offense. Property that consists of proceeds derived from or traced to the commission of a designated offense or a violation of section 609.66, subdivision 1e, must be applied first to payment of seizure, storage, forfeiture, and sale expenses, and to satisfy valid liens against the property; and second, to any court-ordered restitution before being disbursed as provided under subdivision 5.

Subd. 5. Distribution of money. The money or proceeds from the sale of forfeited property, after payment of seizure, storage, forfeiture, and sale expenses, and satisfaction of valid liens against the property, must be distributed as follows:

(1) 70 percent of the money or proceeds must be forwarded to the appropriate agency for deposit as a supplement to the agency's operating fund or similar fund for use in law enforcement;

(2) 20 percent of the money or proceeds must be forwarded to the prosecuting authority that handled the forfeiture for deposit as a supplement to its operating fund or similar fund for prosecutorial purposes; and

(3) the remaining ten percent of the money or proceeds must be forwarded within 60 days after resolution of the forfeiture to the state treasury and credited to the general fund. Any local police relief association organized under chapter 423 which received or was entitled to receive the proceeds of any sale made under this section before the effective date of Laws 1988, chapter 665, sections 1 to 17, shall continue to receive and retain the proceeds of these sales.

Subd. 5a. Disposition of certain forfeited proceeds; prostitution. The proceeds from the sale of motor vehicles forfeited under section 609.5312, subdivision 3, after payment of seizure, storage, forfeiture, and sale expenses, and satisfaction of valid liens against the vehicle, shall be distributed as follows:

(1) 40 percent of the proceeds must be forwarded to the appropriate agency for deposit as a supplement to the agency's operating fund or similar fund for use in law enforcement;

(2) 20 percent of the proceeds must be forwarded to the prosecuting authority that handled the forfeiture for deposit as a supplement to its operating fund or similar fund for prosecutorial purposes; and

(3) the remaining 40 percent of the proceeds must be forwarded to the city treasury for distribution to neighborhood crime prevention programs.

Subd. 5b. Disposition of certain forfeited proceeds; trafficking of persons; report required. (a) Except as provided in subdivision 5c, for forfeitures resulting from violations of section 609.282, 609.283, or 609.322, the money or proceeds from the sale of forfeited property, after payment of seizure, storage, forfeiture, and sale expenses, and satisfaction of valid liens against the property, must be distributed as follows:

(1) 40 percent of the proceeds must be forwarded to the appropriate agency for deposit as a supplement to the agency's operating fund or similar fund for use in law enforcement;

(2) 20 percent of the proceeds must be forwarded to the prosecuting authority that handled the forfeiture for deposit as a supplement to its operating fund or similar fund for prosecutorial purposes; and

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(3) the remaining 40 percent of the proceeds must be forwarded to the commissioner of health and are appropriated to the commissioner for distribution to crime victims services organizations that provide services to victims of trafficking offenses.

(b) By February 15 of each year, the commissioner of public safety shall report to the chairs and ranking minority members of the senate and house of representatives committees or divisions having jurisdiction over criminal justice funding on the money collected under paragraph (a), clause (3). The report must indicate the following relating to the preceding calendar year:

- (1) the amount of money appropriated to the commissioner;
- (2) how the money was distributed by the commissioner; and
- (3) what the organizations that received the money did with it.

Subd. 5c. **Disposition of money; prostitution.** Money forfeited under section 609.5312, subdivision 1, paragraph (b), must be distributed as follows:

(1) 40 percent must be forwarded to the appropriate agency for deposit as a supplement to the agency's operating fund or similar fund for use in law enforcement;

(2) 20 percent must be forwarded to the prosecuting authority that handled the forfeiture for deposit as a supplement to its operating fund or similar fund for prosecutorial purposes; and

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

Subd. 6. **Reporting requirement.** (a) For each forfeiture occurring in the state regardless of the authority for it, the appropriate agency and the prosecuting authority shall provide a written record of the forfeiture incident to the state auditor. The record shall include the amount forfeited, the statutory authority for the forfeiture, its date, a brief description of the circumstances involved, and whether the forfeiture was contested. For controlled substance and driving while impaired forfeitures, the record shall indicate whether the forfeiture was initiated as an administrative or a judicial forfeiture. The record shall also list the number of firearms forfeited and the make, model, and serial number of each firearm forfeited. The record shall indicate how the property was or is to be disposed of.

(b) An appropriate agency or the prosecuting authority shall report to the state auditor all instances in which property seized for forfeiture is returned to its owner either because forfeiture is not pursued or for any other reason.

(c) Reports shall be made on a monthly basis in a manner prescribed by the state auditor. The state auditor shall report annually to the legislature on the nature and extent of forfeitures.

(d) For forfeitures resulting from the activities of multijurisdictional law enforcement entities, the entity on its own behalf shall report the information required in this subdivision.

(e) The prosecuting authority is not required to report information required by this subdivision unless the prosecuting authority has been notified by the state auditor that the appropriate agency has not reported it.

Subd. 7. **Firearms.** The agency shall make best efforts for a period of 90 days after the seizure of an abandoned or stolen firearm to protect the firearm from harm and return it to the lawful owner.

609.5316 SUMMARY FORFEITURES.

Subdivision 1. **Contraband.** Except as otherwise provided in this subdivision, if the property is contraband, the property must be summarily forfeited and either destroyed or used by the appropriate agency for law enforcement purposes. Upon summary forfeiture, weapons used must be destroyed by the appropriate agency unless the agency decides to use the weapons for law enforcement purposes or sell the weapons in a commercially reasonable manner to federally licensed firearms dealers, as defined in section 624.7161, subdivision 1. If a weapon is sold under this subdivision, the proceeds must be distributed under section 609.5315, subdivision 5 or 5b.

Subd. 2. **Controlled substances.** (a) Controlled substances listed in Schedule I that are possessed, transferred, sold, or offered for sale in violation of chapter 152, are contraband and must be seized and summarily forfeited. Controlled substances listed in Schedule I that are seized or come into the

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possession of peace officers, the owners of which are unknown, are contraband and must be summarily forfeited.

(b) Species of plants from which controlled substances in Schedules I and II may be derived that have been planted or cultivated in violation of chapter 152 or of which the owners or cultivators are unknown, or that are wild growths, may be seized and summarily forfeited to the state. The appropriate agency or its authorized agent may seize the plants if the person in occupancy or in control of land or premises where the plants are growing or being stored fails to produce an appropriate registration or proof that the person is the holder of appropriate registration.

Subd. 3. **Weapons, telephone cloning paraphernalia, automated sales suppression devices, and bullet-resistant vests.** Weapons used are contraband and must be summarily forfeited to the appropriate agency upon conviction of the weapon's owner or possessor for a controlled substance crime; for any offense of this chapter or chapter 624, or for a violation of an order for protection under section 518B.01, subdivision 14. Bullet-resistant vests, as defined in section 609.486, worn or possessed during the commission or attempted commission of a crime are contraband and must be summarily forfeited to the appropriate agency upon conviction of the owner or possessor for a controlled substance crime or for any offense of this chapter. Telephone cloning paraphernalia used in a violation of section 609.894, and automated sales suppression devices, phantom-ware, and other devices containing an automated sales suppression or phantom-ware device or software used in violation of section 289A.63, subdivision 12, are contraband and must be summarily forfeited to the appropriate agency upon a conviction.

609.5317 REAL PROPERTY; SEIZURES.

Subdivision 1. **Rental property.** (a) When contraband or a controlled substance manufactured, distributed, or acquired in violation of chapter 152 is seized on residential rental property incident to a lawful search or arrest, the prosecuting authority shall give the notice required by this subdivision to (1) the landlord of the property or the fee owner identified in the records of the county assessor, and (2) the agent authorized by the owner to accept service pursuant to section 504B.181. The notice is not required during an ongoing investigation. The notice shall state what has been seized and specify the applicable duties and penalties under this subdivision. The notice shall state that the landlord who chooses to assign the right to bring an eviction action retains all rights and duties, including removal of a tenant's personal property following issuance of the writ of recovery and delivery of the writ to the sheriff for execution. The notice shall also state that the landlord may contact the prosecuting authority if threatened by the tenant. Notice shall be sent by certified letter, return receipt requested, within 30 days of the seizure. If receipt is not returned, notice shall be given in the manner provided by law for service of summons in a civil action.

(b) Within 15 days after notice of the first occurrence, the landlord shall bring, or assign to the prosecuting authority of the county in which the real property is located, the right to bring an eviction action against the tenant. The assignment must be in writing on a form prepared by the prosecuting authority. Should the landlord choose to assign the right to bring an eviction action, the assignment shall be limited to those rights and duties up to and including delivery of the writ of recovery to the sheriff for execution.

(c) Upon notice of a second occurrence on any residential rental property owned by the same landlord in the same county and involving the same tenant, and within one year after notice of the first occurrence, the property is subject to forfeiture under sections 609.531, 609.5311, 609.5313, and 609.5315, unless an eviction action has been commenced as provided in paragraph (b) or the right to bring an eviction action was assigned to the prosecuting authority as provided in paragraph (b). If the right has been assigned and not previously exercised, or if the prosecuting authority requests an assignment and the landlord makes an assignment, the prosecuting authority may bring an eviction action rather than an action for forfeiture.

(d) The Department of Corrections Fugitive Apprehension Unit shall not seize real property for the purposes of forfeiture as described in paragraphs (a) to (c).

Subd. 2. **Additional remedies.** Nothing in subdivision 1 prevents the prosecuting authority from proceeding under section 609.5311 whenever that section applies.

Subd. 3. **Defenses.** It is a defense against a proceeding under subdivision 1, paragraph (b), that the tenant had no knowledge or reason to know of the presence of the contraband or controlled substance or could not prevent its being brought onto the property.

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It is a defense against a proceeding under subdivision 1, paragraph (c), that the landlord made every reasonable attempt to evict a tenant or to assign the prosecuting authority the right to bring an eviction action against the tenant, or that the landlord did not receive notice of the seizure.

Subd. 4. **Limitations.** This section shall not apply if the retail value of the controlled substance is less than \$100, but this section does not subject real property to forfeiture under section 609.5311 unless the retail value of the controlled substance is: (1) \$1,000 or more; or (2) there have been two previous controlled substance seizures involving the same tenant.

609.5318 FORFEITURE OF VEHICLES USED IN DRIVE-BY SHOOTINGS.

Subdivision 1. **Motor vehicles subject to forfeiture.** (a) If the prosecuting authority establishes by clear and convincing evidence that a motor vehicle was used in a violation of section 609.66, subdivision 1e, the vehicle is subject to forfeiture under this section upon a conviction for the same offense.

(b) The Department of Corrections Fugitive Apprehension Unit shall not seize a motor vehicle for the purposes of forfeiture under paragraph (a).

Subd. 2. **Notice.** (a) The registered owner of the vehicle must be notified of the seizure and intent to forfeit the vehicle within seven days after the seizure. Notice by certified mail to the address shown in Department of Public Safety records is deemed to be sufficient notice to the registered owner.

(b) The notice must be in writing and:

(1) contain a description of the property seized;

(2) contain the date of seizure; and

(3) be printed in English. This requirement does not preclude the appropriate agency from printing the notice in other languages in addition to English.

(c) Substantially, the following language must appear conspicuously in the notice:

"WARNING: You will automatically lose the above-described property and the right to be heard in court if you do not file a lawsuit and serve the prosecuting authority within 60 days. You may file your lawsuit in conciliation court if the property is worth \$15,000 or less; otherwise, you must file in district court. You may not have to pay a filing fee for your lawsuit if you are unable to afford the fee. You do not have to pay a conciliation court fee if your property is worth less than \$500."

Subd. 3. **Hearing.** (a) Within 60 days following service of a notice of seizure and forfeiture, a claimant may demand a judicial determination of the forfeiture. If a related criminal proceeding is pending, the 60-day period begins to run at the conclusion of those proceedings.

(b) The demand must be in the form of a civil complaint as provided in section 609.5314, subdivision 3, except as otherwise provided in this section.

(c) If the claimant makes a timely demand for judicial determination under this subdivision, the appropriate agency must conduct the forfeiture under subdivision 4.

Subd. 4. **Procedure.** (a) If a judicial determination of the forfeiture is requested, a separate complaint must be filed against the vehicle, stating the specific act giving rise to the forfeiture and the date, time, and place of the act. The action must be captioned in the name of the prosecuting authority or the prosecuting authority's designee as plaintiff and the property as defendant.

(b) If a demand for judicial determination of an administrative forfeiture is filed and the court orders the return of the seized property, the court shall order that filing fees be reimbursed to the person who filed the demand. In addition, the court may order the payment of reasonable costs, expenses, attorney fees, and towing and storage fees. If the court orders payment of these costs, they must be paid from forfeited money or proceeds from the sale of forfeited property from the appropriate law enforcement and prosecuting agencies in the same proportion as they would be distributed under section 609.5315, subdivision 5.

Subd. 5. **Limitations.** (a) A vehicle used by a person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section only if the owner is a consenting party to, or is privy to, the commission of the act giving rise to the forfeiture.

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(b) A vehicle is subject to forfeiture under this section only if the registered owner was privy to the act upon which the forfeiture is based, the act occurred with the owner's knowledge or consent, or the act occurred due to the owner's gross negligence in allowing another to use the vehicle.

(c) A vehicle encumbered by a bona fide security interest is subject to the interest of the secured party unless the party had knowledge of or consented to the act upon which the forfeiture is based. A person claiming a security interest bears the burden of establishing that interest by clear and convincing evidence.

609.5319 FINANCIAL INSTITUTION SECURED INTEREST.

Property that is subject to a bona fide security interest, based upon a loan or other financing arranged by a bank, credit union, or any other financial institution, is subject to the interest of the bank, credit union, or other financial institution in any forfeiture proceeding that is based upon a violation of any provision of this chapter or the commission of any other criminal act. The security interest must be established by clear and convincing evidence.

609.762 FORFEITURE OF GAMBLING DEVICES, PRIZES AND PROCEEDS.

Subd. 3. **Not subject to replevin.** Property taken or detained under subdivision 2 is not subject to a replevin action, but is considered to be in the custody of the law enforcement agency subject only to the orders and decrees of the court having jurisdiction over the forfeiture proceedings.

Subd. 4. **Procedures.** Property must be forfeited after a conviction for a gambling violation according to the following procedure:

(1) a separate complaint must be filed against the property describing it, charging its use in the specified violation, and specifying the time and place of its unlawful use;

(2) if the person charged with a gambling offense is acquitted, the court shall dismiss the complaint and order the property returned to the persons legally entitled to it; and

(3) if after conviction the court finds the property, or any part of it, was used in violation as specified in the complaint, it shall order that the property be sold or retained by the law enforcement agency for official use. Proceeds from the sale of forfeited property may be retained for official use and shared equally between the law enforcement agency investigating the offense involved in the forfeiture and the prosecuting agency that prosecuted the offense involved in the forfeiture and handled the forfeiture proceedings.

Subd. 5. **Exception.** Property may not be seized or forfeited under this section if the owner shows to the satisfaction of the court that the owner had no notice or knowledge or reason to believe that the property was used or intended to be used in violation of this section.

Subd. 6. **Reporting.** The law enforcement and prosecuting agencies shall report on forfeitures occurring under this section as described in section 609.5315, subdivision 6.

609.905 CRIMINAL FORFEITURE.

Subd. 3. **Reporting.** The prosecuting authority shall report on forfeitures occurring under this section as described in section 609.5315, subdivision 6.

609B.050 DEFINITIONS; PURPOSE; CROSS-REFERENCES.

Subdivision 1. **Definitions.** For purposes of this chapter:

(1) "automatically" means either by operation of law or by the mandated action of a designated official or agency; and

(2) "collateral sanction" means a legal penalty, disability, or disadvantage, however denominated, that is imposed on a person automatically when that person is convicted of or found to have committed a crime, even if the sanction is not included in the sentence. Collateral sanction does not include:

(i) a direct consequence of the crime such as a criminal fine, restitution, or incarceration; or

(ii) a requirement imposed by the sentencing court or other designated official or agency that the convicted person provide a biological specimen for DNA analysis, provide fingerprints, or submit to any form of assessment or testing.

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Subd. 2. **Statement of purpose.** This chapter contains cross-references to Minnesota Statutes imposing collateral sanctions. This chapter provides quick access to the cross-referenced collateral sanctions by using the following categories:

- (1) collateral sanctions relating to employment and licensing;
- (2) collateral sanctions relating to teaching;
- (3) collateral sanctions relating to nursing and other health care licenses;
- (4) collateral sanctions relating to transportation;
- (5) collateral sanctions relating to elections;
- (6) collateral sanctions relating to carriers;
- (7) collateral sanctions relating to miscellaneous licensing provisions;
- (8) collateral sanctions relating to liquor;
- (9) collateral sanctions relating to gambling;
- (10) collateral sanctions relating to fiduciary service and public office vacancies;
- (11) collateral sanctions relating to local government;
- (12) collateral sanctions relating to metropolitan area officers and peace officers;
- (13) collateral sanctions relating to driving and motor vehicles;
- (14) collateral sanctions relating to prison program eligibility;
- (15) collateral sanctions relating to offender registration;
- (16) collateral sanctions relating to crimes against a person; crimes of violence;
- (17) collateral sanctions relating to possession of firearms, explosives, and similar devices;
- (18) collateral sanctions relating to services and benefits;
- (19) collateral sanctions relating to property rights;
- (20) collateral sanctions relating to civil rights and remedies;
- (21) collateral sanctions relating to recreational activities; and
- (22) collateral sanctions relating to game and fish laws.

Subd. 3. **Cautionary language.** The following cautionary language should be noted:

(1) the list of collateral sanctions laws contained in this chapter is intended to be comprehensive but is not necessarily complete;

(2) the inclusion or exclusion of a collateral sanction in this chapter is not intended to have any substantive legal effect;

(3) the cross-references used in this chapter are intended solely to indicate the contents of the cross-referenced section or subdivision and are not part of the cross-referenced statute;

(4) the cross-references are not substantive and may not be used to construe or limit the meaning of any statutory language; and

(5) users must consult the language of each cross-referenced law to fully understand the scope and effect of the collateral sanction it imposes.

609B.100 EMPLOYMENT AND OCCUPATIONAL LICENSING; GENERALLY.

Sections 609B.101 to 609B.113 provide references to collateral sanctions related to employment and licensing.

609B.101 FALSE OR FRAUDULENT CLAIM TO LEGISLATURE; FORFEITURE OF OFFICE.

A state officer convicted of violating section 3.756 forfeits the state office.

609B.102 SUBVERSIVE ACT; EMERGENCY MANAGEMENT EMPLOYMENT PROHIBITED.

Section 12.43 prohibits a person from employment with an emergency management organization who has been convicted of a subversive act against the United States.

609B.103 VIOLATION OF AQUATIC FARMS REGULATIONS; AQUATIC FARM OCCUPATIONAL LICENSE VOID.

A conviction for a violation of an aquatic farm law or rule will result in an aquatic farm license of the violator being voided under certain circumstances provided in section 17.4998.

609B.104 VIOLATION OF CERTIFIED SEED POTATO LAW; RIGHT TO HANDLE CERTIFIED SEED POTATOES REVOKED.

Section 21.122 requires the commissioner of agriculture to refuse the privilege of handling certified seed potatoes in any way during the season in which a person is convicted for a second offense under sections 21.111 to 21.122.

609B.105 VIOLATION OF CONTAINER LABEL INFORMATION LAWS; LICENSE REVOCATION.

Section 32.645 requires the commissioner of agriculture to revoke or withhold issuing any license required under sections 28A.04, 28A.14, and 32.56 to a person convicted of a subsequent offense under section 32.645.

609B.106 UNLICENSED OR IMPROPER EXHIBIT; REMOVAL FROM STATE FAIRGROUNDS.

(a) If a person is convicted under section 37.18, the person's license shall be suspended, and all money paid in connection with a performance or exhibit shall be forfeited to the Minnesota State Agricultural Society.

(b) A person engaging in a play, game, concert, or theatrical or other performance, or exhibiting a show of any kind on the State Fairgrounds without a license from the society must be removed from the State Fairgrounds.

609B.107 NONCOMPLIANCE; STATE CIVIL SERVICE EMPLOYMENT PROHIBITED.

Under section 43A.39, a person convicted of a crime based on violations of chapter 43A shall be ineligible for appointment in the civil service for three years following conviction.

609B.108 CRIMINAL CONDUCT; MUNICIPAL SERVICE EMPLOYMENT PROHIBITED.

Section 44.11 requires the municipal personnel board to reject candidates or eligible persons who have been found guilty of criminal conduct.

609B.109 INSURANCE POLICY VIOLATIONS; INSURANCE BUSINESS DISQUALIFICATION.

Section 72A.02 disqualifies a company, which has more than one conviction for making, issuing, delivering, or tendering any policy of insurance of any kind in violation of any provision of law, from conducting any insurance business until payment of all fines and for one year thereafter.

609B.110 INSURANCE CONTRACTS; AGENT AND INSURANCE BUSINESS DISQUALIFICATION.

Upon conviction for a violation under sections 60K.30 to 60K.56, the commissioner of commerce shall suspend the authority of a convicted agent to transact any insurance business within the state for a period of not less than three months under section 72A.07.

609B.111 LIFE INSURANCE POLICY MISREPRESENTATION; LICENSE REVOCATION.

The license of any company that authorizes or permits a violation of section 72A.12, subdivision 2, shall be revoked. Upon a conviction under section 72A.12, subdivision 3, the commissioner of commerce shall revoke the license of a company and its agents, and grant no new license within one year after the conviction.

609B.112 VIOLATION OF AQUATIC VEGETATION IN PUBLIC WATERS LICENSE; LICENSE VOID.

If a person is convicted of violating section 84.42 for the second time within three years, that person's license issued under section 84.091 shall become null and void, and no license of the same kind shall be issued for one year after the date of the conviction.

609B.113 MISREPRESENTATION OF FISH SPECIES CONVICTION; FISH VENDOR LICENSE REVOCATION.

If a licensed fish vendor or an employee of the fish vendor is convicted of misrepresenting a species of fish that is sold, the license shall be revoked and the licensee is not eligible to obtain a fish vendor's license for one year after revocation under section 97C.861.

609B.120 TEACHING; COLLATERAL SANCTIONS.

Sections 609B.121 to 609B.123 provide references to teaching related collateral sanctions.

609B.121 CHILD ABUSE, SEXUAL ABUSE, OR SIMILAR CONVICTION; REVOCATION OR DENIAL OF TEACHER'S LICENSE.

Under section 122A.20 or any similar law of another state or the United States, a person convicted of child abuse or sexual abuse, using minors in a sexual performance, or possessing pornographic works involving a minor shall have the person's teaching license revoked.

609B.122 CHILD ABUSE, SEXUAL ABUSE, OR SIMILAR CONVICTION; CERTAIN TEACHERS DISCHARGED.

Upon receipt of notice that the teacher's license has been revoked due to a conviction for child abuse or sexual abuse under section 122A.20, a teacher under contract either as a probationary teacher or a continuing-contract teacher under section 122A.40 or 122A.41 must be discharged.

609B.123 SEX OFFENDER; INDEPENDENT DISTRICT SCHOOL BOARD INELIGIBILITY.

Under section 123B.09, a sex offender who has been convicted of an offense for which registration is required under section 243.166 is ineligible to become a candidate for the office of school board member.

609B.124 NURSING AND OTHER HEALTH CARE LICENSING; COLLATERAL SANCTIONS.

Sections 609B.125 to 609B.130 provide references to nursing and other health care licensing-related collateral sanctions.

609B.125 NURSING HOME EMPLOYMENT; DISQUALIFICATION.

A person who was a controlling person of another nursing home during any period of time in the previous two-year period, as defined by law, and was convicted of a felony or gross misdemeanor that relates to operation of the nursing home or directly affects resident safety or care during that period is disqualified from becoming a controlling person of a nursing home under section 144A.04.

609B.126 NURSING HOME LICENSE; REVOCATION.

Under section 144A.11, subdivision 3a, a nursing home license shall be revoked if a controlling person is convicted of a felony or gross misdemeanor that relates to operation of the nursing home or directly affects resident safety or care.

609B.127 HOME CARE EMPLOYMENT; DISQUALIFICATION.

Under section 144A.476:

(1) no person may be involved in the management, operation, or control of a home care provider if the person has been disqualified under the provisions of chapter 245C; and

(2) employees, contractors, and volunteers of a home care provider or hospice with prior criminal convictions shall be disqualified under the provisions of chapter 245C.

609B.128 HOSPICE CARE EMPLOYMENT; DISQUALIFICATION.

Under section 144A.754:

(1) no person may be involved in the management, operation, or control of a hospice provider if the person has been disqualified under the provisions of chapter 245C; and

(2) employees, contractors, and volunteers of a hospice provider with prior criminal convictions shall be disqualified under the provisions of chapter 245C.

609B.129 FELONY-LEVEL CRIMINAL SEXUAL CONDUCT CONVICTION; MEDICAL LICENSE DENIAL OR REVOCATION.

Under section 147.091, subdivision 1a, the Board of Medical Practice may not grant a license to practice medicine to a person convicted of a felony-level criminal sexual conduct offense, and a license to practice medicine is automatically revoked if the licensee is convicted of a felony-level criminal sexual conduct offense.

609B.130 PHARMACY LICENSE AND REGISTRATION; ELIGIBILITY.

Under section 151.06, the Board of Pharmacy shall deny, suspend, revoke, or refuse to renew any registration or license required under chapter 151 to any applicant, registrant, or licensee upon any of the following grounds:

(1) in the case of a pharmacist, conviction in any court of a felony;

(2) in the case of a pharmacist, conviction in any court of an offense involving moral turpitude;

(3) conviction of theft of drugs, or the unauthorized use, possession, or sale thereof; or

(4) in the case of a pharmacist, aiding suicide or aiding attempted suicide, as established by a copy of the record of criminal conviction or plea of guilty for a felony in violation of section 609.215, subdivision 1 or 2.

609B.132 TRANSPORTATION; COLLATERAL SANCTIONS.

Sections 609B.133 to 609B.136 provide references to collateral sanctions related to transportation.

609B.133 PUBLIC CONTRACTS; ELIGIBILITY FOR PUBLIC TRANSPORTATION CONTRACTS.

Under section 161.315, a contractor and the contractor's affiliates convicted of a contract crime are disqualified from receiving the award of a state contract or from serving as a subcontractor or material supplier under a state contract.

609B.134 MOTOR VEHICLE DEALER VIOLATION; SUSPENSION OR REVOCATION OF DEALER LICENSE.

Under section 168.276, the registrar of motor vehicles shall suspend for a period of 30 days a person's license for the sale of new or used motor vehicles upon the receipt of a second record of conviction for a violation of section 168.27, and upon receipt of a third record of conviction, the person's license shall be permanently revoked.

609B.135 FRAUD, MISREPRESENTATION, AND DELAY; REVOCATION OF INSURER'S LICENSE.

Under section 176.195, the commissioner of commerce shall revoke the license of an insurer to write workers' compensation insurance, if the insurer, or an agent of the insurer, has been found guilty of fraud, misrepresentation, or culpable, persistent, and unreasonable delay in making payments or settlements under chapter 176.

609B.136 VIOLATIONS BY BOILER INSPECTORS; REMOVAL FROM OFFICE.

An inspector found guilty of a misdemeanor under section 326B.992 shall be removed from office.

609B.139 ELECTIONS; COLLATERAL SANCTIONS.

Sections 609B.140 to 609B.146 provide references to collateral sanctions related to elections.

609B.140 CONVICTION FOR FAILURE TO PROSECUTE; FORFEITURE OF OFFICE.

A county attorney convicted of a misdemeanor under section 201.275 shall forfeit office.

609B.141 CONVICTION FOR TREASON OR FELONY; INELIGIBILITY FOR BALLOT CERTIFICATION.

If a person is convicted of a felony or treason and has not had the person's civil rights restored, under section 204B.10 the person's name shall not be certified to be placed on a ballot.

609B.142 CONVICTED SEX OFFENDER; SCHOOL BOARD MEMBER INELIGIBILITY.

Under section 205A.06, subdivision 1b, a person convicted of an offense for which registration is required under section 243.166 is ineligible to become a candidate for the office of school board member and may not file an affidavit of candidacy for that office. Ineligibility is determined by registration requirements in effect at the time the offender files for office.

609B.143 VIOLATION OF CAMPAIGN FINANCIAL REPORTS; FORFEITURE OF NOMINATION OR OFFICE.

If a candidate is convicted of a campaign violation under section 211A.09, the court shall declare that the candidate has forfeited nomination or office.

609B.144 CONVICTION FOR VIOLATION OF CAMPAIGN FINANCIAL REPORTS; DISQUALIFICATION.

A person convicted of violating chapter 211A or a person whose election to office has been set aside for violating chapter 211A may not be appointed to fill a vacancy in the office under section 211A.10.

609B.146 CONVICTION FOR VIOLATION OF FAIR CAMPAIGN PRACTICES; DISQUALIFICATION.

A person convicted of violating chapter 211B or a person whose election to office has been set aside for violating chapter 211B may not be appointed to fill a vacancy in the office under section 211B.18.

609B.147 CARRIERS; COLLATERAL SANCTIONS.

Sections 609B.148 and 609B.149 provide references to collateral sanctions related to carriers.

609B.148 DRIVER'S LICENSE SUSPENSION OR CANCELLATION; DENIAL OF APPLICATION; INTERSTATE MOTOR CARRIER.

Under section 221.0314, subdivision 3a, paragraph (e), the commissioner of transportation shall deny an application if, during the three years preceding the application, the applicant's driver's license has been suspended, canceled, or revoked or the applicant has been convicted of a disqualifying offense as defined in Code of Federal Regulations, title 49, section 383.51, paragraph (b)(2).

609B.149 CONVICTION OF BACKGROUND CHECK CRIME; PASSENGER CARRIER DISQUALIFICATION.

If the background check response required under section 221.178 shows that the driver has been convicted of a background check crime defined in section 299C.67, subdivision 2, paragraph (a) or (b), the driver may not be employed by a motor carrier of passengers to operate a vehicle providing passenger transportation.

609B.1495 MISCELLANEOUS LICENSING PROVISIONS; COLLATERAL SANCTIONS.

Sections 609B.150 to 609B.164 provide references related to miscellaneous licensing provisions.

609B.150 RACETRACK OCCUPATIONAL LICENSES; INELIGIBILITY.

A person convicted of a felony; fraud or misrepresentation in connection with racing or breeding; or a violation of law or rule relating to horse racing, pari-mutuel betting, or any other form of gambling that is a serious violation as defined by the Minnesota Racing Commission's rules, is ineligible for a class C occupational license under section 240.08.

609B.151 HUMAN SERVICES LICENSE; DISQUALIFICATION FOR CONVICTION.

Under section 245A.04, the commissioner of human services shall not issue a license if the applicant, license holder, or controlling individual has been disqualified and the disqualification was not set aside. Disqualifications under section 245A.04 are governed according to sections 245C.14 and 245C.15. Convictions resulting in human services license disqualification are enumerated under section 245C.15.

609B.152 CONVICTION FOR FAILURE TO COMPLY; TAX LEVY FOR SOCIAL SERVICES; REMOVAL FROM OFFICE.

Any county commissioner convicted under section 261.063 shall be immediately removed from office by the governor.

609B.153 CIGARETTE AND TOBACCO DISTRIBUTOR OR SUBJOBBER LICENSE; SUSPENSION OR REVOCATION.

Under section 297F.04, the commissioner of revenue must not issue or renew a license issued under chapter 297F, and may revoke a license issued under chapter 297F, if the applicant has been convicted of a crime involving cigarettes.

609B.155 RESIDENTIAL BUILDING MANAGER; BACKGROUND CHECK.

Under section 299C.69, an owner of a residential building may not hire a person as a residential building manager or, if the person was hired pending completion of the background check, shall terminate the person's employment if a residential building manager or a person applying for a position as a residential building manager is convicted of a background check crime defined in section 299C.67, subdivision 2, paragraph (a). Except as provided under section 299C.69, paragraph (c), if the owner knows that a residential building manager has been convicted of a background check crime defined in section 299C.67, subdivision 2, paragraph (a), the owner shall terminate the manager's employment. For background check crimes defined in section 299C.67, subdivision 2, paragraph (a), the owner may not employ a manager unless more than ten years have elapsed since the date of discharge of the sentence, except as provided under section 299C.69, paragraph (c).

609B.157 GAMBLING DEVICES LICENSE; INELIGIBILITY.

Under section 299L.07, the commissioner of public safety may not issue or renew a license under chapter 299L, and shall revoke a license under chapter 299L, if the applicant or licensee, or a director, officer, partner, governor, person in a supervisory or management position of the applicant or licensee, an employee eligible to make sales on behalf of the applicant or licensee, or a direct or indirect holder of more than a five percent financial interest in the applicant or licensee has been convicted of:

- (1) a felony;
- (2) a crime involving gambling;
- (3) assault;
- (4) a criminal violation involving the use of a firearm; or
- (5) making terroristic threats.

609B.158 PETROLEUM DISCRIMINATION; REVOCATION OF PERMIT.

Under section 325D.67, if a person or firm is convicted of a petroleum discrimination violation, the attorney general shall see to it that the corporation's permit to do business is revoked.

609B.159 PAWNBROKER LICENSE; INELIGIBILITY.

A person convicted of a crime directly related to a pawnbroker licensed as prescribed by section 364.03, subdivision 2, is not eligible to maintain or receive a pawnbroker license under section 325J.03 unless the person has shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of a licensee under chapter 325J as prescribed by section 364.03, subdivision 3.

609B.160 PRIVATE DETECTIVE OR PROTECTIVE AGENT EMPLOYMENT; DISQUALIFICATION.

Under section 326.336, a private detective or protective agent license holder shall immediately dismiss an employee who has been convicted of a felony or any offense listed in section 326.3381, subdivision 3, other than a misdemeanor or gross misdemeanor assault.

609B.161 PRIVATE DETECTIVE OR PROTECTIVE AGENT BUSINESS LICENSE; DISQUALIFICATION.

Under section 326.3381, a person is disqualified from holding a private detective or protective agent business license if that person has been convicted of:

(1) a felony by the courts of this or any other state or of the United States;

(2) acts which, if committed in Minnesota, would be criminal sexual conduct; assault; theft; larceny; burglary; robbery; unlawful entry; extortion; defamation; buying or receiving stolen property; using, possessing, manufacturing, or carrying weapons unlawfully; using, possessing, or carrying burglary tools unlawfully; escape; or possession, production, sale, or distribution of narcotics unlawfully; or

(3) acts in any other country which, if committed in Minnesota, would be a felony or considered as any of the other offenses listed in clause (2) and for which a full pardon or similar relief has not been granted.

609B.162 ACTS PROHIBITED DURING LABOR DISPUTES, STRIKES, AND LOCKOUTS; SUSPENSION.

The license of a person convicted of violating section 326.3384 shall be suspended for the periods described under section 326.3384, subdivision 2, paragraph (c).

609B.164 INDIVIDUAL COLLECTOR REGISTRATION; PRIOR CONVICTIONS AS DISQUALIFICATION.

Under section 332.35, a license shall not be issued to, and registration shall not be accepted for, any person, firm, corporation, or association, or any officers, which, within the past five years, have been convicted in any court of fraud or any felony.

609B.1641 BULLION COIN DEALER AND REPRESENTATIVE REGISTRATION; CONVICTIONS.

Under section 80G.04, the commissioner of commerce shall deny a registration or renewal of registration or revoke a registration of a bullion coin dealer or coin dealer representative, if the bullion coin dealer or coin dealer representative has within the last ten years been convicted of a financial crime or other crime involving fraud or theft.

609B.1645 LIQUOR, GAMBLING, FIDUCIARY SERVICE AND PUBLIC OFFICE VACANCIES; COLLATERAL SANCTIONS.

Sections 609B.165 to 609B.177 provide references to liquor, gambling, and fiduciary service and public office vacancies collateral sanctions.

609B.165 CONVICTION; RETAIL LIQUOR LICENSE INELIGIBILITY.

Under section 340A.402, no new retail license may be issued to a person who, within five years of the license application, has been convicted of a felony or a willful violation of a federal or state law or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution of an alcoholic beverage.

609B.168 FELONY CONVICTION AND VIOLATIONS OF CHAPTER 340A; CONSUMPTION AND DISPLAY PERMIT INELIGIBILITY.

Under section 340A.414, the commissioner of public safety may not issue a permit to an applicant who has, within five years prior to the application, been convicted of a felony or of violating any provision of chapter 340A or rules adopted under chapter 340A.

609B.170 LAWFUL GAMBLING AND GAMBLING DEVICES LICENSES; DISQUALIFICATIONS.

(a) Under section 349.155, in the case of licenses for manufacturers, distributors, distributor salespersons, linked bingo game providers, and gambling managers, the Gambling Control Board may not issue or renew a license under chapter 349, and shall revoke a license under chapter 349, if the applicant or licensee, or a director, officer, partner, governor, or person in a supervisory or management position of the applicant or licensee has been convicted of:

- (1) a felony or a crime involving gambling;
- (2) assault;
- (3) a criminal violation involving the use of a firearm; or
- (4) making terroristic threats.

(b) Under section 349.155, in the case of licenses for organizations, the Gambling Control Board may not issue or renew a license under chapter 349, and shall revoke a license under chapter 349,

if the organization or an officer or member of the governing body of the organization has been convicted of:

- (1) a felony or gross misdemeanor involving theft or fraud; or
- (2) a crime involving gambling.

609B.171 GAMBLING MANAGER'S LICENSE; DISQUALIFICATION.

Under section 349.167, the Gambling Control Board may not issue a gambling manager's license to a person applying for the license who has been convicted of a criminal violation involving fraud, theft, tax evasion, misrepresentation, or gambling.

609B.172 STATE LOTTERY EMPLOYMENT; INELIGIBILITY.

Under section 349A.02, no person may be employed by the State Lottery who has been convicted of a felony or a crime involving fraud or misrepresentation within five years of starting employment with the State Lottery, or has been convicted of a gambling-related offense.

609B.173 STATE LOTTERY RETAILERS; DISQUALIFICATION.

Under section 349A.06, subdivision 2, the director of the State Lottery may not contract with a retailer who has been convicted within the previous five years of a felony or gross misdemeanor, any crime involving fraud or misrepresentation, or a gambling-related offense.

609B.174 STATE LOTTERY RETAILERS; LICENSE CANCELLATION, SUSPENSION, AND REFUSAL TO RENEW CONTRACTS OR LOCATIONS.

Under section 349A.06, subdivision 11, the director of the State Lottery shall cancel the contract of any lottery retailer who has been convicted of a felony or gross misdemeanor or prohibit a lottery retailer who has been convicted of a felony or gross misdemeanor from selling lottery tickets at a business location.

609B.175 STATE LOTTERY VENDOR CONTRACTS; INELIGIBILITY.

Under section 349A.07, the director of the State Lottery may not enter into a lottery procurement contract with an applicant who has been convicted of a felony within the last ten years, has been convicted of a gross misdemeanor or gambling-related misdemeanor within the last five years, or has been found guilty of any crime involving fraud or misrepresentation within the last five years.

609B.176 INCUMBENT'S CONVICTION; VACATE OFFICE.

Under section 351.02, a public office shall become vacant following the incumbent's conviction of a crime or an offense involving a violation of the official oath.

609B.177 FELONY CONVICTION; VIOLATION OF FEDERAL LAW; PROHIBITION FROM FIDUCIARY STATUS.

Under section 356A.03, a person, other than a constitutional officer of the state, who has been convicted of a violation under section 356A.03, subdivision 3, may not serve in a fiduciary capacity identified in section 356A.02.

609B.179 LOCAL GOVERNMENT; COLLATERAL SANCTIONS.

Sections 609B.180 to 609B.189 provide references to collateral sanctions related to local government.

609B.180 REMOVAL FROM OFFICE.

A person convicted of violating section 365.37, a provision regulating bid requirements of towns, must leave office.

609B.181 TOWN TREASURER NEGLECT OF DUTY; FORFEITURE OF OFFICE.

A town treasurer convicted under section 367.17 for refusing or neglecting to comply with section 367.16 shall forfeit office as treasurer.

609B.183 CONVICTION; ST. LOUIS COUNTY CIVIL SERVICE INELIGIBILITY.

A conviction under section 383C.055 shall render the public office or position held by the convicted person vacant.

609B.184 COUNTY AUDITOR'S MALFEASANCE; VACATE OFFICE.

Under section 384.03, if the county auditor is convicted on any neglect of duty or offense charge related to office, the office shall be deemed vacant.

609B.185 SHERIFF'S DEPARTMENT EMPLOYMENT; DISQUALIFICATION.

A person who has been found guilty of criminal conduct is ineligible for employment as a sheriff under section 387.36.

609B.187 CONVICTION; POLICE DEPARTMENT SERVICE INELIGIBILITY.

Under section 419.06, a candidate or eligible person who, after the entry of the eligible person's name, has been found guilty of criminal conduct shall be rejected from police department employment.

609B.188 CONVICTION; FIRE DEPARTMENT SERVICE INELIGIBILITY.

Under section 420.07, a candidate or eligible person who, after the entry of the eligible person's name, has been found guilty of criminal conduct shall be rejected from fire department employment.

609B.189 CONVICTION FOR CONFLICT OF INTEREST; DISQUALIFICATION FROM LOCAL TRANSIT COMMISSION.

A person convicted of violating section 458A.02 shall be automatically removed from a position with the St. Cloud Metropolitan Transit Commission and shall be disqualified from holding the position.

609B.191 METROPOLITAN AREA OFFICERS AND PEACE OFFICERS.

Sections 609B.192 to 609B.195 provide references to metropolitan area officers and peace officers related to collateral sanctions.

609B.192 CONVICTION FOR ADVERSE INTEREST OF COMMISSIONER OF METROPOLITAN MOSQUITO CONTROL COMMISSION; DISQUALIFICATION FROM COMMISSION.

A commissioner of the Metropolitan Mosquito Control Commission convicted of violating section 473.706 shall be automatically disqualified from further service on the commission.

609B.193 BRIBERY CONVICTION; FORFEITURE OF OFFICE AND DISQUALIFICATION.

Under section 609.42, subdivision 2, a public officer convicted of violating or attempting to violate section 609.42, subdivision 1, shall forfeit the office and be disqualified from holding public office.

609B.194 FELONY CONVICTION; AUTOMATIC PEACE OFFICER LICENSE REVOCATION.

Under section 626.8431, the license of a peace officer convicted of a felony is automatically revoked.

609B.195 CONVICTION FOR LOCKUP VIOLATIONS; DISQUALIFICATION FROM POSITION.

A person convicted of violating section 642.13 is disqualified from holding the office of sheriff, jailer, police officer, marshal, or keeper of any jail or lockup for a period of six years.

609B.200 DRIVING AND MOTOR VEHICLES; GENERALLY.

Sections 609B.201 to 609B.277 provide references to collateral sanctions related to driving and motor vehicles.

609B.201 CONTROLLED SUBSTANCE OFFENSE; REVOCATION.

(a) If a court determines under section 152.0271 that a person convicted of a controlled substance offense under sections 152.021 to 152.027 committed the crime while driving a motor vehicle, the court must notify the commissioner of public safety and order the commissioner to revoke the license for 30 days.

(b) A person's driver's license is revoked under section 171.172 if that person is convicted or adjudicated for a controlled substance offense under chapter 152.

609B.203 FAILURE TO PRODUCE PROOF OF INSURANCE; REVOCATION.

(a) A person's driver's license is revoked under section 169.792, subdivision 7, if that person, whether a driver or motor vehicle owner, fails to provide proof of insurance under the requirements of section 169.792.

(b) If a person whose driver's license has been revoked under the circumstances specified in paragraph (a) is also the owner of the motor vehicle, the motor vehicle registration is also revoked under section 169.792, subdivision 12.

(c) A person, an owner, or, in certain circumstances, a driver, who operates a motor vehicle upon a public highway, road, or street, fails to have vehicle insurance, and contributes to a vehicle accident resulting in death or substantial bodily harm, is subject to revocation under section 169.797, subdivision 4, paragraph (c), for not more than 12 months.

609B.205 FLEEING PEACE OFFICER; REVOCATION.

A person's driver's license is revoked under section 171.174 if that person is convicted of fleeing a peace officer under section 609.487, subdivision 3 or 4. The periods of revocation vary depending upon the offense of conviction and whether the offense of conviction is a second or subsequent offense.

609B.206 DWI CONVICTIONS; LICENSE REVOCATIONS.

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 169A.54.

Subd. 2. **Driving while impaired; revocation.** (a) A person's driver's license must be revoked for the following time periods if the person is convicted under section 169A.20:

(1) for an offense under section 169A.20, subdivision 1: not less than 30 days;

(2) for an offense under section 169A.20, subdivision 2: not less than 90 days;

(3) for an offense occurring within ten years of a qualified prior impaired driving incident:

(i) if the current conviction is for a violation of section 169A.20, subdivision 1, not less than 180 days; or

(ii) if the current conviction is for a violation of section 169A.20, subdivision 2, not less than one year;

(4) for an offense occurring within ten years of two qualified prior impaired driving incidents: not less than one year, together with denial; and

(5) for an offense occurring within ten years of the first of three or more qualified prior impaired driving incidents: not less than two years, together with denial.

(b) If a person is convicted of violating section 169A.20 while under the age of 21, the commissioner of public safety shall revoke the offender's driver's license for a period of six months, or for the appropriate period of time under paragraph (a), clauses (1) to (5), for the offense committed, whichever is the greatest period.

609B.216 REVOCATION OF DRIVER'S LICENSES; OFFENSES.

Under section 171.17, the Department of Public Safety is required to revoke a person's driver's license upon receiving a record of the driver's conviction of any offense specified in subdivision 1, paragraph (a), clauses (1) to (10).

609B.231 COMMERCIAL VEHICLE VIOLATIONS; REVOCATION.

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 168.013.

Subd. 2. **Revocation.** (a) In addition to criminal penalties, a person driving commercial vehicles with an excess of gross weight is subject under section 168.013, subdivision 3, paragraph (d), under certain circumstances, to cancellation of the certificate of registration and impoundment of registration plates.

(b) A person operating a commercial motor vehicle who commits a specified first or second driving offense, a defined serious traffic violation, a violation of an out-of-service order, or a railroad grade crossing violation is disqualified under section 171.17 from operating a commercial motor

vehicle for varying periods depending upon the offense committed as set forth in section 171.17, subdivision 1.

609B.235 DRIVING AND LICENSE VIOLATIONS; PLATE IMPOUNDMENT.

Subdivision 1. **Scope.** The collateral sanctions found in this section are codified in section 169A.60.

Subd. 2. **Plate impoundment.** When a person is arrested for or charged with a plate impoundment violation, the commissioner of public safety may issue an impoundment order. Under section 169A.60, subdivision 1, paragraph (d), "plate impoundment violation" includes:

- (1) a violation of section 169A.20, 169A.52, or 171.177 resulting in revocation of a person's driver's license within ten years of a qualified prior impaired driving incident;
- (2) a license disqualification under section 171.165 resulting from violation of section 169A.52 or 171.177 within ten years of a qualified prior impaired driving incident;
- (3) a violation of section 169A.20, 169A.52, or 171.177 while having an alcohol concentration of 0.20 percent or more measured at the time or within two hours of the time of offense;
- (4) a violation of section 169A.20, 169A.52, or 171.177 while having a child under the age of 16 in the vehicle if the child is more than 36 months younger than the offender; or
- (5) a violation of section 171.241 by a person whose driver's license has been canceled under section 171.04, subdivision 1, clause (10), inimical to public safety.

609B.237 IMPOUNDING REGISTRATION PLATES.

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 168.041.

Subd. 2. **Driving after suspension, revocation, or cancellation.** A person convicted of driving a self-propelled motor vehicle after suspension, revocation, or cancellation of the person's driver's license shall have the registration plates impounded under section 168.041, subdivision 1.

Subd. 3. **Moving violations; previous convictions.** If a person is convicted of a moving violation and has a previous conviction, the court may order the commissioner of public safety to suspend the person's driver's license for a period not exceeding one year under section 168.041, subdivision 2.

609B.241 FAILURE TO PRODUCE PROOF OF INSURANCE; REVOCATION; REINSTATEMENT.

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 171.29.

Subd. 2. **Examination required.** A person whose license has been revoked under sections 169.791, 169.792, 169.797, 169A.52, 171.17, and 171.177 must successfully pass an examination required by the commissioner of safety to be issued another license.

Subd. 3. **Reinstatement fees.** A person whose license has been revoked under sections 169A.52, 169A.54, 171.177, and 609.2112 to 609.2114 must pay varying fees and surcharges for driver's license reinstatement.

Subd. 4. **Compliance with impoundment laws.** A person whose license was revoked under section 169A.52, 169A.54, or 171.177 may not be issued another license at the end of the revocation period unless all applicable registration plate impoundment provisions have been complied with.

609B.245 LIMITED LICENSE.

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 171.30.

Subd. 2. **Conditions of issuance.** A person whose license has been suspended under section 171.173, 171.18, or 171.186, or revoked under section 169.792, 169.797, 169A.52, 169A.54, 171.17, 171.172, or 171.177, must satisfy certain conditions set forth in section 171.30, subdivision 1, to acquire a limited license.

Subd. 3. **Waiting periods.** Section 171.30, subdivisions 2, 2a, 2b, and 2c, set forth varying waiting periods for revocations under specified statutes.

**609B.255 SCHOOL BUS ENDORSEMENT OR PRIVILEGE TO OPERATE;
CANCELLATION.**

Subdivision 1. **Disqualifying offense; permanent cancellation.** If a school bus driver is convicted of a disqualifying offense, as defined under section 171.3215, subdivision 1, the commissioner of public safety shall permanently cancel the offender's endorsement to drive a school bus.

Subd. 2. **Certain other convictions; cancellation for five years.** (a) A school bus driver's endorsement shall be canceled for five years under section 171.3215, subdivision 2, for a conviction under section 169A.20 or for a revocation of a school bus driver's license under section 169A.52 or 171.177.

(b) If a school bus driver has certain multiple convictions, under varying circumstances, that driver's endorsement shall be canceled for five years as set forth in section 171.3215, subdivision 2.

Subd. 3. **Crimes against minor; permanent cancellation.** If a Head Start bus driver is convicted of certain crimes against a minor, that driver's passenger endorsement shall be permanently canceled under section 171.3215, subdivision 3. "Crimes against a minor" is defined in section 171.3215, subdivision 3. "Head Start bus driver" is defined in section 171.3215, subdivision 1.

Subd. 4. **Conviction for certain offenses; additional conditions for endorsements.** Applicants having been convicted of certain offenses are required to satisfy additional conditions in seeking renewal or issuance of a bus driver's endorsements under section 171.3215, subdivision 3.

Subd. 5. **Waiver of permanent cancellation.** Under section 171.3215, subdivision 4, the commissioner of public safety may waive the permanent cancellation requirement for specified crimes.

609B.262 INSTRUCTIONAL PERMIT ELIGIBILITY.

Subdivision 1. **Scope.** The collateral sanctions in this section are codified in section 171.05.

Subd. 2. **No instruction permit issuance.** A person who is under 18 years of age shall not be issued a permit under section 171.05, subdivision 1a, if the person has been convicted of a violation of section 169A.20, 169A.33, 169A.35, sections 169A.50 to 169A.53, or section 171.177, or a crash-related moving violation.

Subd. 3. **Permit use.** A permit holder must maintain a driving record free of convictions for moving violations, as defined in section 171.04, subdivision 1, and free of convictions of the offenses specified in section 171.05, subdivision 2b.

609B.263 PERSONS NOT ELIGIBLE FOR DRIVER'S LICENSES.

A person applying for a license must, under section 171.04, subdivision 1, for 12 months consecutive preceding application, while holding a provisional license, have incurred no convictions for a violation of section 169A.20, 169A.33, 169A.35, sections 169A.50 to 169A.53, or section 171.177, no convictions for a crash-related moving violation, or not more than one conviction for a moving violation that is not crash related. "Moving violation" means a violation of a traffic violation but does not include a parking violation or warning citation.

Section 171.04, subdivision 1, clauses (2) to (14), set forth further eligibility criteria, including categories of ineligible persons.

609B.265 PROVISIONAL LICENSE ELIGIBILITY.

Subdivision 1. **Scope.** The collateral sanctions in this section are codified in section 171.055.

Subd. 2. **Eligibility.** A person applying for a provisional license must, under section 171.055, subdivision 1, paragraph (a), clause (2), for six months immediately preceding application for the provisional license, have possessed an instruction permit and have incurred no convictions for a violation of section 169A.20, 169A.33, 169A.35, sections 169A.50 to 169A.53, or section 171.177, no convictions for a crash-related moving violation, and no convictions for a moving violation that is not crash related.

Subd. 3. **No issuance.** Under section 171.055, subdivision 2, paragraph (b), if a holder of a provisional license during the period of provisional licensing incurs a conviction of an offense specified in that paragraph, then that person may not be issued a driver's license until 12 consecutive

months have expired since the date of the conviction or until the person reaches the age of 18 years, whichever occurs first.

609B.271 UNDERAGE DRINKING OFFENSE; REVOCATION.

(a) A person's driver's license is revoked for 30 days if the person is under the age of 21 and convicted of driving, operating, or controlling a motor vehicle while consuming alcoholic beverages in violation of section 169A.33.

(b) A person's driver's license is revoked for 180 days if the person has previously been convicted of driving, operating, or controlling a motor vehicle while under the age of 21 while consuming alcoholic beverages as described in paragraph (a) and is convicted again.

609B.273 UNDERAGE DRINKING OFFENSE; SUSPENSION.

Under section 171.173, a person convicted of or a juvenile adjudicated for an underage drinking offense under section 340A.503, subdivision 1, paragraph (a), shall have the person's license suspended if the commissioner of public safety has been notified by the court of a 30-day or 180-day suspension under section 169A.33, subdivision 4.

609B.275 COMMERCIAL DRIVER'S LICENSE; DISQUALIFICATION.

Subdivision 1. **Disqualification.** A person is disqualified from operating a commercial motor vehicle in accordance with the driver disqualifications and penalties in Code of Federal Regulations, title 49, part 383, subpart D, and Code of Federal Regulations, title 49, section 384.219.

Subd. 2. **Implied consent revocation.** A person is disqualified from operating a commercial motor vehicle in accordance with the driver disqualifications and penalties in Code of Federal Regulations, title 49, part 383, subpart D.

609B.277 ILLEGAL PURCHASE OF ALCOHOL OR TOBACCO; SUSPENSION.

A person's driver's license is suspended for 90 days for various selling and purchasing alcohol or tobacco offenses as set forth in section 171.171.

609B.301 DEFINITION.

For purposes of sections 609B.310 to 609B.312, with respect to persons convicted of a crime, "committed" means committed to the custody of the commissioner of corrections.

609B.310 PRISON PROGRAM ELIGIBILITY; COLLATERAL SANCTIONS.

Sections 609B.311 and 609B.312 provide references to collateral sanctions related to prison program eligibility.

609B.311 MURDER CONVICTION; HIGHER EDUCATION PAYMENTS FOR PRISON INMATES LIMITED.

Section 241.265 prohibits the commissioner of corrections from paying for certain higher education programs for an inmate convicted of first- or second-degree murder.

609B.312 CHALLENGE INCARCERATION PROGRAM; ELIGIBILITY.

Under section 244.17, offenders committed for a conviction listed in section 244.17, subdivision 3, clause (1), or persons convicted within the preceding ten years of an offense listed in that section and committed for some other offense, are not eligible to be placed in the challenge incarceration program.

609B.320 OFFENDER REGISTRATION; COLLATERAL SANCTIONS.

Section 609B.321 provides references to collateral sanctions related to offender registration.

609B.321 CRIMINAL CONVICTION; PREDATORY OFFENDERS REGISTRATION REQUIRED.

A person must register as a predatory offender under section 243.166 for convictions of crimes listed under section 243.166, subdivision 1b.

609B.330 CRIMES AGAINST A PERSON; CRIMES OF VIOLENCE; COLLATERAL SANCTIONS.

Sections 609B.331 to 609B.333 provide references to collateral sanctions related to crimes against persons and crimes of violence.

609B.331 CRIME AGAINST THE PERSON CONVICTION; PREDATORY OFFENDER REGISTRATION REQUIRED.

A person convicted of a crime against the person as defined in section 243.167, subdivision 1, and meeting the conditions listed under section 243.167, subdivision 2, is required to register as a predatory offender under section 243.166.

609B.332 CRIME OF VIOLENCE CONVICTION; USE OF POLICE COMMUNICATION EQUIPMENT PROHIBITED.

A person convicted of a crime of violence, as defined in section 624.712, subdivision 5, is not entitled to exercise the privilege granted under section 299C.37, subdivision 1, unless ten years have elapsed since the person has been restored to civil rights or the sentence has expired, whichever occurs first, and during that time the person has not been convicted of any other crime of violence, as defined under section 299C.37, subdivision 1.

609B.333 CRIME OF VIOLENCE CONVICTION; POSSESSION OF FIREARMS PROHIBITED.

Under section 609.165, subdivision 1a, a person convicted of a crime of violence is not entitled to ship, transport, possess, or receive a firearm for the remainder of the person's lifetime, even after the person's civil rights have been restored.

609B.340 POSSESSION OF FIREARMS, EXPLOSIVES, SIMILAR DEVICES.

Sections 609B.341 to 609B.345 provide references to collateral sanctions related to possession of firearms, explosives, and similar devices.

609B.341 DOMESTIC ABUSE ACT; PISTOL POSSESSION PROHIBITION FOR REPEAT OFFENDERS.

If convicted under section 518B.01, subdivision 14, paragraph (b) or (c), a person meeting the conditions set forth in section 518B.01, subdivision 14, paragraph (l), is not entitled to possess a pistol. Property rights may not be abated but access may be restricted by the courts.

609B.342 CRIMINAL CONVICTION; POSSESSION OF FIREARMS; PROHIBITION.

Section 624.713 determines the conditions and circumstances under which a person convicted of a crime is prohibited from the possession of a pistol or semiautomatic military-style weapon.

609B.343 CRIME OF VIOLENCE OR CONTROLLED SUBSTANCE CONVICTION; EXPLOSIVES LICENSE OR PERMIT PROHIBITED.

Under section 299F.77, the following are not entitled to receive an explosives license or permit:

(1) a person convicted of a crime of violence, as defined in section 299F.72, unless ten years have elapsed since the person's civil rights have been restored or the sentence has expired, whichever occurs first, and during that time the person has not been convicted of any other crime of violence; and

(2) a person convicted of use, possession, or sale of a controlled substance other than conviction for possession of a small amount of marijuana, as defined in sections 152.01 and 152.02.

609B.344 RESTORATION OF CIVIL RIGHTS; POSSESSION OF EXPLOSIVE OR INCENDIARY DEVICES PROHIBITED.

Section 609.668 prohibits a person from having possession of explosive or incendiary devices if the person was convicted of:

(1) a crime of violence and ten years have not elapsed since civil rights have been restored; and

(2) unlawful use, possession, or sale of a controlled substance, other than conviction for possession of a small amount of marijuana.

609B.345 POSSESSION OF TEAR GAS, TEAR GAS COMPOUNDS, ELECTRONIC INCAPACITATION DEVICES; PROHIBITION.

Section 624.731, subdivision 3, prohibits a person who is prohibited from possessing a pistol pursuant to section 624.713, subdivision 1, clauses (2) to (5), from possession of tear gas, tear gas compounds, and electronic incapacitation devices.

609B.400 SERVICES AND BENEFITS; GENERALLY.

Sections 609B.405 to 609B.465 provide references to collateral sanctions related to services and benefits.

609B.405 CONVICTED CURRENTLY SERVING SENTENCE, ON PROBATION, OR ON PAROLE; INTERSTATE COMPACT FOR MENTAL HEALTH SERVICES CONTRACTS PROHIBITED.

Under section 245.50, a county board or the commissioner of human services may not contract under the Interstate Compact for Mental Health Services with a bordering state for mental health services for persons on probation or parole, or who are serving a sentence after conviction for a criminal offense.

609B.410 WRONGFULLY OBTAINED ASSISTANCE.

The amount of assistance determined to be obtained in violation of section 256.98, paragraph (a), clauses (1) to (3), is recoverable from specified persons who wrongfully obtained assistance.

609B.415 PERSONAL CARE PROVIDER ORGANIZATIONS; BACKGROUND STUDIES; DISQUALIFICATION.

A person who is an owner or a managerial official of a personal care provider organization is subject to a human services background study under chapter 245C and may be disqualified from providing home care services if that person is found to have been convicted of felonies specified in chapter 245C.

609B.425 DRUG OFFENSE; FLEEING FELONS; GENERAL ASSISTANCE BENEFITS; ELIGIBILITY.

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 256D.024.

Subd. 2. **Benefit eligibility.** (a) A person convicted of a drug offense after July 1, 1997, is ineligible for general assistance benefits and Supplemental Security Income under chapter 256D until:

(1) five years after completing the terms of a court-ordered sentence; or

(2) unless the person is participating in a drug treatment program, has successfully completed a program, or has been determined not to be in need of a drug treatment program.

(b) A person who becomes eligible for assistance under chapter 256D is subject to random drug testing and shall lose eligibility for benefits for five years beginning the month following:

(1) any positive test for an illegal controlled substance; or

(2) discharge of sentence for conviction of another drug felony.

(c) Parole violators and fleeing felons are ineligible for benefits and persons fraudulently misrepresenting eligibility are also ineligible to receive benefits for ten years.

609B.430 MEDICAL ASSISTANCE; INCARCERATION; ELIGIBILITY.

A person who is enrolled in medical assistance and incarcerated for less than 12 months is suspended from the program under section 256B.055, subdivision 14, paragraph (b), from the time of incarceration until release.

609B.435 DRUG AND OTHER OFFENDERS; MINNESOTA FAMILY INVESTMENT PROGRAM; SANCTIONS.

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 256J.26.

Subd. 2. **Drug offenders; random testing; sanctions.** A person who is an applicant for benefits from the Minnesota family investment program or MFIP, the vehicle for temporary assistance for needy families or TANF, and who has been convicted of a drug offense shall be subject to certain conditions, including random drug testing, in order to receive MFIP benefits. Following any positive test for a controlled substance, the convicted applicant or participant is subject to the following sanctions:

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(1) a first time drug test failure results in a reduction of benefits in an amount equal to 30 percent of the MFIP standard of need; and

(2) a second time drug test failure results in permanent disqualification from receiving MFIP assistance.

A similar disqualification sequence occurs if the applicant is receiving food stamps.

Subd. 3. Parole violators; fleeing felons; sanctions. (a) An individual violating a condition of probation, parole, or supervised release is disqualified from receiving MFIP.

(b) An individual who is fleeing to avoid prosecution, custody, or confinement after conviction of a felony crime is disqualified from receiving MFIP.

(c) An individual who fraudulently misrepresents the individual's place of residence in order to receive assistance simultaneously from two or more states is disqualified from receiving MFIP for ten years.

609B.445 CERTAIN CONVICTIONS; PROSPECTIVE ADOPTIVE PARENTS; DISQUALIFICATION.

Under section 259A.10, subdivision 4, a disqualifying condition for adoption exists if a criminal background check reveals a felony conviction for child or spousal abuse; for a crime against children; for a crime involving violence, including rape, sexual assault, or homicide; or for a felony conviction within the past five years for physical assault, battery, or a drug-related offense.

609B.450 GASOLINE AND SPECIAL FUEL TAX REFUND SANCTIONS.

Under sections 296A.16 and 296A.23, a person who makes a false claim for a fuel tax refund is guilty of a felony and, if convicted, shall be prohibited from filing for a refund upon gasoline purchased within six months after the conviction.

609B.455 PUBLIC PENSION; HOMICIDE; BENEFIT LOSS.

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 356.406.

Subd. 2. **Homicide; loss of death benefits.** A person charged with a felony causing the death of a public pension plan member has the entitlement to the pension suspended.

Subd. 3. **Forfeiture of survivor benefits upon felony conviction.** A person who is a survivor and convicted of a felony that caused the death of a public pension member forfeits the survivor pension benefit.

Subd. 4. **Benefit recovery.** If pension benefits have already been paid, the chief administrative officer of the pension plan must attempt to recover amounts paid.

609B.460 FORMER MINNEAPOLIS POLICE RELIEF ASSOCIATION SERVICE PENSIONER; FELONS NOT ENTITLED TO PENSION DURING INCARCERATION.

A person who is a member of the public employees police and fire retirement plan, who was a member of the former Minneapolis Police Relief Association, and who was convicted of a felony, is not entitled to a pension or an annuity from the public employee police and fire retirement plan during the person's period of incarceration in a penal institution.

609B.465 EFFECT OF HOMICIDE ON INTESTATE SUCCESSION, WILLS, JOINT TENANTS, LIFE INSURANCE.

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 524.2-803.

Subd. 2. **Surviving spouse, heir, or devisee.** A surviving spouse, heir, or devisee who feloniously and intentionally kills the decedent is treated as if that person predeceased the decedent.

Subd. 3. **Joint tenant.** A joint tenant who feloniously and intentionally kills another joint tenant, thereby effects a severance of the interest so the property passes as the decedent's and the killer has no rights of survivorship.

Subd. 4. **Bond.** A named beneficiary of a bond who feloniously and intentionally kills the principal obligee is not entitled to any benefit.

Subd. 5. **Life insurance.** A named beneficiary of a life insurance policy who feloniously and intentionally kills the person upon whose life the policy is issued is not entitled to any benefit under the policy.

Subd. 6. **Other interests.** Any other acquisition of property or interest by the killer shall be treated as provided in section 524.2-803.

609B.500 PROPERTY RIGHTS; GENERALLY.

Sections 609B.505 to 609B.545 provide references to collateral sanctions related to property rights.

609B.505 BURGLARY; CONFISCATION OF SNOWMOBILE.

Under section 84.89, if a person is convicted of burglary, as defined in section 609.582, and uses a snowmobile for committing the crime, the snowmobile shall be seized. The snowmobile's seizure and use of the proceeds from a sale are governed by section 97A.225.

609B.510 SEIZURE OF FIREARMS AND OTHER PROPERTY.

Under section 97A.223, a Department of Natural Resources enforcement officer must seize firearms possessed in violation of state or federal law and property described in section 97A.221, subdivision 1.

609B.515 DWI; VEHICLE FORFEITURE.

Under section 169A.63, a motor vehicle is subject to forfeiture if a driver is convicted of a "designated offense," as defined in section 169A.63, subdivision 1.

Section 169A.63, subdivision 7, specifies limitations on vehicle forfeiture. Section 169A.63, subdivisions 8 and 9, provide for administrative forfeiture procedure and judicial forfeiture procedure. Section 169A.63, subdivisions 10 and 11, provide for disposition of a forfeited vehicle.

609B.518 GAME AND FISH VIOLATIONS; SEIZURE OF MOTOR VEHICLES AND BOATS.

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 97A.225.

Subd. 2. **Vehicle forfeiture.** A motor vehicle is subject to forfeiture if it is used to:

- (1) shine wild animals (using artificial lights to hunt animals);
- (2) transport big game animals illegally taken or fur-bearing animals illegally purchased; or
- (3) transport minnows in violation of law.

Subd. 3. **Boat or motor forfeiture.** Boats and motors are subject to forfeiture when they are used to:

- (1) net fish on specified lakes;
- (2) violate certain licensing or operating requirements; and
- (3) take, possess, or transport wild animals.

609B.520 GAMBLING VIOLATIONS; ACTIVITIES RESTRICTED.

Under section 299L.05, a person convicted of violating section 609.76, subdivision 1, clause (7), or 609.76, subdivision 2, is prohibited from having lawful gambling under chapter 349 conducted on the person's premises, or selling any lottery tickets under chapter 349A.

609B.525 CRUELTY TO ANIMALS; FORFEITURE OF ANIMALS.

Under section 343.21, a person convicted of overworking or mistreating an animal is required to turn over other animals in control of the person unless the court determines the person is able and fit to provide adequately for the animals.

609B.530 CRUELTY TO ANIMALS; JUDGMENT FOR EXPENSES OF INVESTIGATIONS.

Under section 343.23, if a person is found guilty of cruelty to animals under chapter 343, the costs of investigation, disposing of animals, and any other expenses shall result in a judgment against the guilty person for all expenses.

609B.535 DANGEROUS ANIMALS VIOLATION; ANIMALS SEIZED AND DESTROYED.

Under section 609.227, if a person is convicted of a dangerous animal violation under section 609.205, clause (4); or 609.226, subdivision 1, 2, or 3, the animal shall be seized and killed, and the convicted owner shall pay the cost of confining and killing the animal.

609B.540 POSSESSION OR CONTROL OF OBSCENE MATERIAL; DESTRUCTION OF PROPERTY.

A person convicted of possessing obscene books or other matter under sections 617.241 to 617.26 shall have the material seized and destroyed by court order under section 617.27.

609B.545 OWNERSHIP RESTRICTION ON ADULT BUSINESS ESTABLISHMENTS.

Under section 617.242, a person convicted of a specified sex or other related crime may not operate or manage an adult entertainment establishment for three years after discharge of the sentence for the offense.

609B.600 CIVIL RIGHTS AND REMEDIES; GENERALLY.

Sections 609B.610 to 609B.615 provide references to collateral sanctions related to civil rights and remedies.

609B.610 FELONY OR TREASON; INELIGIBLE TO VOTE.

An individual convicted of treason or any felony whose civil rights have not been restored is not eligible to vote under section 201.014.

609B.611 CRIME OF VIOLENCE; INELIGIBILITY TO POSSESS FIREARMS; RESTORATION OF CIVIL RIGHTS.

(a) Under section 242.31, a person convicted of a crime of violence is not entitled to ship, transport, possess, or receive a firearm for the remainder of the person's lifetime, even after the person's civil rights have been restored, unless the exception under United States Code, title 18, section 925, or section 609.165, subdivision 1d, applies.

(b) Under section 609.165, subdivision 1a, a person convicted of a crime of violence is not entitled to ship, transport, possess, or receive a firearm for the remainder of the person's lifetime, even after the person's civil rights have been restored.

609B.612 FELONY CONVICTION; NAME CHANGES.

Under section 259.13, a person with a felony conviction is required to serve notice of application for a name change to the prosecuting authority that obtained the conviction, or if the conviction was from another state or federal jurisdiction, notice of application must also be served on the attorney general.

609B.613 FELONY CONVICTION; APPLICATION FOR MARRIAGE LICENSE; CHANGE OF NAME UPON MARRIAGE.

Section 517.08 states that: (1) a person with a felony conviction applying for a marriage license must provide to the county proof of service upon the prosecuting authority and, if applicable, the attorney general, as required by section 259.13; and (2) that a person with a felony conviction may not use a different surname after marriage except as authorized by section 259.13.

609B.614 CIVIL REMEDY FORFEITED; CONVICTED PROHIBITED FROM RECOVERING FOR INJURIES SUSTAINED DURING CRIMINAL ACT.

Under section 611A.08, a person convicted of a crime is barred from recovering for injuries sustained during the course of criminal conduct, as defined under section 611A.08, subdivision 1.

609B.615 COMMERCIAL PROFITING FROM CRIME PROHIBITED.

Section 611A.68 prohibits the commercial profiting from crime for ten years following conviction of a felony. If an offender is imprisoned following the conviction, the ten-year period begins on the date of the offender's release from prison.

609B.700 RECREATIONAL ACTIVITIES; GENERALLY.

Section 609B.710 provides references to collateral sanctions related to recreational activities.

609B.710 YOUTH OPERATOR VIOLATIONS; WATERCRAFT OPERATOR'S PERMIT REVOCATION.

Subdivision 1. **Operator's permit revocation.** An operator age 13 years of age or older but younger than 18 years of age adjudicated by a juvenile court as having violated section 86B.311, subdivision 1, 86B.341, or 169A.20, shall have the operator's permit revoked by the commissioner of natural resources.

Subd. 2. **Surrender of permit.** A juvenile adjudicated of the offense listed in subdivision 1 shall be required to surrender the watercraft operator's permit, which shall be forwarded by the court to the commissioner of natural resources with a record of the adjudication.

609B.720 GAME AND FISH LAW; COLLATERAL SANCTIONS.

Sections 609B.721 to 609B.725 provide references to collateral sanctions related to game and fish laws.

609B.721 CRIMINAL CONVICTIONS; VALIDITY AND ISSUANCE OF LICENSES UPON CONVICTION.

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 97A.421. That section governs the validity and issuance of game and fish licenses after a conviction.

Subd. 2. **Annual license void.** (a) The annual license of a person convicted of a violation of the game and fish laws relating to the license or wild animals covered by the license is void under conditions set forth in section 97A.421, subdivision 1.

(b) Except for big game licenses and as otherwise provided for in section 97A.421, for one year after a conviction, the person may not obtain the kind of license or take wild animals under a lifetime license issued under section 97A.473 or 97A.474, relating to the game and fish law violation.

Subd. 3. **Issuance of license after buying and selling wild animals.** After being convicted of buying or selling game fish, big game, or small game and the total amount of the sale is \$300 or more, a person may not obtain a license to take any wild animal or take wild animals under a lifetime license issued under section 97A.473 or 97A.474, for a period of three years.

Subd. 4. **License revocation after conviction.** (a) A person may not obtain a license to take a wild animal and is prohibited from taking wild animals for a period of five years after the date of conviction of a violation when:

(1) the restitution value of the wild animals is \$5,000 or more; or

(2) the restitution value of the wild animals exceeds \$500 and the violation occurs within ten years of one or more previous license revocations under section 97A.421, subdivision 2a. Multiple revocations shall be consecutive and no wild animals of any kind may be taken during the entire period.

(b) A person may not obtain a license to take the type of wild animals involved in a violation where the restitution value of the wild animals exceeds \$500 and is prohibited from taking the type of wild animals involved in the violation for a period of three years after the date of conviction of a violation.

Subd. 5. **Issuance of big game license after conviction.** A person may not obtain any big game license or take big game under a lifetime license for three years after the person is convicted of:

(1) a gross misdemeanor violation under the game and fish laws relating to big game;

(2) doing an act without a required big game license; or

(3) the second violation within three years under the game and fish laws relating to big game.

Subd. 6. **Issuance after intoxication or narcotics conviction.** A person convicted of a violation under section 97B.065, relating to hunting while intoxicated or using narcotics, may not obtain a license to hunt with a firearm or by archery, or hunt with a firearm or by archery under a lifetime license, for five years after a conviction.

Subd. 7. **Suspension for failure to appear in court or pay fine or surcharge.** If a person:

(1) fails to appear for court under a summons issued for a violation of the game and fish laws;
or

(2) has been convicted of violating a provision of the game and fish laws, has been sentenced to the payment of a fine or had a surcharge levied against them, and refused or failed to comply with that sentence the person's game and fish license and permit privileges shall be suspended until the person complies.

609B.722 LICENSE AGENT VIOLATIONS; FORFEITURE OF RIGHT TO SELL AND HANDLE LICENSES.

License agents that violate Department of Natural Resources laws or rules relating to license sales, handling, or accounting forfeit the right to sell and handle licenses under section 97A.311.

609B.723 HUNTING WHILE UNDER THE INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE; HUNTING LIMITATIONS.

Upon conviction for hunting while under the influence of alcohol or a controlled substance under section 97B.065, a person is subject to the limitations on hunting privileges provided in section 97A.421.

609B.724 TRESPASSING; LICENSE AND REGISTRATION RESTRICTIONS.

(a) Under section 97A.315, if a person is convicted of trespassing while exercising or attempting to exercise an activity licensed under game and fish laws, or requiring snowmobile registration under section 84.82, the applicable license and registration are null and void.

(b) A person convicted of a gross misdemeanor under section 97A.315 may not be issued a license to take game for two years after the conviction.

609B.725 UNLAWFULLY BUYING OR SELLING WILD ANIMALS; LICENSE VOID.

Licenses possessed by a person convicted under section 97A.325, subdivision 1, are null and void and the person may not take wild animals for three years after the conviction.