

## SPECIAL SESSION

## FOURTEENTH DAY

St. Paul, Minnesota, Monday, June 28, 2021

The Senate met at 10:00 a.m. and was called to order by the President.

The members of the Senate paused for a moment of silent prayer and reflection.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

The roll was called, and the following Senators were present:

Abeler	Draheim	Howe	Marty	Rest
Anderson	Duckworth	Ingebrigtsen	Mathews	Rosen
Bakk	Dziedzic	Isaacson	McEwen	Ruud
Benson	Eaton	Jasinski	Miller	Senjem
Bigham	Eichorn	Johnson	Murphy	Tomassoni
Carlson	Eken	Johnson Stewart	Nelson	Torres Ray
Chamberlain	Fateh	Kent	Newman	Utke
Champion	Franzen	Kiffmeyer	Newton	Weber
Clausen	Frentz	Klein	Osmek	Westrom
Coleman	Gazelka	Koran	Pappas	Wiger
Cwodziński	Goggin	Kunesh	Port	Wiklund
Dahms	Hawj	Lang	Pratt	
Dibble	Hoffman	Latz	Putnam	
Dornink	Housley	Limmer	Rarick	

Pursuant to Rule 14.1, the President announced the following members intend to vote under Rule 40.7: Abeler, Carlson (California), Champion, Eaton, Eichorn, Eken, Fateh, Goggin, Hoffman, Howe, Kunesh, Lang, Latz, Newman, Newton, Osmek, Putnam, Rarick, Rest, Torres Ray, Utke, and Wiklund.

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

**MOTIONS AND RESOLUTIONS**

**Senators Wiger and Chamberlain introduced --**

**Senate Resolution No. 12:** A Senate resolution honoring White Bear Lake Mayor Jo Emerson.

Referred to the Committee on Rules and Administration.

Senator Gazelka moved that H.F. No. 2 be taken from the table and given a second reading. The motion prevailed.

**H.F. No. 2:** A bill for an act relating to education finance; providing funding for prekindergarten through grade 12 education; modifying provisions for general education, education excellence, teachers, charter schools, special education, health and safety, facilities, nutrition and libraries, early childhood, community education, and state agencies; making forecast adjustments; requiring reports; appropriating money; amending Minnesota Statutes 2020, sections 120A.35; 120B.132; 120B.21; 122A.61, subdivision 1; 122A.63, subdivisions 6, 9; 122A.70; 124D.111; 124D.151, subdivision 6; 124E.03, by adding a subdivision; 124E.05, subdivision 6; 126C.05, subdivisions 1, 3; 126C.10, subdivisions 2, 2d, 2e; 126C.15, subdivision 5; 127A.49, subdivision 3; 469.176, subdivision 2; 609A.03, subdivision 7a; Laws 2019, First Special Session chapter 11, article 1, section 25, subdivisions 2, as amended, 3, as amended, 4, as amended, 6, as amended, 7, as amended, 9, as amended; article 2, section 33, subdivisions 2, as amended, 3, as amended, 5, as amended, 6, as amended, 16, as amended; article 3, section 23, subdivision 3, as amended; article 4, section 11, subdivisions 2, as amended, 3, as amended, 4, as amended, 5, as amended; article 6, section 7, subdivisions 2, as amended, 3, as amended; article 7, section 1, subdivisions 2, as amended, 3, as amended, 4, as amended; article 8, section 13, subdivisions 5, as amended, 14, as amended; article 9, section 3, subdivision 2, as amended; article 10, section 5, subdivision 2, as amended; proposing coding for new law in Minnesota Statutes, chapters 121A; 122A; 124D; 127A.

H.F. No. 2 was read the second time.

Senator Gazelka moved that H.F. No. 2 be laid on the table. The motion prevailed.

### RECESS

Senator Gazelka moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

### MOTIONS AND RESOLUTIONS - CONTINUED

Senator Gazelka moved that H.F. No. 4 be taken from the table. The motion prevailed.

Pursuant to Rule 26, Senator Gazelka, Chair of the Committee on Rules and Administration, designated H.F. No. 4 a Special Order to be heard immediately.

### SPECIAL ORDER

**H.F. No. 4:** A bill for an act relating to state government; establishing a budget for the Minnesota Housing Finance Agency; modifying various housing policy provisions; expanding requirements and uses of housing infrastructure bonds and rehabilitation loans; expanding accommodation requirements for service and support animals; expanding property ownership options to owners of manufactured homes; providing for an eviction moratorium phaseout; establishing a task force on shelter; making technical and conforming changes; requiring a report; appropriating money; amending Minnesota Statutes 2020, sections 12A.09, subdivision 3; 256C.02; 273.11, subdivision 12; 273.125,

subdivision 8; 326B.106, subdivision 7; 363A.09, subdivision 5; 462A.05, subdivisions 14, 14a; 462A.07, subdivision 2; 462A.30, subdivision 9; 462A.37, subdivision 5, by adding a subdivision; 474A.21; proposing coding for new law in Minnesota Statutes, chapters 168A; 504B; repealing Minnesota Statutes 2020, section 168A.141.

H.F. No. 4 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Draheim	Ingebrigtsen	Mathews	Rosen
Anderson	Duckworth	Isaacson	McEwen	Ruud
Bakk	Dziedzic	Jasinski	Miller	Senjem
Benson	Eaton	Johnson	Murphy	Tomassoni
Bigham	Eken	Johnson Stewart	Nelson	Torres Ray
Carlson	Fateh	Kent	Newman	Utke
Chamberlain	Franzen	Kiffmeyer	Newton	Weber
Champion	Frentz	Klein	Osmek	Westrom
Clausen	Gazelka	Koran	Pappas	Wiger
Coleman	Goggin	Kunesh	Port	Wiklund
Cwodzinski	Hawj	Lang	Pratt	
Dahms	Hoffman	Latz	Putnam	
Dibble	Housley	Limmer	Rarick	
Dornink	Howe	Marty	Rest	

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senators: Goggin, Howe, Lang, Newman, Osmek, Rarick, and Utke.

Pursuant to Rule 40, Senator Frentz cast the affirmative vote on behalf of the following Senators: Carlson, Champion, Eaton, Eken, Fateh, Hoffman, Kunesh, Latz, Newton, Putnam, Rest, Torres Ray, and Wiklund.

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

Senator Gazelka moved that H.F. No. 52 be taken from the table. The motion prevailed.

**H.F. No. 52:** A bill for an act relating to capital investment; amending prior appropriations for capital improvement projects; authorizing the conveyance of state lands; amending Minnesota Statutes 2020, section 469.53; Laws 2009, chapter 93, article 1, section 14, subdivision 3, as amended; Laws 2014, chapter 294, article 1, sections 21, subdivisions 21, 23, as amended; 22, subdivision 5, as amended; Laws 2017, First Special Session chapter 8, article 1, sections 7, subdivision 2; 15, subdivision 3, as amended; 20, subdivisions 8, 14, 15; Laws 2018, chapter 214, article 1, sections 16, subdivision 2, as amended; 17, subdivision 6; 18, subdivisions 3, 4; 21, subdivisions 16, 28, as amended; 22, subdivision 6; Laws 2019, chapter 2, article 1, section 2, subdivision 5; Laws 2020, Fifth Special Session chapter 3, article 1, sections 7, subdivisions 3, 18; 13, subdivision 5; 16, subdivisions 5, 7, 15, 36; 20, subdivisions 5, 7; 21, subdivisions 14, 20, 23, 37, 44, 47; 22, subdivisions 6, 8, 18, 19, 21, 23, 28, 30, 33; article 2, section 2, subdivisions 2, 4.

**SUSPENSION OF RULES**

Senator Gazelka moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 52 and that the rules of the Senate be so far suspended as to give H.F. No. 52 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 52 was read the second time.

H.F. No. 52 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 67 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Draheim	Howe	Marty	Rest
Anderson	Duckworth	Ingebrigtsen	Mathews	Rosen
Bakk	Dziedzic	Isaacson	McEwen	Ruud
Benson	Eaton	Jasinski	Miller	Senjem
Bigham	Eichorn	Johnson	Murphy	Tomassoni
Carlson	Eken	Johnson Stewart	Nelson	Torres Ray
Chamberlain	Fateh	Kent	Newman	Utke
Champion	Franzen	Kiffmeyer	Newton	Weber
Clausen	Frentz	Klein	Osmek	Westrom
Coleman	Gazelka	Koran	Pappas	Wiger
Cwodzinski	Goggin	Kunesh	Port	Wiklund
Dahms	Hawj	Lang	Pratt	
Dibble	Hoffman	Latz	Putnam	
Dornink	Housley	Limmer	Rarick	

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senators: Eichorn, Goggin, Howe, Lang, Newman, Osmek, Rarick, and Utke.

Pursuant to Rule 40, Senator Frentz cast the affirmative vote on behalf of the following Senators: Carlson, Champion, Eaton, Eken, Fateh, Hawj, Hoffman, Kunesh, Latz, Newton, Putnam, Rest, Torres Ray, and Wiklund.

So the bill passed and its title was agreed to.

**RECESS**

Senator Gazelka moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Reports of Committees and Second Reading of Senate Bills.

**REPORTS OF COMMITTEES**

Senator Johnson moved that the Committee Report at the Desk be now adopted. The motion prevailed.

**Senator Rosen from the Committee on Finance, to which was referred**

**S.F. No. 7:** A bill for an act relating to public safety; amending provisions relating to public defender county program aid; amending Minnesota Statutes 2020, sections 477A.03, subdivision 2b; 611.27, subdivisions 9, 10, 11, 13, 15.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

**"ARTICLE 1**

**APPROPRIATIONS**

Section 1. **APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2022" and "2023" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2022, or June 30, 2023, respectively. "The first year" is fiscal year 2022. "The second year" is fiscal year 2023. "The biennium" is fiscal years 2022 and 2023. Appropriations for the fiscal year ending June 30, 2021, are effective the day following final enactment.

	<b><u>APPROPRIATIONS</u></b>	
	<b><u>Available for the Year</u></b>	
	<b><u>Ending June 30</u></b>	
	<b><u>2022</u></b>	<b><u>2023</u></b>
 Sec. 2. <b><u>SUPREME COURT</u></b>		
Subdivision 1. <b><u>Total Appropriation</u></b>	<b><u>\$ 60,487,000</u></b>	<b><u>\$ 61,582,000</u></b>
 <u>The amounts that may be spent for each purpose are specified in the following subdivisions.</u>		
Subd. 2. <b><u>Supreme Court Operations</u></b>	<b><u>43,559,000</u></b>	<b><u>43,384,000</u></b>
 (a) <b><u>Contingent Account</u></b>		
<u>\$5,000 each year is for a contingent account for expenses necessary for the normal</u>		

operation of the court for which no other reimbursement is provided.

**(b) Justices' Compensation**

Justices' compensation is increased by 2.5 percent in the first year.

**(c) Courthouse Security Grants**

\$500,000 the first year is for a competitive grant program established by the chief justice for the distribution of safe and secure courthouse fund grants to governmental entities responsible for providing or maintaining a courthouse or other facility where court proceedings are held. Grant recipients must provide a 50 percent nonstate match. This appropriation is available until June 30, 2024.

**(d) Neuropsychological Examination Feasibility Study**

\$30,000 the first year is for the neuropsychological examination feasibility study.

**Subd. 3. Civil Legal Services**

16,928,000

18,198,000

**Legal Services to Low-Income Clients in Family Law Matters.** \$1,017,000 each year is to improve the access of low-income clients to legal representation in family law matters. This appropriation must be distributed under Minnesota Statutes, section 480.242, to the qualified legal services program described in Minnesota Statutes, section 480.242, subdivision 2, paragraph (a). Any unencumbered balance remaining in the first year does not cancel and is available in the second year.

**Sec. 3. COURT OF APPEALS**

\$

13,490,000 \$

13,574,000

**Judges' Compensation.** Judges' compensation is increased by 2.5 percent in the first year.

Sec. 4. <b><u>DISTRICT COURTS</u></b>	<b><u>\$</u></b>	<b><u>326,372,000</u></b>	<b><u>\$</u></b>	<b><u>329,146,000</u></b>
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**(a) Judges' Compensation**

Judges' compensation is increased by 2.5 percent in the first year.

**(b) New Judgeship**

\$482,000 the first year and \$449,000 the second year are for a new judge unit in the Fifth Judicial District.

**(c) Interpreter Compensation**

\$200,000 each year is to increase hourly fees paid to qualified certified and uncertified interpreters who are independent contractors and assist persons disabled in communication in legal proceedings. This is a onetime appropriation.

Sec. 5. <b><u>GUARDIAN AD LITEM BOARD</u></b>	<b><u>\$</u></b>	<b><u>22,576,000</u></b>	<b><u>\$</u></b>	<b><u>22,815,000</u></b>
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Sec. 6. <b><u>TAX COURT</u></b>	<b><u>\$</u></b>	<b><u>1,827,000</u></b>	<b><u>\$</u></b>	<b><u>1,841,000</u></b>
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Sec. 7. <b><u>UNIFORM LAWS COMMISSION</u></b>	<b><u>\$</u></b>	<b><u>100,000</u></b>	<b><u>\$</u></b>	<b><u>100,000</u></b>
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Sec. 8. <b><u>BOARD ON JUDICIAL STANDARDS</u></b>	<b><u>\$</u></b>	<b><u>580,000</u></b>	<b><u>\$</u></b>	<b><u>586,000</u></b>
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**(a) Availability of Appropriation**

If the appropriation for either year is insufficient, the appropriation for the other fiscal year is available.

**(b) Major Disciplinary Actions**

\$125,000 each year is for special investigative and hearing costs for major disciplinary actions undertaken by the board. This appropriation does not cancel. Any unencumbered and unspent balances remain available for these expenditures until June 30, 2025.

Sec. 9. <b><u>BOARD OF PUBLIC DEFENSE</u></b>	<b><u>\$</u></b>	<b><u>106,381,000</u></b>	<b><u>\$</u></b>	<b><u>111,409,000</u></b>
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**Public Defense Corporations.** \$74,000 the first year and \$152,000 the second year are for increases to public defense corporations.

Sec. 10. <b><u>HUMAN RIGHTS</u></b>	<u>\$</u>	<u>5,433,000</u>	<u>\$</u>	<u>5,530,000</u>
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**Additional Staffing and Administrative Costs.** \$110,000 in fiscal year 2022 and \$112,000 in fiscal year 2023 are for improving caseload processing. The general fund base for this activity shall be \$116,000 per year beginning in fiscal year 2024.

Sec. 11. <b><u>OFFICE OF THE STATE AUDITOR</u></b>	<u>\$</u>	<u>64,000</u>	<u>\$</u>	<u>30,000</u>
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**Forfeiture Reporting.** \$64,000 the first year and \$30,000 the second year are for costs associated with forfeiture reporting requirements.

Sec. 12. <b><u>LEGISLATIVE COORDINATING COMMISSION</u></b>	<u>\$</u>	<u>60,000</u>	<u>\$</u>	<u>60,000</u>
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\$60,000 each year is for the Legislative Commission on Data Practices under Minnesota Statutes, section 3.8844.

Sec. 13. <b><u>SENTENCING GUIDELINES</u></b>	<u>\$</u>	<u>740,000</u>	<u>\$</u>	<u>765,000</u>
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Sec. 14. **PUBLIC SAFETY**

Subdivision 1. **Total**

<b><u>Appropriation</u></b>	<u>\$</u>	<u>1,439,000</u>	<u>\$</u>	<u>214,167,000</u>	<u>\$</u>	<u>213,005,000</u>
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General	<u>1,439,000</u>	<u>128,764,000</u>	<u>127,621,000</u>
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Special Revenue		<u>14,901,000</u>	<u>14,891,000</u>
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State Government

Special Revenue		<u>103,000</u>	<u>103,000</u>
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Environmental		<u>73,000</u>	<u>73,000</u>
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Trunk Highway		<u>2,429,000</u>	<u>2,429,000</u>
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911 Fund		<u>67,897,000</u>	<u>67,888,000</u>
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The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. <b><u>Emergency Management</u></b>		<u>3,000,000</u>	<u>3,156,000</u>
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	<u>Appropriations by Fund</u>	
<u>General</u>	<u>2,927,000</u>	<u>3,083,000</u>
<u>Environmental</u>	<u>73,000</u>	<u>73,000</u>

**(a) Supplemental Nonprofit Security Grants**

\$225,000 each year is for supplemental nonprofit security grants under this paragraph.

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

Eligible organizations may receive grants of up to \$75,000, except that the total received by any individual from both the federal nonprofit security grant program and the state supplemental nonprofit security grant program shall not exceed \$75,000. Grants shall be awarded in an order consistent with the ranking given to applicants for the federal nonprofit security grant program. No grants under the state supplemental nonprofit security grant program shall be awarded until the announcement of the recipients and the amount of the grants awarded under the federal nonprofit security grant program.

The commissioner may use up to one percent of the appropriation received under this paragraph to pay costs incurred by the department in administering the supplemental nonprofit security grant program. These appropriations are onetime.

**(b) School Safety Center**

\$250,000 each year is for two school safety specialists at the Minnesota School Safety Center.

**Subd. 3. Criminal**

<b><u>Apprehension</u></b>	<u>1,316,000</u>	<u>78,263,000</u>	<u>77,023,000</u>
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Appropriations by Fund

<u>General</u>	<u>1,316,000</u>	<u>75,827,000</u>	<u>74,587,000</u>
<u>State Government</u>			
<u>Special Revenue</u>		<u>7,000</u>	<u>7,000</u>
<u>Trunk Highway</u>		<u>2,429,000</u>	<u>2,429,000</u>

**(a) DWI Lab Analysis**

Notwithstanding Minnesota Statutes, section 161.20, subdivision 3, \$2,429,000 each year is from the trunk highway fund for staff and operating costs for laboratory analysis related to driving-while-impaired cases.

**(b) Cybersecurity**

\$2,611,000 the first year and \$1,558,000 the second year are for identity and access management, critical infrastructure upgrades, and Federal Bureau of Investigation audit compliance. The base for this is \$1,050,000 in fiscal years 2024 and 2025.

**(c) Rapid DNA Program**

\$285,000 each year is for the Rapid DNA Program.

**(d) Body Cameras**

\$397,000 the first year and \$205,000 the second year are to purchase body cameras for peace officers employed by the Bureau of Criminal Apprehension and to maintain the necessary hardware, software, and data.

**(e) National Guard Sexual Assault Investigations**

\$160,000 each year is for investigation of criminal sexual conduct allegations filed against members of the Minnesota National

Guard by another member of the Minnesota National Guard. This appropriation is onetime.

**(f) Criminal Alert Network; Alzheimer's and Dementia**

\$200,000 the first year is for the criminal alert network to increase membership, reduce the registration fee, and create additional alert categories, including at a minimum a dementia and Alzheimer's disease specific category.

**(g) Forfeiture Notices**

\$24,000 in fiscal year 2022 is for costs for technological upgrades required for generating forfeiture notices and property receipts.

**(h) Drugged Driving Lab Testing Support**

\$825,000 each year is for staffing and supplies for drugged driving lab testing.

**Subd. 4. Fire Marshal**

8,752,000

8,818,000

Appropriations by Fund

General	<u>178,000</u>	<u>178,000</u>
Special Revenue	<u>8,574,000</u>	<u>8,640,000</u>

The special revenue fund appropriation is from the fire safety account in the special revenue fund and is for activities under Minnesota Statutes, section 299F.012. The base appropriation from this account is \$8,740,000 in fiscal year 2024 and \$8,640,000 in fiscal year 2025.

**(a) Inspections**

\$300,000 each year is for inspection of nursing homes and boarding care facilities.

**(b) Hazmat and Chemical Assessment Teams**

\$950,000 the first year and \$850,000 the second year are from the fire safety account

in the special revenue fund. These amounts must be used to fund the hazardous materials and chemical assessment teams. Of this amount, \$100,000 the first year is for cases for which there is no identified responsible party. The base appropriation is \$950,000 in fiscal year 2024 and \$850,000 in fiscal year 2025.

**(c) Bomb Squad Reimbursements**

\$50,000 each year is from the general fund for reimbursements to local governments for bomb squad services.

**(d) Emergency Response Teams**

\$675,000 each year is from the fire safety account in the special revenue fund to maintain four emergency response teams: one under the jurisdiction of the St. Cloud Fire Department or a similarly located fire department if necessary; one under the jurisdiction of the Duluth Fire Department; one under the jurisdiction of the St. Paul Fire Department; and one under the jurisdiction of the Moorhead Fire Department.

<b><u>Subd. 5. Firefighter Training and Education Board</u></b>	<u>5,792,000</u>	<u>5,792,000</u>
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<u>Appropriations by Fund</u>		
<u>Special Revenue</u>	<u>5,792,000</u>	<u>5,792,000</u>

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

**(a) Firefighter Training and Education**

\$4,500,000 each year is for firefighter training and education.

**(b) Task Force 1**

\$975,000 each year is for the Minnesota Task Force 1.

**(c) Air Rescue**

\$317,000 each year is for the Minnesota Air Rescue Team.

**(d) Unappropriated Revenue**

Any additional unappropriated money collected in fiscal year 2021 is appropriated to the commissioner of public safety for the purposes of Minnesota Statutes, section 299F.012. The commissioner may transfer appropriations and base amounts between activities in this subdivision.

**Subd. 6. Alcohol and Gambling**

<b><u>Enforcement</u></b>		<u>123,000</u>	<u>2,681,000</u>	<u>2,702,000</u>
	<u>Appropriations by Fund</u>			
<u>General</u>	<u>123,000</u>	<u>2,611,000</u>	<u>2,632,000</u>	
<u>Special Revenue</u>		<u>70,000</u>	<u>70,000</u>	

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

**(a) Legal Costs**

\$93,000 the first year is for legal costs associated with Alexis Bailly Vineyard, Inc. v. Harrington. This is a onetime appropriation.

**(b) Body Cameras**

\$16,000 each year is to purchase body cameras for peace officers employed by the Alcohol and Gambling Enforcement Division and to maintain the necessary hardware, software, and data.

<b><u>Subd. 7. Office of Justice Programs</u></b>			<u>47,317,000</u>	<u>47,237,000</u>
	<u>Appropriations by Fund</u>			
<u>General</u>	<u>47,221,000</u>	<u>47,141,000</u>		
<u>State Government</u>				
<u>Special Revenue</u>	<u>96,000</u>	<u>96,000</u>		

**(a) Administration Costs**

Up to 2.5 percent of the grant funds appropriated in this subdivision may be used

by the commissioner to administer the grant program.

**(b) Combatting Sex Trafficking Grants**

\$250,000 each year is for an antitrafficking investigation coordinator and to implement new or expand existing strategies to combat sex trafficking.

**(c) Survivor Support and Prevention Grants**

\$400,000 each year is for grants to victim survivors and to fund emerging or unmet needs impacting victims of crime, particularly in underserved populations. This is a onetime appropriation.

**(d) Improving Retention in Domestic Violence Programs**

\$150,000 the first year is to develop an open and competitive grant process to award a grant to establish a pilot project to increase the rate at which participants voluntarily complete a person-centered, trauma-informed violence prevention program by addressing the social and economic barriers that inhibit program completion. This appropriation is available until June 30, 2024.

The grant recipient shall have an established program for individuals who have been identified as using abusive behaviors within a home or community setting. The established program must apply evidence-based interventions to equip participants with skills and techniques to stop abusive behaviors as they occur and prevent them from happening in the future.

The pilot project shall address financial, transportation, food, housing, or social support barriers in order to increase the rate of participants completing the program. Money may be used to advance program capacity, reduce the administrative burden on program staff, secure participant consent

for assessment, enhance measurement and evaluation of the program, and provide other services and support to increase the rate of program completion while maintaining low recidivism rates.

By January 15, 2023, the grant recipient shall provide a report to the Office of Justice Programs identifying:

(1) the number of individuals, including the age, race, and sex of those individuals, who were admitted into the program before and after the pilot project began;

(2) the number of individuals, including the age, race, and sex of those individuals, who completed the program before and after the pilot project began;

(3) the number of individuals, including the age, race, and sex of those individuals, who left the program prior to completion before and after the pilot project began;

(4) information on whether the individuals were members of a two-parent or single-parent home; and

(5) any other relevant measurement and evaluation of the pilot project, including information related to social and economic barriers that impact program completion rates.

By January 15, 2024, the grant recipient shall provide a report to the Office of Justice Programs identifying the domestic violence recidivism rate of individuals who completed the program, including the age, race, and sex of those individuals, before and after the pilot project began.

By February 15, 2024, the Office of Justice Programs shall compile the information received from the grant recipient and provide that compilation to the senate and house of representatives committees and divisions with jurisdiction over public safety.

**(e) Innovation in Community Safety Grants**

\$400,000 each year is for innovation in community safety grants. This is a onetime appropriation.

**(f) Youth Intervention Program Grants**

\$286,000 each year is for youth intervention program grants.

**(g) Racially Diverse Youth in Shelters**

\$45,000 each year is for grants to organizations to address racial disparity of youth using shelter services in the Rochester and St. Cloud regional areas. A grant recipient shall establish and operate a pilot program to engage in community intervention, family reunification, aftercare, and follow up when family members are released from shelter services. A pilot program shall specifically address the high number of racially diverse youth that enter shelters in the region. This is a onetime appropriation.

**(h) Task Force on Missing and Murdered African American Women**

\$100,000 the first year and \$50,000 the second year are to implement the task force on missing and murdered African American women. This is a onetime appropriation.

**(i) VCETs**

\$1,000,000 each year is for additional violent crime enforcement teams. The base for this is \$1,000,000 in fiscal years 2024 and 2025.

Of this amount, \$250,000 each year is a onetime appropriation for a team to address criminal activities in and around metropolitan transit lines. This team must include members from the Hennepin County Sheriff's Office, the Ramsey County Sheriff's Office, the St. Paul Police Department, the



Minneapolis Police Department, and the Metropolitan Transit Police Department. The Hennepin County Sheriff's Office shall serve as the team's fiscal agent. By February 1, 2022, the commissioner shall report to the chairs and ranking minority members of the legislative committees with jurisdiction over criminal justice policy and funding on the activities of the team. The report must detail the impact the team had on reducing criminal activity in and around metropolitan transit lines and recommend whether to fund the team in the future or whether the money for this would be better directed toward other violent crime enforcement teams.

**(j) Office of Missing and Murdered Indigenous Relatives**

\$500,000 each year is to establish and maintain the Office of Missing and Murdered Indigenous Relatives.

**(k) Hometown Heroes Assistance Program**

\$4,000,000 each year is appropriated for grants to the Minnesota Firefighter Initiative to fund the hometown heroes assistance program established in Minnesota Statutes, section 299A.477.

**(l) Juvenile Justice Unit**

\$200,000 each year is to establish and maintain a Juvenile Justice Unit.

**Subd. 8. Emergency Communication Networks**

67,897,000

67,888,000

This appropriation is from the state government special revenue fund for 911 emergency telecommunications services.

This appropriation includes funds for information technology project services and support subject to the provisions of Minnesota Statutes, section 16E.0466. Any ongoing information technology costs shall be incorporated into the service level agreement and shall be paid to the Office of

MN.IT Services by the Department of Public Safety under the rates and mechanism specified in that agreement.

**(a) Public Safety Answering Points**

\$27,328,000 the first year and \$28,011,000 the second year shall be distributed as provided in Minnesota Statutes, section 403.113, subdivision 2. The base appropriation is \$28,011,000 in fiscal year 2024 and \$28,011,000 in fiscal year 2025.

**(b) Medical Resource Communication Centers**

\$683,000 the first year is for grants to the Minnesota Emergency Medical Services Regulatory Board for the Metro East and Metro West Medical Resource Communication Centers that were in operation before January 1, 2000.

**(c) ARMER State Backbone Operating Costs**

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

**(d) ARMER Improvements**

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

**(e) 911 Telecommunicator Working Group**

\$9,000 the first year is to convene, administer, and implement the 911 telecommunicator working group.

**Subd. 9. Driver and Vehicle Services** 465,000 389,000

\$465,000 the first year and \$389,000 the second year are from the driver services operating account in the special revenue fund for the ignition interlock program under Minnesota Statutes, section 171.306.

**Sec. 15. PEACE OFFICER STANDARDS AND TRAINING (POST) BOARD**

**Subdivision 1. Total Appropriation** \$ 11,563,000 \$ 11,554,000

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

**Subd. 2. Peace Officer Training Reimbursements**

\$2,949,000 each year is for reimbursements to local governments for peace officer training costs.

**Subd. 3. Peace Officer Training Assistance**

**Philando Castile Memorial Training Fund**  
\$6,000,000 each year is to support and strengthen law enforcement training and implement best practices. This funding shall be named the "Philando Castile Memorial Training Fund."

Each sponsor of a training course is required to include the following in the sponsor's application for approval submitted to the board: course goals and objectives; a course outline including at a minimum a timeline and teaching hours for all courses; instructor qualifications, including skills and concepts such as crisis intervention, de-escalation, and cultural competency that are relevant to the course provided; and a plan for learning assessments of the course and documenting the assessments to the board during review. Upon completion of each course, instructors

must submit student evaluations of the instructor's teaching to the sponsor.

The board shall keep records of the applications of all approved and denied courses. All continuing education courses shall be reviewed after the first year. The board must set a timetable for recurring review after the first year. For each review, the sponsor must submit its learning assessments to the board to show that the course is teaching the learning outcomes that were approved by the board.

A list of licensees who successfully complete the course shall be maintained by the sponsor and transmitted to the board following the presentation of the course and the completed student evaluations of the instructors. Evaluations are available to chief law enforcement officers. The board shall establish a data retention schedule for the information collected in this section.

Each year, if funds are available after reimbursing all eligible requests for courses approved by the board under this subdivision, the board may use the funds to reimburse law enforcement agencies for other board-approved law enforcement training courses. The base for this activity is \$0 in fiscal year 2026 and thereafter.

Sec. 16. <b><u>PRIVATE DETECTIVE BOARD</u></b>	<b><u>\$</u></b>	<b><u>282,000</u></b>	<b><u>\$</u></b>	<b><u>288,000</u></b>
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Sec. 17. **CORRECTIONS**

Subdivision 1. <b><u>Total Appropriation</u></b>	<b><u>\$</u></b>	<b><u>183,000</u></b>	<b><u>\$</u></b>	<b><u>630,943,000</u></b>	<b><u>\$</u></b>	<b><u>639,312,000</u></b>
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The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. <b><u>Incarceration and Prerelease Services</u></b>	<b><u>183,000</u></b>	<b><u>461,538,000</u></b>	<b><u>469,578,000</u></b>
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**(a) Healthy Start Act**

\$100,000 each year is to implement the healthy start act that shall create a release program for pregnant women and new mothers who are committed to the commissioner of corrections by providing alternatives to incarceration and improving parenting skills.

**(b) Prescription Medications**

\$17,000 the first year and \$20,000 the second year are to provide a one-month supply of any prescribed, nonnarcotic medications and a prescription for a 30-day supply of these medications that may be refilled twice to inmates at the time of their release.

**(c) Incarceration and Prerelease Services Base Budget**

The general fund base for Department of Corrections incarceration and prerelease services is \$469,883,000 in fiscal year 2024 and \$470,331,000 in fiscal year 2025.

**Subd. 3. Community Supervision and Postrelease Services**

137,780,000

138,204,000

**(a) Community Corrections Act**

\$1,220,000 each year is added to the Community Corrections Act subsidy, as described in Minnesota Statutes, section 401.14. This is a onetime increase for the biennium and requires the submission of a report to the legislature no later than December 15, 2021, with recommendations from a working group established to study supervision services and funding across the state and develop recommendations. This is a onetime appropriation.

The commissioner of corrections shall convene a working group to study and report to the legislature on the attributes and requirements of an effective supervision system. The report shall describe how the state and counties can achieve an effective

supervision system together, balancing local control with state support and collaboration. The report shall include: a proposal for sustainable funding of the state's community supervision delivery systems; a plan for the potential of future Tribal government supervision of probationers and supervised releasees; a definition of core or base-level supervision standards in accordance with the state's obligation to fund or provide supervision services that are geographically equitable and reflect the principles of modern correctional practice; a recommended funding model and the associated costs as compared to the state's current investment in those services; alternative funding and delivery models and the alternative models' associated costs when compared with the state's current investment in those services; and mechanisms to ensure balanced application of increases in the cost of community supervision services.

The working group shall at a minimum include the following members: the commissioner of corrections or the commissioner's designee and four other representatives from the Department of Corrections, five directors of the Minnesota Association of Community Corrections Act Counties, five directors of the Minnesota Association of County Probation Offices, three county commissioner representatives from the Association of Minnesota Counties with one from each delivery system, three representatives of the Minnesota Indian Affairs Council Tribal government members, and two district court judge representatives designated by the State Court Administrator. The working group may include other members and the use of a third-party organization to provide process facilitation, statewide stakeholder engagement, data analysis, programming and supervision assessments, and technical assistance through implementation of the adopted report recommendations.

The report shall be submitted to the chairs and ranking minority members of the house of representatives Public Safety Committee and the senate Judiciary and Finance Committees no later than December 15, 2021.

**(b) County Probation Officer Reimbursement**

\$101,000 each year is for county probation officers reimbursement, as described in Minnesota Statutes, section 244.19, subdivision 6. This is a onetime increase for the biennium and requires the submission of a report to the legislature no later than December 15, 2021, with recommendations from a working group established to study supervision services and funding across the state and develop recommendations. This is a onetime appropriation.

**(c) Probation Supervision Services**

\$1,170,000 each year is for probation supervision services provided by the Department of Corrections in Meeker, Mille Lacs, and Renville Counties as described in Minnesota Statutes, section 244.19, subdivision 1. The commissioner of corrections shall bill Meeker, Mille Lacs, and Renville Counties for the total cost of and expenses incurred for probation services on behalf of each county, as described in Minnesota Statutes, section 244.19, subdivision 5, and all reimbursements shall be deposited in the general fund.

**(d) Task Force on Aiding and Abetting Felony Murder**

\$25,000 the first year is to implement the task force on aiding and abetting felony murder.

**(e) Alternatives to Incarceration**

\$320,000 each year is for funding to Anoka County, Crow Wing County, and Wright

County to facilitate access to community treatment options under the alternatives to incarceration program.

**(f) Juvenile Justice Report**

\$55,000 the first year and \$9,000 the second year are for reporting on extended jurisdiction juveniles.

**(g) Postrelease Employment for Inmates Grant; Request for Proposals**

\$300,000 the first year is for a grant to a nongovernmental organization to provide curriculum and corporate mentors to inmates and assist inmates in finding meaningful employment upon release from a correctional facility. By September 1, 2021, the commissioner of corrections must issue a request for proposals. By December 1, 2021, the commissioner shall award a \$300,000 grant to the applicant that is best qualified to provide the programming described in this paragraph.

**(h) Homelessness Mitigation Plan**

\$12,000 the first year is to develop and implement a homelessness mitigation plan for individuals released from prison.

**(i) Identifying Documents**

\$23,000 the first year and \$28,000 the second year are to assist inmates in obtaining a copy of their birth certificates and provide appropriate Department of Corrections identification cards to individuals released from prison.

**(j) Predatory Offender Statutory Framework Working Group**

\$25,000 the first year is to convene, administer, and implement the Predatory Offender Statutory Framework Working Group.



**Subd. 4. Organizational, Regulatory, and Administrative Services**

31,625,000

31,530,000

**(a) Technology**

\$1,566,000 the first year and \$1,621,000 the second year are to increase support for ongoing technology needs.

**(b) Correctional Facilities Security Audit Group**

\$42,000 the first year and \$69,000 the second year are for the correctional facilities security audit group to prepare security audit standards, conduct security audits, and prepare required reports.

**(c) Oversight**

\$992,000 the first year and \$492,000 the second year are to expand and improve oversight of jails and other state and local correctional facilities, including the addition of four full-time corrections detention facilities inspectors and funds for county sheriffs who inspect municipal lockups.

**(d) Jailhouse Witness Data**

\$20,000 the first year is for costs associated with collecting and reporting on jailhouse witness data.

Sec. 18. **OMBUDSPERSON FOR CORRECTIONS** \$

659,000 \$

663,000

Sec. 19. **DEPARTMENT OF NATURAL RESOURCES** \$

489,000 \$

387,000

\$489,000 the first year and \$387,000 the second year are to purchase body cameras for conservation officers employed by the Department of Natural Resources and to maintain the necessary hardware, software, and data. The base appropriation is \$387,000 in fiscal year 2024 and \$387,000 in fiscal year 2025.

**Sec. 20. CANCELLATION; FISCAL YEAR 2021****(a) Alcohol and Gambling Enforcement**

\$132,000 of the fiscal year 2021 general fund appropriation under Laws 2019, First Special Session chapter 5, article 1, section 12, subdivision 6, is canceled.

**(b) Office of Justice Programs**

\$213,000 of the fiscal year 2021 general fund appropriation under Laws 2019, First Special Session chapter 5, article 1, section 12, subdivision 7, is canceled.

**EFFECTIVE DATE.** This section is effective retroactively from June 30, 2021.

**Sec. 21. TRANSFER; DISASTER ASSISTANCE CONTINGENCY ACCOUNT.**

(a) If the fiscal year 2021 final closing balance in the general fund exceeds the closing balance projected at the end of the 2021 first special legislative session by at least \$30,000,000, the commissioner of management and budget must transfer \$30,000,000 from the general fund to the disaster assistance contingency account established under Minnesota Statutes, section 12.221, subdivision 6.

(b) If the fiscal year 2021 final closing balance in the general fund exceeds the closing balance projected at the end of the 2021 first special legislative session by less than \$30,000,000, the commissioner of management and budget must transfer an amount equal to the difference between the fiscal year 2021 final closing balance and the closing balance projected at the end of the 2021 first special legislative session from the general fund to the disaster assistance contingency account established under Minnesota Statutes, section 12.221, subdivision 6.

(c) If a transfer is required under this section, the transfer must be completed before September 30, 2021.

**ARTICLE 2****PUBLIC SAFETY**

Section 1. Minnesota Statutes 2020, section 152.01, subdivision 18, is amended to read:

Subd. 18. **Drug paraphernalia.** (a) Except as otherwise provided in paragraph (b), "drug paraphernalia" means all equipment, products, and materials of any kind, except those items used in conjunction with permitted uses of controlled substances under this chapter or the Uniform Controlled Substances Act, which are knowingly or intentionally used primarily in (1) manufacturing a controlled substance, (2) injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, (3) testing the strength, effectiveness, or purity of a controlled substance, or (4) enhancing the effect of a controlled substance.

(b) "Drug paraphernalia" does not include the possession, manufacture, delivery, or sale of: (1) hypodermic needles or syringes in accordance with section 151.40, subdivision 2-; or (2) products that detect the presence of fentanyl or a fentanyl analog in a controlled substance.

**EFFECTIVE DATE.** This section is effect July 1, 2021, for acts occurring on or after that date.

Sec. 2. Minnesota Statutes 2020, section 169A.55, subdivision 2, is amended to read:

Subd. 2. **Reinstatement of driving privileges; notice.** Upon expiration of a period of revocation under section 169A.52 (license revocation for test failure or refusal), 169A.54 (impaired driving convictions and adjudications; administrative penalties), or 171.177 (revocation; search warrant), the commissioner shall notify the person of the terms upon which driving privileges can be reinstated, and new registration plates issued, which terms are: (1) ~~successful completion of an examination~~ and proof of compliance with any terms of alcohol treatment or counseling previously prescribed, if any; and (2) any other requirements imposed by the commissioner and applicable to that particular case. The commissioner shall notify the owner of a motor vehicle subject to an impoundment order under section 169A.60 (administrative impoundment of plates) as a result of the violation of the procedures for obtaining new registration plates, if the owner is not the violator. The commissioner shall also notify the person that if driving is resumed without reinstatement of driving privileges or without valid registration plates and registration certificate, the person will be subject to criminal penalties.

Sec. 3. Minnesota Statutes 2020, section 169A.55, subdivision 4, is amended to read:

Subd. 4. **Reinstatement of driving privileges; multiple incidents.** (a) A person whose driver's license has been revoked as a result of an offense listed under clause (2) shall not be eligible for reinstatement of driving privileges without an ignition interlock restriction until the commissioner certifies that either:

(1) the person did not own or lease a vehicle at the time of the offense or at any time between the time of the offense and the driver's request for reinstatement, or commit a violation of chapter 169, 169A, or 171 between the time of the offense and the driver's request for reinstatement or at the time of the arrest for the offense listed under clause (2), item (i), subitem (A) or (B), or (ii), subitem (A) or (B), as based on:

(i) a request by the person for reinstatement, on a form to be provided by the Department of Public Safety;

(ii) the person's attestation under penalty of perjury; and

(iii) the submission by the driver of certified copies of vehicle registration records and driving records for the period from the arrest until the driver seeks reinstatement of driving privileges; or

(2) the person used the ignition interlock device and complied with section 171.306 for a period of not less than:

(i) one year, for a person whose driver's license was revoked for:

(A) an offense occurring within ten years of a qualified prior impaired driving incident; or

(B) an offense occurring after two qualified prior impaired driving incidents; or

(ii) two years, for a person whose driver's license was revoked for:

(A) an offense occurring under item (i), subitem (A) or (B), and the test results indicated an alcohol concentration of twice the legal limit or more; or

(B) an offense occurring under item (i), subitem (A) or (B), and the current offense is for a violation of section 169A.20, subdivision 2.

~~(a)~~ (b) A person whose driver's license has been canceled or denied as a result of three or more qualified impaired driving incidents shall not be eligible for reinstatement of driving privileges without an ignition interlock restriction until the person:

(1) has completed rehabilitation according to rules adopted by the commissioner or been granted a variance from the rules by the commissioner; and

(2) has submitted verification of abstinence from alcohol and controlled substances under paragraph (c), as evidenced by the person's use of an ignition interlock device or other chemical monitoring device approved by the commissioner.

~~(b)~~ (c) The verification of abstinence must show that the person has abstained from the use of alcohol and controlled substances for a period of not less than:

(1) three years, for a person whose driver's license was canceled or denied for an offense occurring within ten years of the first of two qualified prior impaired driving incidents, or occurring after three qualified prior impaired driving incidents;

(2) four years, for a person whose driver's license was canceled or denied for an offense occurring within ten years of the first of three qualified prior impaired driving incidents; or

(3) six years, for a person whose driver's license was canceled or denied for an offense occurring after four or more qualified prior impaired driving incidents.

~~(e) The commissioner shall establish performance standards and a process for certifying chemical monitoring devices. The standards and procedures are not rules and are exempt from chapter 14, including section 14.386.~~

**EFFECTIVE DATE.** This section is effective August 1, 2021, for revocations occurring on or after that date.

Sec. 4. Minnesota Statutes 2020, section 169A.60, subdivision 2, is amended to read:

Subd. 2. **Plate impoundment violation; impoundment order.** (a) The commissioner shall issue a registration plate impoundment order when:

(1) a person's driver's license or driving privileges are revoked for a plate impoundment violation;

or

(2) a person is arrested for or charged with a plate impoundment violation described in subdivision 1, paragraph (d), clause (5); or

(3) a person issued new registration plates pursuant to subdivision 13, paragraph (f), violates the terms of the ignition interlock program as described in subdivision 13, paragraph (g).

(b) The order must require the impoundment of the registration plates of the motor vehicle involved in the plate impoundment violation and all motor vehicles owned by, registered, or leased in the name of the violator, including motor vehicles registered jointly or leased in the name of the violator and another. The commissioner shall not issue an impoundment order for the registration plates of a rental vehicle, as defined in section 168.041, subdivision 10, or a vehicle registered in another state.

Sec. 5. Minnesota Statutes 2020, section 169A.60, subdivision 3, is amended to read:

Subd. 3. **Notice of impoundment.** An impoundment order is effective when the commissioner or a peace officer acting on behalf of the commissioner notifies the violator or the registered owner of the motor vehicle of the intent to impound and order of impoundment. The notice must advise the violator of the duties and obligations set forth in subdivision 6 (surrender of plates) and of the right to obtain administrative and judicial review. The notice to the registered owner who is not the violator must include the procedure to obtain new registration plates under subdivision 8. If mailed, the notice and order of impoundment is deemed received three days after mailing to the last known address of the violator or the registered owner, including the address provided when the person became a program participant in the ignition interlock program under section 171.306.

Sec. 6. Minnesota Statutes 2020, section 169A.60, subdivision 13, is amended to read:

Subd. 13. **Special registration plates.** (a) At any time during the effective period of an impoundment order, a violator or registered owner may apply to the commissioner for new registration plates, which must bear a special series of numbers or letters so as to be readily identified by traffic law enforcement officers. The commissioner may authorize the issuance of special plates if:

- (1) the violator has a qualified licensed driver whom the violator must identify;
- (2) the violator or registered owner has a limited license issued under section 171.30;
- (3) the registered owner is not the violator and the registered owner has a valid or limited driver's license;
- (4) a member of the registered owner's household has a valid driver's license; or
- (5) the violator has been reissued a valid driver's license.

(b) The commissioner may not issue new registration plates for that vehicle subject to plate impoundment for a period of at least one year from the date of the impoundment order. In addition, if the owner is the violator, new registration plates may not be issued for the vehicle unless the person has been reissued a valid driver's license in accordance with chapter 171.

(c) A violator may not apply for new registration plates for a vehicle at any time before the person's driver's license is reinstated.

(d) The commissioner may issue the special plates on payment of a \$50 fee for each vehicle for which special plates are requested, except that a person who paid the fee required under paragraph (f) must not be required to pay an additional fee if the commissioner issued an impoundment order pursuant to paragraph (g).

(e) Paragraphs (a) to (d) notwithstanding, the commissioner must issue upon request new registration plates for a any vehicle owned by a violator or registered owner for which the registration plates have been impounded if:

(1) the impoundment order is rescinded;

(2) the vehicle is transferred in compliance with subdivision 14; or

(3) the vehicle is transferred to a Minnesota automobile dealer licensed under section 168.27, a financial institution that has submitted a repossession affidavit, or a government agency.

(f) Notwithstanding paragraphs (a) to (d), the commissioner, upon request and payment of a \$100 fee for each vehicle for which special plates are requested, must issue new registration plates for any vehicle owned by a violator or registered owner for which the registration plates have been impounded if the violator becomes a program participant in the ignition interlock program under section 171.306. This paragraph does not apply if the registration plates have been impounded pursuant to paragraph (g).

(g) The commissioner shall issue a registration plate impoundment order for new registration plates issued pursuant to paragraph (f) if, before a program participant in the ignition interlock program under section 171.306 has been restored to full driving privileges, the program participant:

(1) either voluntarily or involuntarily ceases to participate in the program for more than 30 days;

or

(2) fails to successfully complete the program as required by the Department of Public Safety due to:

(i) two or more occasions of the participant's driving privileges being withdrawn for violating the terms of the program, unless the withdrawal is determined to be caused by an error of the department or the interlock provider; or

(ii) violating the terms of the contract with the provider as determined by the provider.

Sec. 7. Minnesota Statutes 2020, section 171.29, subdivision 1, is amended to read:

Subdivision 1. **Examination required.** (a) No person whose driver's license has been revoked by reason of conviction, plea of guilty, or forfeiture of bail not vacated, under section 169.791, 169.797, 171.17, or 171.172, or revoked under section 169.792, ~~169A.52, or 171.177~~ shall be issued another license unless and until that person shall have successfully passed an examination as required by the commissioner of public safety. This subdivision does not apply to an applicant for early reinstatement under section 169.792, subdivision 7a.

(b) The requirement to successfully pass the examination described in paragraph (a) does not apply to a person whose driver's license has been revoked because of an impaired driving offense.

Sec. 8. Minnesota Statutes 2020, section 171.30, subdivision 1, is amended to read:

Subdivision 1. **Conditions of issuance.** (a) The commissioner may issue a limited license to the driver under the conditions in paragraph (b) in any case where a person's license has been:

(1) suspended under section 171.18, 171.173, 171.186, or 171.187;

(2) revoked, canceled, or denied under section:

(i) 169.792;

(ii) 169.797;

(iii) 169A.52:

(A) subdivision 3, paragraph (a), clause (1) or (2); or

~~(B) subdivision 3, paragraph (a), clause (4), (5), or (6), if in compliance with section 171.306;~~

~~(C)~~ (B) subdivision 4, paragraph (a), clause (1) or (2), if the test results indicate an alcohol concentration of less than twice the legal limit;

~~(D) subdivision 4, paragraph (a), clause (4), (5), or (6), if in compliance with section 171.306;~~

(iv) 171.17; or

(v) 171.172;

(3) revoked, canceled, or denied under section 169A.54:

(i) subdivision 1, clause (1), if the test results indicate an alcohol concentration of less than twice the legal limit;

(ii) subdivision 1, clause (2); or

~~(iii) subdivision 1, clause (5), (6), or (7), if in compliance with section 171.306; or~~

~~(iv)~~ (iii) subdivision 2, if the person does not have a qualified prior impaired driving incident as defined in section 169A.03, subdivision 22, on the person's record, and the test results indicate an alcohol concentration of less than twice the legal limit; or

(4) revoked, canceled, or denied under section 171.177:

(i) subdivision 4, paragraph (a), clause (1) or (2); or

~~(ii) subdivision 4, paragraph (a), clause (4), (5), or (6), if in compliance with section 171.306;~~

~~(iii)~~ (ii) subdivision 5, paragraph (a), clause (1) or (2), if the test results indicate an alcohol concentration of less than twice the legal limit; or

~~(iv) subdivision 5, paragraph (a), clause (4), (5), or (6), if in compliance with section 171.306.~~

(b) The following conditions for a limited license under paragraph (a) include:

(1) if the driver's livelihood or attendance at a chemical dependency treatment or counseling program depends upon the use of the driver's license;

(2) if the use of a driver's license by a homemaker is necessary to prevent the substantial disruption of the education, medical, or nutritional needs of the family of the homemaker; or

(3) if attendance at a postsecondary institution of education by an enrolled student of that institution depends upon the use of the driver's license.

(c) The commissioner in issuing a limited license may impose such conditions and limitations as in the commissioner's judgment are necessary to the interests of the public safety and welfare including reexamination as to the driver's qualifications. The license may be limited to the operation of particular vehicles, to particular classes and times of operation, and to particular conditions of traffic. The commissioner may require that an applicant for a limited license affirmatively demonstrate that use of public transportation or carpooling as an alternative to a limited license would be a significant hardship.

(d) For purposes of this subdivision:

(1) "homemaker" refers to the person primarily performing the domestic tasks in a household of residents consisting of at least the person and the person's dependent child or other dependents; and

(2) "twice the legal limit" means an alcohol concentration of two times the limit specified in section 169A.20, subdivision 1, clause (5).

(e) The limited license issued by the commissioner shall clearly indicate the limitations imposed and the driver operating under the limited license shall have the license in possession at all times when operating as a driver.

(f) In determining whether to issue a limited license, the commissioner shall consider the number and the seriousness of prior convictions and the entire driving record of the driver and shall consider the number of miles driven by the driver annually.

(g) If the person's driver's license or permit to drive has been revoked under section 169.792 or 169.797, the commissioner may only issue a limited license to the person after the person has presented an insurance identification card, policy, or written statement indicating that the driver or owner has insurance coverage satisfactory to the commissioner of public safety. The commissioner of public safety may require the insurance identification card provided to satisfy this subdivision be certified by the insurance company to be noncancelable for a period not to exceed 12 months.

(h) The limited license issued by the commissioner to a person under section 171.186, subdivision 4, must expire 90 days after the date it is issued. The commissioner must not issue a limited license to a person who previously has been issued a limited license under section 171.186, subdivision 4.

(i) The commissioner shall not issue a limited driver's license to any person described in section 171.04, subdivision 1, clause (6), (7), (8), (11), or (14).



(j) The commissioner shall not issue a class A, class B, or class C limited license.

Sec. 9. Minnesota Statutes 2020, section 171.306, subdivision 2, is amended to read:

**Subd. 2. Performance standards; certification; manufacturer and provider requirements.**

(a) The commissioner shall establish performance standards and a process for certifying devices used in the ignition interlock program, except that the commissioner may not establish standards that, directly or indirectly, require devices to use or enable location tracking capabilities without a court order.

(b) The manufacturer of a device must apply annually for certification of the device by submitting the form prescribed by the commissioner. The commissioner shall require manufacturers of certified devices to:

(1) provide device installation, servicing, and monitoring to indigent program participants at a discounted rate, according to the standards established by the commissioner; ~~and~~

(2) include in an ignition interlock device contract a provision that a program participant who voluntarily terminates participation in the program is only liable for servicing and monitoring costs incurred during the time the device is installed on the motor vehicle, regardless of whether the term of the contract has expired; and

(3) include in an ignition interlock device contract a provision that requires manufacturers of certified devices to pay any towing or repair costs caused by device failure or malfunction, or by damage caused during device installation, servicing, or monitoring.

(c) The manufacturer of a certified device must include with an ignition interlock device contract a separate notice to the program participant regarding any location tracking capabilities of the device.

Sec. 10. Minnesota Statutes 2020, section 171.306, subdivision 4, is amended to read:

**Subd. 4. Issuance of restricted license.** (a) The commissioner shall issue a class D driver's license, subject to the applicable limitations and restrictions of this section, to a program participant who meets the requirements of this section and the program guidelines. The commissioner shall not issue a license unless the program participant has provided satisfactory proof that:

(1) a certified ignition interlock device has been installed on the participant's motor vehicle at an installation service center designated by the device's manufacturer; and

(2) the participant has insurance coverage on the vehicle equipped with the ignition interlock device. If the participant has previously been convicted of violating section 169.791, 169.793, or 169.797 or the participant's license has previously been suspended or canceled under section 169.792 or 169.797, the commissioner shall require the participant to present an insurance identification card, policy, or written statement as proof of insurance coverage, and may require the insurance identification card provided be that is certified by the insurance company to be noncancelable for a period not to exceed 12 months.

(b) A license issued under authority of this section must contain a restriction prohibiting the program participant from driving, operating, or being in physical control of any motor vehicle not

equipped with a functioning ignition interlock device certified by the commissioner. A participant may drive an employer-owned vehicle not equipped with an interlock device while in the normal course and scope of employment duties pursuant to the program guidelines established by the commissioner and with the employer's written consent.

(c) A program participant whose driver's license has been: (1) revoked under section 169A.52, subdivision 3, paragraph (a), clause (1), (2), or (3), or subdivision 4, paragraph (a), clause (1), (2), or (3); 169A.54, subdivision 1, clause (1), (2), (3), or (4); or 171.177, subdivision 4, paragraph (a), clause (1), (2), or (3), or subdivision 5, paragraph (a), clause (1), (2), or (3); or (2) revoked under section 171.17, subdivision 1, paragraph (a), clause (1), or suspended under section 171.187, for a violation of section 609.2113, subdivision 1, clause (2), item (i) or (iii), (3), or (4); subdivision 2, clause (2), item (i) or (iii), (3), or (4); or subdivision 3, clause (2), item (i) or (iii), (3), or (4); or 609.2114, subdivision 2, clause (2), item (i) or (iii), (3), or (4), resulting in bodily harm, substantial bodily harm, or great bodily harm, where the participant has fewer than two qualified prior impaired driving incidents within the past ten years or fewer than three qualified prior impaired driving incidents ever; may apply for conditional reinstatement of the driver's license, subject to the ignition interlock restriction.

(d) A program participant whose driver's license has been: (1) revoked, canceled, or denied under section 169A.52, subdivision 3, paragraph (a), clause (4), (5), or (6), or subdivision 4, paragraph (a), clause (4), (5), or (6); 169A.54, subdivision 1, clause (5), (6), or (7); or 171.177, subdivision 4, paragraph (a), clause (4), (5), or (6), or subdivision 5, paragraph (a), clause (4), (5), or (6); or (2) revoked under section 171.17, subdivision 1, paragraph (a), clause (1), or suspended under section 171.187, for a violation of section 609.2113, subdivision 1, clause (2), item (i) or (iii), (3), or (4); subdivision 2, clause (2), item (i) or (iii), (3), or (4); or subdivision 3, clause (2), item (i) or (iii), (3), or (4); or 609.2114, subdivision 2, clause (2), item (i) or (iii), (3), or (4), resulting in bodily harm, substantial bodily harm, or great bodily harm, where the participant has two or more qualified prior impaired driving incidents within the past ten years or three or more qualified prior impaired driving incidents ever; may apply for a ~~limited~~ conditional reinstatement of the driver's license, subject to the ignition interlock restriction, if the program participant is enrolled in a licensed chemical dependency treatment or rehabilitation program as recommended in a chemical use assessment, ~~and if the participant meets the other applicable requirements of section 171.30. After completing. As a prerequisite to eligibility for eventual reinstatement of full driving privileges, a participant whose chemical use assessment recommended treatment or rehabilitation shall complete a licensed chemical dependency treatment or rehabilitation program and one year of limited license use without violating the ignition interlock restriction, the conditions of limited license use, or program guidelines, the participant may apply for conditional reinstatement of the driver's license, subject to the ignition interlock restriction.~~ If the program participant's ignition interlock device subsequently registers a positive breath alcohol concentration of 0.02 or higher, the commissioner shall ~~cancel the driver's license, and the program participant may apply for another limited license according to this paragraph.~~ extend the time period that the participant must participate in the program until the participant has reached the required abstinence period described in section 169A.55, subdivision 4.

(e) Notwithstanding any statute or rule to the contrary, the commissioner has authority to determine when a program participant is eligible for restoration of full driving privileges, except that the commissioner shall not reinstate full driving privileges until the program participant has met all applicable prerequisites for reinstatement under section 169A.55 and until the program

participant's device has registered no positive breath alcohol concentrations of 0.02 or higher during the preceding 90 days.

Sec. 11. Minnesota Statutes 2020, section 243.166, subdivision 1b, is amended to read:

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

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

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

(ii) kidnapping under section 609.25;

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

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

(v) surreptitious intrusion under the circumstances described in section 609.746, subdivision 1, paragraph (f);

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

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

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

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

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

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

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

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

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

(4) the person was charged with or petitioned for, including pursuant to a court martial, violating a law of the United States, including the Uniform Code of Military Justice, similar to ~~the offenses~~ an offense or involving similar circumstances to an offense described in clause (1), (2), or (3), and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances.

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

(1) the person was charged with or petitioned for an offense in another state ~~that would be a violation of a law~~ similar to an offense or involving similar circumstances to an offense described in paragraph (a) ~~if committed in this state~~, clause (1), (2), or (3), and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances;

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

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

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

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

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

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

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

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

**EFFECTIVE DATE.** This section is effective July 1, 2021, and applies to offenders who live in the state or who enter the state on or after that date.

Sec. 12. **[299A.477] HOMETOWN HEROES ASSISTANCE PROGRAM.**

**Subdivision 1. Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Firefighter" means a volunteer, paid on-call, part-time, or career firefighter serving a general population within the boundaries of the state.

(c) "Minnesota Firefighter Initiative" means a collaborative that is established by major fire service organizations in Minnesota, is a nonprofit organization, and is tax exempt under section 501(c)(3) of the Internal Revenue Code.

Subd. 2. **Program established.** The commissioner of public safety shall award a grant to the Minnesota Firefighter Initiative to administer a hometown heroes assistance program for Minnesota firefighters. The Minnesota Firefighter Initiative shall use the grant funds:

(1) to provide a onetime critical illness monetary support payment to each firefighter who is diagnosed with cancer or heart disease and who applies for the payment. Monetary support shall be provided according to the requirements in subdivision 3;

(2) to develop a psychotherapy program customized to address emotional trauma experienced by firefighters and to offer all firefighters in the state up to five psychotherapy sessions per year under the customized program, provided by mental health professionals;

(3) to offer additional psychotherapy sessions to firefighters who need them;

(4) to develop, annually update, and annually provide to all firefighters in the state at least two hours of training on cancer, heart disease, and emotional trauma as causes of illness and death for firefighters; steps and best practices for firefighters to limit the occupational risks of cancer, heart disease, and emotional trauma; provide evidence-based suicide prevention strategies; and ways for firefighters to address occupation-related emotional trauma and promote emotional wellness. The training shall be presented by firefighters who attend an additional course to prepare them to serve as trainers; and

(5) for administrative and overhead costs of the Minnesota Firefighter Initiative associated with conducting the activities in clauses (1) to (4).

Subd. 3. **Critical illness monetary support program.** (a) The Minnesota Firefighter Initiative shall establish and administer a critical illness monetary support program which shall provide a onetime support payment of up to \$20,000 to each firefighter diagnosed with cancer or heart disease. A firefighter may apply for monetary support from the program, in a form specified by the Minnesota Firefighter Initiative, if the firefighter has a current diagnosis of cancer or heart disease or was diagnosed with cancer or heart disease in the year preceding the firefighter's application. A firefighter's application for monetary support must include a certification from the firefighter's health care provider of the firefighter's diagnosis with cancer or heart disease. The Minnesota Firefighter Initiative shall establish criteria to guide disbursement of monetary support payments under this program, and shall scale the amount of monetary support provided to each firefighter according to the severity of the firefighter's diagnosis.

(b) The commissioner of public safety may access the accounts of the critical illness monetary support program and may conduct periodic audits of the program to ensure that payments are being made in compliance with this section and disbursement criteria established by the Minnesota Firefighter Initiative.

Subd. 4. **Money from nonstate sources.** The commissioner may accept contributions from nonstate sources to supplement state appropriations for the hometown heroes assistance program.

Contributions received under this subdivision are appropriated to the commissioner for the grant to the Minnesota Firefighter Initiative for purposes of this section.

Sec. 13. Minnesota Statutes 2020, section 299A.52, subdivision 2, is amended to read:

Subd. 2. **Expense recovery.** The commissioner shall assess the responsible person for the regional hazardous materials response team costs of response. The commissioner may bring an action for recovery of unpaid costs, reasonable attorney fees, and any additional court costs. Any funds received by the commissioner under this subdivision are appropriated to the commissioner to pay for costs for which the funds were received. Any remaining funds at the end of the biennium shall be transferred to the Fire Safety Account.

Sec. 14. [299A.783] STATEWIDE ANTITRAFFICKING INVESTIGATION COORDINATION.

Subdivision 1. **Antitrafficking investigation coordinator.** The commissioner of public safety must appoint a statewide antitrafficking investigation coordinator who shall work in the Office of Justice Programs. The coordinator must be a current or former law enforcement officer or prosecutor with experience investigating or prosecuting trafficking-related offenses. The coordinator must also have knowledge of services available to and Safe Harbor response for victims of sex trafficking and sexual exploitation and Minnesota's child welfare system response. The coordinator serves at the pleasure of the commissioner in the unclassified service.

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

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

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

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

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

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

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

(7) assist in the appropriate distribution of grants;

(8) perform other duties necessary to ensure effective and efficient investigation and prosecution of trafficking-related offenses; and

(9) coordinate with other federal, state, and local agencies to ensure multidisciplinary responses to trafficking and exploitation of youth in Minnesota.

Sec. 15. [299A.85] OFFICE FOR MISSING AND MURDERED INDIGENOUS RELATIVES.

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

(a) "Indigenous" means descended from people who were living in North America at the time people from Europe began settling in North America.

(b) "Missing and murdered Indigenous relatives" means missing and murdered Indigenous people.

(c) "Missing and Murdered Indigenous Women Task Force report" means the report titled "Missing and Murdered Indigenous Women Task Force: a Report to the Minnesota Legislature," published by the Wilder Research organization in December 2020.

Subd. 2. **Establishment.** The commissioner shall establish and maintain an office dedicated to preventing and ending the targeting of Indigenous women, children, and two-spirited people with the Minnesota Office of Justice Programs.

Subd. 3. **Director; staff.** (a) The commissioner must appoint a director who is a person closely connected to a Tribe or Indigenous community and who is highly knowledgeable about criminal investigations. The commissioner is encouraged to consider candidates for appointment who are recommended by Tribes and Indigenous communities.

(b) The director may select, appoint, and compensate out of available funds assistants and employees as necessary to discharge the office's responsibilities.

(c) The director and full-time staff shall be members of the Minnesota State Retirement Association.

Subd. 4. **Duties.** The office has the following duties:

(1) advocate in the legislature for legislation that will facilitate the accomplishment of the mandates identified in the Missing and Murdered Indigenous Women Task Force report;

(2) advocate for state agencies to take actions to facilitate the accomplishment of the mandates identified in the Missing and Murdered Indigenous Women Task Force report;

(3) develop recommendations for legislative and agency actions to address injustice in the criminal justice system's response to the cases of missing and murdered Indigenous relatives;

(4) facilitate research to refine the mandates in the Missing and Murdered Indigenous Women Task Force report and to assess the potential efficacy, feasibility, and impact of the recommendations;

(5) develop tools and processes to evaluate the implementation and impact of the efforts of the office;

(6) track and collect Minnesota data on missing and murdered indigenous women, children, and relatives, and provide statistics upon public or legislative inquiry;

(7) facilitate technical assistance for local and Tribal law enforcement agencies during active missing and murdered Indigenous relatives cases;

(8) conduct case reviews and report on the results of case reviews for the following types of missing and murdered Indigenous relatives cases: cold cases for missing Indigenous people and death investigation review for cases of Indigenous people ruled as suicide or overdose under suspicious circumstances;

(9) conduct case reviews of the prosecution and sentencing for cases where a perpetrator committed a violent or exploitative crime against an Indigenous person. These case reviews should identify those cases where the perpetrator is a repeat offender;

(10) prepare draft legislation as necessary to allow the office access to the data required for the office to conduct the reviews required in this section and advocate for passage of that legislation;

(11) review sentencing guidelines for missing and murdered Indigenous women-related crimes, recommend changes if needed, and advocate for consistent implementation of the guidelines across Minnesota courts;

(12) develop and maintain communication with relevant divisions in the Department of Public Safety regarding any cases involving missing and murdered Indigenous relatives and on procedures for investigating cases involving missing and murdered Indigenous relatives; and

(13) coordinate, as relevant, with the Bureau of Indian Affairs' Cold Case Office through Operation Lady Justice and other federal efforts, as well as efforts in neighboring states and Canada. This recommendation pertains to state efforts. Tribes are sovereign nations that have the right to determine if and how they will coordinate with these other efforts.

Subd. 5. **Coordination with other organizations.** In fulfilling its duties the office may coordinate, as useful, with stakeholder groups that were represented on the Missing and Murdered Indigenous Women Task Force and state agencies that are responsible for the systems that play a role in investigating, prosecuting, and adjudicating cases involving violence committed against Indigenous women, those who have a role in supporting or advocating for missing or murdered Indigenous women and the people who seek justice for them, and those who represent the interests of Indigenous people. This includes the following entities: Minnesota Chiefs of Police Association; Minnesota Sheriffs' Association; Bureau of Criminal Apprehension; Minnesota Police and Peace Officers Association; Tribal law enforcement; Minnesota County Attorneys Association; United States Attorney's Office; juvenile courts; Minnesota Coroners' and Medical Examiners' Association; United States Coast Guard; state agencies, including the Departments of Health, Human Services, Education, Corrections, and Public Safety; the Minnesota Indian Affairs Council; service providers who offer legal services, advocacy, and other services to Indigenous women and girls; the Minnesota Indian Women's Sexual Assault Coalition; Mending the Sacred Hoop; Indian health organizations; Indigenous women and girls who are survivors; the 11 Tribal nations that share geography with Minnesota; and organizations and leadership from urban and statewide American Indian communities.

Subd. 6. **Reports.** The office must report on measurable outcomes achieved to meet its statutory duties, along with specific objectives and outcome measures proposed for the following year. The report must include data and statistics on missing and murdered indigenous women, children, and relatives in Minnesota, including names, dates of disappearance, and dates of death, to the extent



the data is publicly available. The office must submit the report by January 15 each year to the chairs and ranking minority members of the legislative committees with primary jurisdiction over public safety.

Subd. 7. **Grants.** The office may apply for and receive grants from public and private entities for purposes of carrying out the office's duties under this section.

Subd. 8. **Access to data.** Notwithstanding section 13.384 or 13.85, the director has access to corrections and detention data and medical data maintained by an agency and classified as private data on individuals or confidential data on individuals to the extent the data is necessary for the office to perform its duties under this section.

Sec. 16. Minnesota Statutes 2020, section 299C.80, subdivision 3, is amended to read:

Subd. 3. **Additional duty.** (a) The unit shall investigate all criminal sexual conduct cases:

(1) involving peace officers, including criminal sexual conduct cases involving chief law enforcement officers; and

(2) where a member of the Minnesota National Guard is the victim, the accused is a member of the Minnesota National Guard, and the incident occurred in Minnesota.

(b) The unit shall assist the agency investigating an alleged sexual assault of a member of the Minnesota National Guard by another member of the Minnesota National Guard that occurred in a jurisdiction outside of the state, if the investigating agency requests assistance from the unit.

(c) The unit may also investigate conflict of interest cases involving peace officers.

**EFFECTIVE DATE.** This section is effective August 1, 2021, for investigations beginning on or after that date.

Sec. 17. **[299F.0115] EXEMPTION FOR MEMBERS OF FEDERALLY RECOGNIZED TRIBES.**

(a) The state fire marshal may issue building-specific waivers from the State Fire Code if there is conflict with a federally recognized Tribe's religious beliefs, traditional building practices, or established teachings. Both individual members of federally recognized Tribes, direct lineal descendents of federally recognized Tribes, and organizations of members of federally recognized Tribes may apply for these waivers.

(b) Waivers may only be granted for the following types of buildings:

(1) traditional residential buildings that will be used solely by an individual applicant's household or an organizational applicant's members;

(2) meeting houses; and

(3) one-room educational buildings.

(c) To obtain a waiver, an applicant must apply to the state fire marshal on a form established by the state fire marshal. The application must:

(1) identify the building the waiver will apply to;

(2) identify the Tribe the applicant is a member of; and

(3) declare that requirements of the State Fire Code conflict with religious beliefs, traditional building practices, or established teachings of the identified Tribe, which the applicant adheres to.

(d) Any building for which a waiver is granted may not be sold or leased until:

(1) the building is brought into compliance with the version of the State Fire Code in force at the time of the sale or lease; or

(2) the prospective buyer or lessee to which the building is being sold or leased to obtains a waiver under this section for the building.

**Sec. 18. [299F.3605] PETROLEUM REFINERIES.**

(a) As used in this section, "petroleum refinery" has the meaning given in section 115C.02, subdivision 10a.

(b) By January 1, 2022, each petroleum refinery operating in the state shall maintain or contract for a full-time paid on-site fire department regularly charged with the responsibility of providing fire protection to the refinery that is sufficiently trained, equipped, and staffed to respond to fires at the refinery and to conduct inspections to prevent fires.

**Sec. 19. [326B.125] EXEMPTION FOR MEMBERS OF FEDERALLY RECOGNIZED TRIBES.**

(a) The commissioner of labor and industry may issue building-specific waivers from the State Building Code if there is conflict with a federally recognized Tribe's religious beliefs, traditional building practices, or established teachings. Both individual members of federally recognized Tribes, direct lineal descendants of federally recognized Tribes, and organizations of members of federally recognized Tribes may apply for these waivers.

(b) Waivers may only be granted for the following types of buildings:

(1) traditional residential buildings that will be used solely by an individual applicant's household or an organizational applicant's members;

(2) meeting houses; and

(3) one-room educational buildings.

(c) To obtain a waiver, an applicant must apply to the commissioner on a form established by the commissioner. The application must:

(1) identify the building the waiver will apply to;

(2) identify the Tribe the applicant is a member of; and

(3) declare that requirements of the State Building Code conflict with religious beliefs, traditional building practices, or established teachings of the identified Tribe, which the applicant adheres to.

(d) Any building for which a waiver is granted may not be sold or leased until:

(1) the building is brought into compliance with the version of the State Building Code in force at the time of the sale or lease; or

(2) the prospective buyer or lessee to which the building is being sold or leased to obtains a waiver under this section for the building.

Sec. 20. Minnesota Statutes 2020, section 340A.504, subdivision 7, is amended to read:

Subd. 7. **Sales after 1:00 a.m.; permit fee.** (a) No licensee may sell intoxicating liquor or 3.2 percent malt liquor on-sale between the hours of 1:00 a.m. and 2:00 a.m. unless the licensee has obtained a permit from the commissioner. Application for the permit must be on a form the commissioner prescribes. Permits are effective for one year from date of issuance. For retailers of intoxicating liquor, the fee for the permit is based on the licensee's gross receipts from on-sales of alcoholic beverages in the 12 months prior to the month in which the permit is issued, and is at the following rates:

(1) up to \$100,000 in gross receipts, \$300;

(2) over \$100,000 but not over \$500,000 in gross receipts, \$750; and

(3) over \$500,000 in gross receipts, \$1,000.

For a licensed retailer of intoxicating liquor who did not sell intoxicating liquor at on-sale for a full 12 months prior to the month in which the permit is issued, the fee is \$200. For a retailer of 3.2 percent malt liquor, the fee is \$200.

(b) The commissioner shall deposit all permit fees received under this subdivision in the alcohol enforcement account in the ~~special revenue~~ general fund.

(c) Notwithstanding any law to the contrary, the commissioner of revenue may furnish to the commissioner the information necessary to administer and enforce this subdivision.

Sec. 21. Minnesota Statutes 2020, section 403.02, subdivision 16, is amended to read:

Subd. 16. **Metropolitan area.** "Metropolitan area" means the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, and Washington.

Sec. 22. Minnesota Statutes 2020, section 403.03, subdivision 1, is amended to read:

Subdivision 1. **Emergency response services.** (a) Services available through a 911 system must include police, firefighting, and emergency medical and ambulance services. Other emergency and civil defense services may be incorporated into the 911 system at the discretion of the public agency operating the public safety answering point.

(b) In addition to ensuring an appropriate response under paragraph (a), the 911 system may shall include a referral to mental health crisis teams, where available.

Sec. 23. Minnesota Statutes 2020, section 403.07, subdivision 2, is amended to read:

Subd. 2. **Design standards for metropolitan area.** The Metropolitan ~~911~~ Emergency Services Board shall establish and adopt design standards for the metropolitan area 911 system and transmit them to the commissioner for incorporation into the rules adopted pursuant to this section.

Sec. 24. Minnesota Statutes 2020, section 403.11, subdivision 1, is amended to read:

Subdivision 1. **Emergency telecommunications service fee; account.** (a) Each customer of a wireless or wire-line switched or packet-based telecommunications service provider connected to the public switched telephone network that furnishes service capable of originating a 911 emergency telephone call is assessed a fee based upon the number of wired or wireless telephone lines, or their equivalent, to cover the costs of ongoing maintenance and related improvements for trunking and central office switching equipment for 911 emergency telecommunications service, to offset administrative and staffing costs of the commissioner related to managing the 911 emergency telecommunications service program, to make distributions provided for in section 403.113, and to offset the costs, including administrative and staffing costs, incurred by the State Patrol Division of the Department of Public Safety in handling 911 emergency calls made from wireless phones.

(b) Money remaining in the 911 emergency telecommunications service account after all other obligations are paid must not cancel and is carried forward to subsequent years and may be appropriated from time to time to the commissioner to provide financial assistance to counties for the improvement of local emergency telecommunications services.

(c) The fee may not be ~~less than eight cents nor more than 65 cents a month until June 30, 2008, not less than eight cents nor more than 75 cents a month until June 30, 2009, not less than eight cents nor more than 85 cents a month until June 30, 2010, and not less than eight cents nor more than 95 cents a month on or after July 1, 2010,~~ for each customer access line or other basic access service, including trunk equivalents as designated by the Public Utilities Commission for access charge purposes and including wireless telecommunications services. With the approval of the commissioner of management and budget, the commissioner of public safety shall establish the amount of the fee within the limits specified and inform the companies and carriers of the amount to be collected. When the revenue bonds authorized under section 403.27, subdivision 1, have been fully paid or defeased, the commissioner shall reduce the fee to reflect that debt service on the bonds is no longer needed. The commissioner shall provide companies and carriers a minimum of 45 days' notice of each fee change. The fee must be the same for all customers, except that the fee imposed under this subdivision does not apply to prepaid wireless telecommunications service, which is instead subject to the fee imposed under section 403.161, subdivision 1, paragraph (a).

(d) The fee must be collected by each wireless or wire-line telecommunications service provider subject to the fee. Fees are payable to and must be submitted to the commissioner monthly before the 25th of each month following the month of collection, except that fees may be submitted quarterly if less than \$250 a month is due, or annually if less than \$25 a month is due. Receipts must be deposited in the state treasury and credited to a 911 emergency telecommunications service account

in the special revenue fund. The money in the account may only be used for 911 telecommunications services.

(e) Competitive local exchanges carriers holding certificates of authority from the Public Utilities Commission are eligible to receive payment for recurring 911 services.

Sec. 25. Minnesota Statutes 2020, section 403.21, subdivision 3, is amended to read:

Subd. 3. **First phase.** "First phase" or "first phase of the regionwide public safety radio communication system" means the initial backbone which serves the following ~~nine-county~~ ten-county metropolitan area: Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, and Washington Counties.

Sec. 26. Minnesota Statutes 2020, section 403.21, subdivision 12, is amended to read:

Subd. 12. **Greater Minnesota.** "Greater Minnesota" means the area of the state outside the ~~nine-county~~ ten-county metropolitan area served by the first phase.

Sec. 27. Minnesota Statutes 2020, section 403.36, subdivision 1, is amended to read:

Subdivision 1. **Membership.** (a) The commissioner of public safety shall convene and chair the Statewide Radio Board to develop a project plan for a statewide, shared, trunked public safety radio communication system. The system may be referred to as "Allied Radio Matrix for Emergency Response," or "ARMER."

(b) The board consists of the following members or their designees:

(1) the commissioner of public safety;

(2) the commissioner of transportation;

(3) the state chief information officer;

(4) the commissioner of natural resources;

(5) the chief of the Minnesota State Patrol;

(6) the chair of the Metropolitan Council;

(7) two elected city officials, one from the ~~nine-county~~ ten-county metropolitan area and one from Greater Minnesota, appointed by the governing body of the League of Minnesota Cities;

(8) two elected county officials, one from the ~~nine-county~~ ten-county metropolitan area and one from Greater Minnesota, appointed by the governing body of the Association of Minnesota Counties;

(9) two sheriffs, one from the ~~nine-county~~ ten-county metropolitan area and one from Greater Minnesota, appointed by the governing body of the Minnesota Sheriffs' Association;

(10) two chiefs of police, one from the ~~nine-county~~ ten-county metropolitan area and one from Greater Minnesota, appointed by the governor after considering recommendations made by the Minnesota Chiefs' of Police Association;

(11) two fire chiefs, one from the ~~nine-county~~ ten-county metropolitan area and one from Greater Minnesota, appointed by the governor after considering recommendations made by the Minnesota Fire Chiefs' Association;

(12) two representatives of emergency medical service providers, one from the ~~nine-county~~ ten-county metropolitan area and one from Greater Minnesota, appointed by the governor after considering recommendations made by the Minnesota Ambulance Association;

(13) the chair of the ~~regional radio board for the metropolitan area~~ Metropolitan Emergency Services Board; and

(14) a representative of Greater Minnesota elected by those units of government in phase three and any subsequent phase of development as defined in the statewide, shared radio and communication plan, who have submitted a plan to the Statewide Radio Board and where development has been initiated.

(c) The Statewide Radio Board shall coordinate the appointment of board members representing Greater Minnesota with the appointing authorities and may designate the geographic region or regions from which an appointed board member is selected where necessary to provide representation from throughout the state.

Sec. 28. [604A.06] AID TO SEXUAL ASSAULT VICTIMS.

Subdivision 1. **Person seeking assistance; immunity from prosecution.** (a) A person acting in good faith who contacts a 911 operator or first responder to report that a sexual assault victim is in need of assistance may not be charged or prosecuted for:

(1) the possession, sharing, or use of a controlled substance under section 152.025, or possession of drug paraphernalia; and

(2) if the person is under the age of 21 years, the possession, purchase, or consumption of alcoholic beverages under section 340A.503.

(b) A person qualifies for the immunities provided in this subdivision only if:

(1) the evidence for the charge or prosecution was obtained as a result of the person's seeking assistance for a sexual assault victim; and

(2) the person seeks assistance for a sexual assault victim who is in need of assistance for an immediate health or safety concern, provided that the person who seeks the assistance is the first person to seek the assistance, provides a name and contact information, and remains on the scene until assistance arrives or is provided.

(c) This subdivision applies to one or two persons acting in concert with the person initiating contact provided all the requirements of paragraphs (a) and (b) are met.

Subd. 2. **Person experiencing sexual assault; immunity from prosecution.** (a) A sexual assault victim who is in need of assistance may not be charged or prosecuted for:

(1) the possession, sharing, or use of a controlled substance under section 152.025, or possession of drug paraphernalia; and

(2) if the victim is under the age of 21 years, the possession, purchase, or consumption of alcoholic beverages under section 340A.503.

(b) A victim qualifies for the immunities provided in this subdivision only if the evidence for the charge or prosecution was obtained as a result of the request for assistance related to the sexual assault.

Subd. 3. **Persons on probation or release.** A person's pretrial release, probation, furlough, supervised release, or parole shall not be revoked based on an incident for which the person would be immune from prosecution under subdivision 1 or 2.

Subd. 4. **Effect on other criminal prosecutions.** (a) The act of providing assistance to a sexual assault victim may be used as a mitigating factor in a criminal prosecution for which immunity is not provided.

(b) Nothing in this section shall:

(1) be construed to bar the admissibility of any evidence obtained in connection with the investigation and prosecution of other crimes or violations committed by a person who otherwise qualifies for limited immunity under this section;

(2) preclude prosecution of a person on the basis of evidence obtained from an independent source;

(3) be construed to limit, modify, or remove any immunity from liability currently available to public entities, public employees by law, or prosecutors; or

(4) prevent probation officers from conducting drug or alcohol testing of persons on pretrial release, probation, furlough, supervised release, or parole.

**EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to actions arising from incidents occurring on or after that date.

Sec. 29. Minnesota Statutes 2020, section 609.1095, subdivision 1, is amended to read:

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

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

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

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

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 30. Minnesota Statutes 2020, section 609.131, subdivision 2, is amended to read:

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

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 31. Minnesota Statutes 2020, section 609.322, subdivision 1, is amended to read:

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

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

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

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

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

(b) Whoever violates paragraph (a) or subdivision 1a may be sentenced to imprisonment for not more than ~~25~~ 30 years or to payment of a fine of not more than \$60,000, or both, if one or more of the following aggravating factors are present:

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

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



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

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

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 32. Minnesota Statutes 2020, section 609.322, subdivision 1a, is amended to read:

Subd. 1a. **Solicitation, inducement, and promotion of prostitution; sex trafficking in the second degree.** Whoever, while acting other than as a prostitute or patron, intentionally does any of the following may be sentenced to imprisonment for not more than ~~15~~ 20 years or to payment of a fine of not more than \$40,000, or both:

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

(2) promotes the prostitution of an individual;

(3) receives profit, knowing or having reason to know that it is derived from the prostitution, or the promotion of the prostitution, of an individual; or

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

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 33. Minnesota Statutes 2020, section 609.221, is amended to read:

**609.221 ASSAULT IN THE FIRST DEGREE.**

Subdivision 1. **Great bodily harm.** Whoever assaults another and inflicts great bodily harm may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$30,000, or both.

Subd. 2. **Use of deadly force against peace officer, prosecuting attorney, judge, or correctional employee.** ~~(a)~~ Whoever assaults a peace officer, prosecuting attorney, judge, or correctional employee by using or attempting to use deadly force against the officer, attorney, judge, or employee while the person is engaged in the performance of a duty imposed by law, policy, or rule may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$30,000, or both.

~~(b) A person convicted of assaulting a peace officer, prosecuting attorney, judge, or correctional employee as described in paragraph (a) shall be committed to the commissioner of corrections for not less than ten years, nor more than 20 years. A defendant convicted and sentenced as required by this paragraph is not eligible for probation, parole, discharge, work release, or supervised release, until that person has served the full term of imprisonment as provided by law, notwithstanding the provisions of sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135. Notwithstanding section 609.135, the court may not stay the imposition or execution of this sentence.~~

Subd. 3. **Great bodily harm; peace officer, prosecuting attorney, judge, or correctional employee.** Whoever assaults a peace officer, prosecuting attorney, judge, or correctional employee and inflicts great bodily harm on the officer, attorney, judge, or employee while the person is engaged in the performance of a duty imposed by law, policy, or rule may be sentenced to imprisonment for not more than 25 years or to payment of a fine of not more than \$35,000, or both.

Subd. 4. **Use of dangerous weapon or deadly force resulting in great bodily harm against peace officer, prosecuting attorney, judge, or correctional employee.** Whoever assaults and inflicts great bodily harm upon a peace officer, prosecuting attorney, judge, or correctional employee with a dangerous weapon or by using or attempting to use deadly force against the officer, attorney, judge, or employee while the person is engaged in the performance of a duty imposed by law, policy, or rule may be sentenced to imprisonment for not more than 30 years or to payment of a fine of not more than \$40,000, or both.

Subd. 5. **Mandatory sentences for assaults against a peace officer, prosecuting attorney, judge, or correctional employee.** (a) A person convicted of assaulting a peace officer, prosecuting attorney, judge, or correctional employee shall be committed to the custody of the commissioner of corrections for not less than:

- (1) ten years, nor more than 20 years, for a violation of subdivision 2;
- (2) 15 years, nor more than 25 years, for a violation of subdivision 3; or
- (3) 25 years, nor more than 30 years, for a violation of subdivision 4.

(b) A defendant convicted and sentenced as required by this subdivision is not eligible for probation, parole, discharge, work release, or supervised release, until that person has served the full term of imprisonment as provided by law, notwithstanding the provisions of sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135. Notwithstanding section 609.135, the court may not stay the imposition or execution of this sentence.

Subd. 6. **Definitions.** (e) As used in this ~~subdivision~~ section:

- (1) "correctional employee" means an employee of a public or private prison, jail, or workhouse;
- (2) "deadly force" has the meaning given in section 609.066, subdivision 1;
- (3) "peace officer" has the meaning given in section 626.84, subdivision 1;
- (4) "prosecuting attorney" means an attorney, with criminal prosecution or civil responsibilities, who is the attorney general, a political subdivision's elected or appointed county or city attorney, or a deputy, assistant, or special assistant of any of these; and
- (5) "judge" means a judge or justice of any court of this state that is established by the Minnesota Constitution.

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 34. Minnesota Statutes 2020, section 609.324, subdivision 2, is amended to read:

Subd. 2. **Patrons of prostitution in public place; penalty for patrons.** (a) Whoever, while acting as a patron, intentionally does any of the following ~~while in a public place~~ is guilty of a gross misdemeanor:

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

(2) hires, offers to hire, or agrees to hire an individual 18 years of age or older to engage in sexual penetration or sexual contact.

Except as otherwise provided in subdivision 4, a person who is convicted of violating this subdivision must, at a minimum, be sentenced to pay a fine of at least \$1,500.

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

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 35. Minnesota Statutes 2020, section 609.324, subdivision 4, is amended to read:

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

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 36. Minnesota Statutes 2020, section 609.3241, is amended to read:

**609.3241 PENALTY ASSESSMENT AUTHORIZED.**

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

(b) The court may not waive payment of the minimum assessment required by this section. If the defendant qualifies for the services of a public defender or the court finds on the record that the convicted person is indigent or that immediate payment of the assessment would create undue hardship for the convicted person or that person's immediate family, the court may reduce the amount

of the minimum assessment to not less than \$100. The court also may authorize payment of the assessment in installments.

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

(1) 40 percent of the assessment shall be forwarded to the political subdivision that employs the arresting officer for use in enforcement, training, and education activities related to combating sexual exploitation of youth, or if the arresting officer is an employee of the state, this portion shall be forwarded to the commissioner of public safety for those purposes identified in clause (3);

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

(3) 40 percent of the assessment must be forwarded to the commissioner of health to be deposited in the safe harbor for youth account in the special revenue fund and are 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.

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

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 37. Minnesota Statutes 2020, section 609.3459, is amended to read:

**609.3459 LAW ENFORCEMENT; REPORTS OF SEXUAL ASSAULTS.**

(a) A victim of any violation of sections 609.342 to 609.3453 may initiate a law enforcement investigation by contacting any law enforcement agency, regardless of where the crime may have occurred. The agency must prepare a summary of the allegation and provide the person with a copy of it. The agency must begin an investigation of the facts, or, if the suspected crime was committed in a different jurisdiction, refer the matter along with the summary to the law enforcement agency where the suspected crime was committed for an investigation of the facts. If the agency learns that both the victim and the accused are members of the Minnesota National Guard, the agency receiving the report must refer the matter along with the summary to the Bureau of Criminal Apprehension for investigation pursuant to section 299C.80.

(b) If a law enforcement agency refers the matter to the law enforcement agency where the crime was committed, it need not include the allegation as a crime committed in its jurisdiction for purposes of information that the agency is required to provide to the commissioner of public safety pursuant to section 299C.06, but must confirm that the other law enforcement agency has received the referral.

**EFFECTIVE DATE.** This section is effective August 1, 2021, for investigations beginning on or after that date.

Sec. 38. Minnesota Statutes 2020, section 609.352, subdivision 4, is amended to read:

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

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 39. **[609.3775] CHILD TORTURE.**

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

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

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

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

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

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 40. Minnesota Statutes 2020, section 609.605, subdivision 2, is amended to read:

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

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 41. Minnesota Statutes 2020, section 609.66, subdivision 1e, is amended to read:

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

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

(2) an occupied motor vehicle or building; or

(3) a person.

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

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

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 42. Laws 2016, chapter 189, article 4, section 7, is amended to read:

Sec. 7. <b>PUBLIC SAFETY</b>	\$	-0-	\$	<b>6,100,000</b>
Appropriations by Fund				
General	-0-	1,600,000		
Trunk Highway	-0-	4,500,000		

The amounts that may be spent for each purpose are specified in the following paragraphs.

**(a) DNA Laboratory**

\$630,000 is for the Bureau of Criminal Apprehension DNA laboratory, including the addition of six forensic scientists. The base for this activity is \$1,000,000 in each of the fiscal years 2018 and 2019 for eight forensic scientists.

**(b) Children In Need of Services or in Out-Of-Home Placement**

\$150,000 is for a grant to an organization that provides legal representation to children in need of protection or services and children in out-of-home placement. The grant is contingent upon a match in an equal amount from nonstate funds. The match may be in kind, including the value of volunteer attorney time, or in cash, or in a combination of the two.

**(c) Sex Trafficking**

\$820,000 is for grants to state and local units of government for the following purposes:

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

(2) to provide technical assistance for sex trafficking crimes, including ~~training and~~ case consultation, to law enforcement agencies statewide.

**(d) State Patrol**

\$4,500,000 is from the trunk highway fund to recruit, hire, train, and equip a State Patrol Academy. This amount is added to the appropriation in Laws 2015, chapter 75, article 1, section 5, subdivision 3. The base appropriation from the trunk highway fund for patrolling highways in each of fiscal years 2018 and 2019 is \$87,492,000, which includes \$4,500,000 each year for a State Patrol Academy.

Sec. 43. Laws 2017, chapter 95, article 1, section 11, subdivision 7, is amended to read:

<b>Subd. 7. Office of Justice Programs</b>		39,580,000	40,036,000
	Appropriations by Fund		
General	39,484,000		39,940,000
State Government			
Special Revenue	96,000		96,000

**(a) OJP Administration Costs**

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

**(b) Combating Terrorism Recruitment**

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

**(c) Sex Trafficking Prevention Grants**

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

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

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

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

\$400,000 the second year is for reimbursement grants to local units of government that operate pathway to policing programs intended to bring persons with nontraditional backgrounds into law enforcement. Applicants for reimbursement grants may receive up to 50 percent of the cost of compensating and training pathway to policing participants. Reimbursement grants shall be proportionally allocated based on the number of grant applications approved by the commissioner.

Sec. 44. Laws 2020, Seventh Special Session chapter 2, article 2, section 4, is amended to read:

**Sec. 4. TRANSFER; ALCOHOL ENFORCEMENT ACCOUNT.**

~~(a)~~ By July 15, 2021, the commissioner of public safety must certify to the commissioner of management and budget the amount of permit fees waived under section 3, clause (2), during the period from January 1, 2021, to June 30, 2021, and the commissioner of management and budget must transfer the certified amount from the general fund to the alcohol enforcement account in the special revenue fund established under Minnesota Statutes, section 299A.706.

~~(b) By January 15, 2022, the commissioner of public safety must certify to the commissioner of management and budget the amount of permit fees waived under section 3, clause (2), during the period from July 1, 2021, to December 31, 2021, and the commissioner of management and budget must transfer the certified amount from the general fund to the alcohol enforcement account in the special revenue fund established under Minnesota Statutes, section 299A.706.~~

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

**Sec. 45. NEUROPSYCHOLOGICAL EXAMINATION FEASIBILITY STUDY.**



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

(b) In conducting the study, the administrator shall consult with interested parties, including but not limited to prosecutors, public defenders, private criminal defense attorneys, law enforcement officials, probation officers, judges and employees of the judiciary, corrections officials, mental health practitioners and treatment providers, individuals with experience in conducting neuropsychological examinations, and individuals who have experience in the criminal justice system with people who have suffered strokes, traumatic brain injuries, and fetal alcohol spectrum disorder.

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

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

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

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

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

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

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

**Sec. 46. 911 TELECOMMUNICATOR WORKING GROUP.**

Subdivision 1. **Membership.** (a) The commissioner of public safety shall convene a 911 telecommunicator working group that consists of the commissioner, or a designee, and one representative of each of the following organizations:

(1) the Minnesota Chiefs of Police Association;

(2) the Minnesota Sheriffs' Association;

(3) the Minnesota Police and Peace Officers Association;

(4) the Emergency Communications Network;

(5) the Minnesota State Fire Chiefs Association;

(6) the Association of Minnesota Counties;

(7) the League of Minnesota Cities;

(8) Tribal dispatchers;

(9) the Metropolitan Emergency Services Board;

(10) the Emergency Medical Services Regulatory Board;

(11) the Statewide Emergency Communications Board;

(12) each of the Statewide Emergency Communications Board's seven regional boards;

(13) mental health crisis team providers;

(14) the Minnesota Association of Public Safety Communications Officials (MN APCO) and the National Emergency Number Association of Minnesota (NENA of MN); and

(15) the Minnesota Ambulance Association.

(b) The working group must also include a nonsupervisory telecommunicator working in a regional center outside of the seven-county metropolitan area, a nonsupervisory telecommunicator working in rural Minnesota, and a nonsupervisory telecommunicator working in the seven-county metropolitan area.

(c) The organizations specified in paragraph (a) shall provide the commissioner with a designated member to serve on the working group by August 1, 2021. The commissioner shall appoint these members to the working group. Appointments to the working group must be made by August 15, 2021.

Subd. 2. **Duties; report.** The working group must submit a report to the chairs and ranking minority members of the legislative committees with jurisdiction over public safety policy and finance by January 15, 2022. The report must:

(1) recommend a statutory definition of 911 telecommunicators;

(2) recommend minimum training and continuing education standards for certification of 911 telecommunicators;

(3) recommend standards for certification of 911 telecommunicators;

(4) recommend funding options for mandated 911 telecommunicators training;

(5) recommend best practices in incident response command structure for the state's first responders to implement that do not violate either the United States or Minnesota Constitutions, after reviewing the various incident response command structures used in the field across the nation and world; and

(6) provide other recommendations the working group deems appropriate.

Subd. 3. **First meeting; chair.** The commissioner of public safety must convene the first meeting of the working group by September 15, 2021. At the first meeting, the members must elect a chair. The working group may conduct meetings remotely. The chair shall be responsible for document management of materials for the working group.

Subd. 4. **Compensation; reimbursement.** Members serve without compensation.

Subd. 5. **Administrative support.** The commissioner of public safety must provide administrative support to the working group.

Subd. 6. **Expiration.** The working group expires January 15, 2022.

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

Sec. 47. **SURVIVOR SUPPORT AND PREVENTION GRANTS.**

Subdivision 1. **Meeting victim needs; grants.** The Office of Justice Programs shall award grants to organizations serving victims of crime to (1) provide direct financial assistance to victims in order to support their immediate financial needs and mitigate the impacts of crime, and (2) stop the cycles of violence by meeting emerging or unmet needs impacting victims of crime.

Subd. 2. **Eligibility and awards.** (a) For grants to organizations to provide direct financial assistance, the director shall establish the eligibility requirements and mechanisms for distribution of funds in consultation with Violence Free Minnesota, the Minnesota Coalition Against Sexual Assault, Minnesota Alliance on Crime, the Minnesota Indian Women Sexual Assault Coalition, and Sacred Hoop Coalition. Eligibility requirements shall prioritize victim survivors based on economic need; whether the victim survivor is a member of an underserved population; whether the person was a victim of sexual assault, domestic violence, child abuse, or other violent crime; and whether the victim was a juvenile.

(b) For grants to stop the cycles of violence by meeting emerging or unmet needs impacting victims of crime, the director shall award grants to individuals or organizations who provide direct support to victims, including but not limited to providing support for immediate and emerging needs for victims of crime or for domestic abuse transformative justice programs. The director shall prioritize applicants seeking to establish, maintain, or expand services to underserved populations.

(c) Of the amount appropriated for survivor support and prevention grants, at least 30 percent must be awarded to organizations to provide direct financial assistance pursuant to paragraph (a) and at least 30 percent must be awarded to individuals or organizations providing support to victims pursuant to paragraph (b).

Subd. 3. **Report.** (a) By January 15 of each odd-numbered year the director shall submit a report to the legislative committees with jurisdiction over public safety on the survivor support and prevention grants. At a minimum, the report shall include the following:

(1) the number of grants awarded to organizations to provide direct financial assistance to victims and the total amount awarded to each organization;

(2) the average amount of direct financial assistance provided to individual victims by each organization;

(3) summary demographic information of recipients of direct financial assistance, including the age, sex, and race of the recipients;

(4) summary information identifying the crimes committed against the recipients of direct financial assistance;

(5) summary information identifying the counties in which recipients of direct financial assistance resided at the time they received the assistance;

(6) the total number of grants issued to individuals or organizations providing support for crime victims;

(7) the amount of grants issued to individuals or organizations providing support for crime victims; and

(8) the services provided by the grant recipients that provided support for crime victims.

(b) If the director enters into an agreement with any other organization for the distribution of funds, the director shall require that organization to provide the information identified in paragraph (a).

Sec. 48. **INNOVATION IN COMMUNITY SAFETY.**

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

(b) "Civilian review board" means a board, commission, or other oversight body created to provide civilian oversight of the conduct of peace officers and law enforcement agencies.

(c) "Commissioner" means the commissioner of public safety.

(d) "Local commission" has the meaning given in Minnesota Statutes, section 363A.03, subdivision 23.

(e) "Metropolitan area" has the meaning given in Minnesota Statutes, section 473.121, subdivision 2.

(f) "Targeted area" means one or more contiguous census tracts as reported in the most recently completed decennial census published by the United States Bureau of the Census that has a poverty rate of at least 20 percent and that experiences a disproportionately high rate of violent crime.

Subd. 2. **Community engagement.** The commissioner shall work with community members to develop a strategy to address violence within targeted areas and promote community healing and recovery. Additionally, the commissioner shall:

(1) provide technical assistance or navigation services to individuals seeking to apply for grants issued under this section;

(2) identify targeted areas;

(3) organize and provide technical assistance to local grant advisory boards;

(4) assist local grant advisory boards in soliciting applications for grants;

(5) develop simplified grant application materials;

(6) identify effective forms of community-led intervention to promote public safety;

(7) encourage the use of restorative justice programs, including but not limited to sentencing circles; and

(8) administer grants.

Subd. 3. **Innovation in community safety grants.** (a) After consulting with community grant advisory boards, the commissioner shall award grants to organizations in targeted areas for the purposes identified in this subdivision. The commissioner may prioritize targeted areas, determine which targeted areas are eligible for grants, and establish the total amount of money available for grants in each targeted area. In prioritizing targeted areas, the commissioner shall prioritize areas that have the highest rates of violent crime.

(b) Recipients of youth, young adult, and family antiviolenace outreach program grants may work with other organizations, including but not limited to law enforcement, state and local public agencies, interfaith organizations, nonprofit organizations, and African immigrant and African American community organizations and stakeholders; may focus on African immigrant and African American youth and young adults; and must:

(1) identify behaviors indicating that an individual is vulnerable to committing or being the victim of bullying or interfamily, community, or domestic abuse;

(2) identify and assess factors and influences, including but not limited to family dysfunction and cultural disengagement that make youth and young adults vulnerable to recruitment by violent organizations;

(3) develop strategies to reduce and eliminate abusive and bullying behaviors among youth and adults;

(4) develop and implement strategies to reduce and eliminate the factors and influences that make youth and young adults vulnerable to recruitment by violent organizations;

(5) develop strategies, programs, and services to educate parents and other family members to recognize and address behaviors indicating that youth are being recruited by violent organizations; and

(6) in collaboration with public entities and other community and private organizations that provide services to at-risk youth and families, develop strategies, programs, and services to reduce and eliminate bullying, abusive behavior, and the vulnerability of youth to recruitment by violent organizations, including but not limited to:

(i) expressive and receptive communications programs, including music, art, theater, dance, and play designed to teach and develop appropriate skills for interfaith family communication;

(ii) development of protective skills and positive coping skills to deal with bullying, domestic abuse and interfaith family violence, and violent confrontations in the community;

(iii) culturally appropriate individual and family counseling focusing on communication and interpersonal relations with the family and, when appropriate, the African immigrant and African American community;

(iv) after-school and summer programs for youth and young adults that are structured and include components offering physical recreation, sports, mentorship, education enrichment, art, music, and social activities that are culturally appropriate;

(v) individual and family-oriented financial planning and management skill building;

(vi) culturally appropriate individual and family counseling focusing on education and employment counseling; and

(vii) information regarding and direct links to entities that provide employment skills training, job search and placement, and employment support activities and services.

(c) Recipients of grants to implement the Minnesota SafeStreets program must work with other organizations and persons in the community to develop community-based responses to violence that:

(1) use and adapt critical incident response methods that have been identified as best practices in the field, including violence prevention, situational de-escalation, mitigation of trauma, and restorative justice;

(2) provide targeted interventions to prevent the escalation of violence after the occurrence of serious incidents, such as a shooting, murder, or other violent crime;

(3) de-escalate violence with the use of community-based interventions designed to prevent conflict from becoming violent;

(4) provide an alternative to adjudication through a restorative justice model for persons who commit lower level offenses;

(5) develop working relationships with community providers to enable young people to care for themselves and their families in healthy and empowered ways; and

(6) culminate in a collective action plan that, at a minimum, includes the following:

(i) increased educational opportunities;

(ii) meaningful workforce opportunities;

(iii) leadership-based entrepreneurial and social enterprise opportunities;

(iv) expanded mental health and chemical health services; and

(v) access to critically needed human and social services.

(d) Recipients of grants to promote community healing must provide programs and direct intervention to promote wellness and healing justice and may use funds for:

(1) programmatic and community care support for wellness and healing justice practitioners;

(2) the establishment and expansion of community organizations that provide wellness and healing justice services;

(3) placing wellness and healing justice practitioners in organizations that provide direct service to Black, Indigenous, and people of color communities in Minnesota;

(4) providing healing circles;

(5) establishing and expanding community coach certification programs to train community healers and establish a long-term strategy to build the infrastructure for community healers to be available during times of tragedy; or

(6) restorative justice programs, including but not limited to sentencing circles.

(e) Recipients of grants to establish or maintain co-responder teams must partner with local units of government or Tribal governments to build on existing mobile mental health crisis teams and identify gaps in order to do any of the following:

(1) develop and establish independent crisis response teams to de-escalate volatile situations;

(2) respond to situations involving a mental health crisis;

(3) promote community-based efforts designed to enhance community safety and wellness; or

(4) support community-based strategies to interrupt, intervene in, or respond to violence.

(f) Recipients of grants to establish or maintain community-based mental health and social service centers must provide direct services to community members in targeted areas.

Subd. 4. **Appropriation; distribution.** (a) Of the amount appropriated for grants issued pursuant to subdivision 3, two-thirds shall be distributed in the metropolitan area and one-third shall be distributed outside the metropolitan area.

(b) No grant recipient shall receive more than \$1,000,000 each year.

Subd. 5. **Community grant advisory boards; members.** (a) The commissioner shall work with the chair or director of a local commission, civilian review board, or similar organization to establish a community grant advisory board within a targeted area.

(b) Community grant advisory boards may review grant applications and make recommendations to the commissioner regarding which applicants should receive funds and the amount of those funds.

(c) The chair or director of a local commission, civilian review board, or similar organization shall serve as the chair of a community grant advisory board.

(d) A community grant advisory board shall include the chair and at least four but not more than six other members.

(e) The membership of community grant advisory boards shall reflect the demographic makeup of the targeted area and the members, other than the chair, must reside in the targeted area over which a board has jurisdiction. A majority of the members of a board must provide direct services to victims or others in the targeted area as a part of the person's employment or regular volunteer work.

(f) Community grant advisory board members may not accept gifts, donations, or any other thing of value from applicants.

**Sec. 49. TASK FORCE ON MISSING AND MURDERED AFRICAN AMERICAN WOMEN.**

Subdivision 1. **Creation and duties.** (a) The Task Force on Missing and Murdered African American Women is established to advise the commissioner of public safety and report to the legislature on recommendations to reduce and end violence against African American women and girls in Minnesota. The task force may also serve as a liaison between the commissioner and agencies and nonprofit, nongovernmental organizations that provide legal, social, or other community services to victims, victims' families, and victims' communities.

(b) The Task Force on Missing and Murdered African American Women must examine and report on the following:

(1) the systemic causes behind violence that African American women and girls experience, including patterns and underlying factors that explain why disproportionately high levels of violence occur against African American women and girls, including underlying historical, social, economic, institutional, and cultural factors which may contribute to the violence;

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

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

(4) measures necessary to address and reduce violence against African American women and girls; and

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

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



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

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

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

(3) two representatives from among the following:

(i) the Minnesota Chiefs of Police Association;

(ii) the Minnesota Sheriffs' Association;

(iii) the Bureau of Criminal Apprehension; or

(iv) the Minnesota Police and Peace Officers Association;

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

(i) the Minnesota County Attorneys Association;

(ii) the United States Attorney's Office; or

(iii) a judge or attorney working in juvenile court;

(5) a county coroner or a representative from a statewide coroner's association or a representative of the Department of Health; and

(6) three or more representatives from among the following:

(i) a statewide or local organization that provides legal services to African American women and girls;

(ii) a statewide or local organization that provides advocacy or counseling for African American women and girls who have been victims of violence;

(iii) a statewide or local organization that provides services to African American women and girls; or

(iv) an African American woman who is a survivor of gender violence.

(b) In making appointments under paragraph (a), the commissioner of public safety shall consult with the Council for Minnesotans of African Heritage.

(c) Appointments to the task force must be made by September 1, 2021.

(d) Members are eligible for compensation and expense reimbursement consistent with Minnesota Statutes, section 15.059, subdivision 3.

(e) Members of the task force serve at the pleasure of the appointing authority or until the task force expires. Vacancies in commissioner-appointed positions shall be filled by the commissioner consistent with the qualifications of the vacating member required by this subdivision.

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

(b) The commissioner of public safety shall convene the first meeting of the task force no later than October 1, 2021, and shall provide meeting space and administrative assistance as necessary for the task force to conduct its work.

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

(d) To accomplish its duties, the task force shall seek out and enlist the cooperation and assistance of nonprofit, nongovernmental organizations that provide legal, social, or other community services to victims, victims' families, and victims' communities; community and advocacy organizations working with the African American community; and academic researchers and experts, specifically those specializing in violence against African American women and girls, those representing diverse communities disproportionately affected by violence against women and girls, or those focusing on issues related to gender violence and violence against African American women and girls. Meetings of the task force may include reports from, or information provided by, those individuals or groups.

Subd. 4. **Report.** On or before December 15, 2022, the task force shall report to the chairs and ranking minority members of the legislative committees with jurisdiction over public safety, human services, and state government on the work of the task force. The report must contain the task force's findings and recommendations and shall include institutional policies and practices, or proposed institutional policies and practices, that are effective in reducing gender violence and increasing the safety of African American women and girls; recommendations for appropriate tracking and collecting of data on violence against African American women and girls; and recommendations for legislative action to reduce and end violence against African American women and girls and help victims and communities heal from gender violence and violence against African American women and girls.

Subd. 5. **Expiration.** The task force expires upon submission of the report required under subdivision 4.

#### Sec. 50. **PUBLIC SAFETY ESCROW ACCOUNT.**

State agencies may accept funds from the public safety escrow account. Funds accepted by a state agency must be deposited in an account in the special revenue fund and are appropriated to that agency for the purposes for which they are received.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to funds received by a state agency on or after June 28, 2018.

**Sec. 51. SENTENCING GUIDELINES COMMISSION DIRECTED TO INCREASE THE RANKINGS FOR CERTAIN CHILD PORNOGRAPHY CRIMES.**

The Sentencing Guidelines Commission is directed to increase the severity rankings on the sex offender grid for a violation of Minnesota Statutes, section 617.247, subdivision 3, paragraph (b), from severity level D to C, and subdivision 4, paragraph (b), from severity level F to E, consistent with the recommendations contained in the minority report in the commission's 2021 report to the legislature. The other modifications to the grid relating to child pornography crimes proposed in the main report are adopted.

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

**Sec. 52. TASK FORCE ON AIDING AND ABETTING FELONY MURDER.**

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

(1) "aiding and abetting" means a person who is criminally liable for a crime committed by another because that person intentionally aided, advised, hired, counseled, or conspired with or otherwise procured the other to commit the crime; and

(2) "felony murder" means a violation of Minnesota Statutes, section 609.185, paragraph (a), clause (2), (3), (5), (6), or (7); or 609.19, subdivision 2, clause (1).

Subd. 2. **Establishment.** The task force on aiding and abetting felony murder is established to collect and analyze data on the charging, convicting, and sentencing of people for aiding and abetting felony murder; assess whether current laws and practices promote public safety and equity in sentencing; and make recommendations to the legislature.

Subd. 3. **Membership.** (a) The task force consists of the following members:

(1) the commissioner of corrections or a designee;

(2) the executive director of the Minnesota Sentencing Guidelines Commission or a designee;

(3) the state public defender or a designee;

(4) the statewide coordinator of the Violent Crime Coordinating Council or a designee;

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

(6) two county attorneys, one from a county within the seven-county metropolitan area and the other from outside the seven-county metropolitan area, appointed by the Minnesota County Attorneys Association;

(7) a peace officer familiar with homicide investigations, preferably felony murder, appointed jointly by the Minnesota Sheriffs' Association, and the Minnesota Chiefs of Police Association;

(8) one member representing a victims' rights organization, appointed by the senate majority leader;

(9) one member of a statewide civil rights organization, appointed by the speaker of the house of representatives;

(10) one impacted person who is directly related to a person who has been convicted of felony murder, appointed by the governor; and

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

(b) Appointments must be made no later than July 30, 2021.

(c) Members shall serve without compensation.

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

Subd. 4. **Officers; meetings.** (a) The task force shall elect a chair and vice-chair and may elect other officers as necessary.

(b) The commissioner of corrections shall convene the first meeting of the task force no later than August 1, 2021, and shall provide meeting space and administrative assistance as necessary for the task force to conduct its work.

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

(d) To compile and analyze data, the task force shall request the cooperation and assistance of local law enforcement agencies, the Minnesota Sentencing Guidelines Commission, the judicial branch, the Bureau of Criminal Apprehension, county attorneys, and Tribal governments and may request the cooperation of academics and others with experience and expertise in researching the impact of laws criminalizing aiding and abetting felony murder.

Subd. 5. **Duties.** (a) The task force shall, at a minimum:

(1) collect and analyze data on charges, convictions, and sentences for aiding and abetting felony murder;

(2) collect and analyze data on sentences for aiding and abetting felony murder in which a person received a mitigated durational departure because the person played a minor or passive role in the crime or participated under circumstances of coercion or duress;

(3) collect and analyze data on charges, convictions, and sentences for codefendants of people sentenced for aiding and abetting felony murder;

(4) review relevant state statutes and state and federal court decisions;

(5) receive input from individuals who were convicted of aiding and abetting felony murder;

(6) receive input from family members of individuals who were victims of felony murder;

(7) analyze the benefits and unintended consequences of Minnesota Statutes and practices related to the charging, convicting, and sentencing of people for aiding and abetting felony murder including but not limited to an analysis of whether current statutes and practice:

(i) promote public safety; and

(ii) properly punish people for their role in an offense; and

(8) make recommendations for legislative action, if any, on laws affecting:

(i) the collection and reporting of data; and

(ii) the charging, convicting, and sentencing of people for aiding and abetting felony murder.

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

Subd. 6. **Report.** On or before January 15, 2022, the task force shall submit a report to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over criminal sentencing on the findings and recommendations of the task force.

Subd. 7. **Expiration.** The task force expires the day after submitting its report under subdivision 6.

Sec. 53. **SENTENCING GUIDELINES MODIFICATION.**

The Sentencing Guidelines Commission shall comprehensively review and consider modifying how the Sentencing Guidelines and the sex offender grid address the crimes described in Minnesota Statutes, section 609.322.

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

Sec. 54. **TITLE.**

Section 22 shall be known as "Travis's Law."

Sec. 55. **TITLE.**

Section 33 shall be known as "Officer Arik Matson's Law."

Sec. 56. **REPEALER.**

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

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

## ARTICLE 3

## JUDICIARY, HUMAN RIGHTS, AND DATA PRACTICES

Section 1. [3.8844] LEGISLATIVE COMMISSION ON DATA PRACTICES.

Subdivision 1. **Established.** The Legislative Commission on Data Practices and Personal Data Privacy is created to study issues relating to government data practices and individuals' personal data privacy rights and to review legislation impacting data practices, data security, and personal data privacy. The commission is a continuation of the commission that was established by Laws 2014, chapter 193, as amended, and which expired June 30, 2019.

Subd. 2. **Membership.** The commission consists of two senators appointed by the senate majority leader, two senators appointed by the minority leader in the senate, two members of the house of representatives appointed by the speaker, and two members of the house of representatives appointed by the minority leader in the house. Two members from each chamber must be from the majority party in that chamber and two members from each chamber must be from the minority party in that chamber. Each appointing authority must make appointments as soon as possible after the beginning of the regular legislative session in the odd-numbered year. The ranking senator from the majority party appointed to the commission must convene the first meeting of a biennium by February 15 in the odd-numbered year. The commission may elect up to four former legislators who have demonstrated an interest in, or have a history of working in, the areas of government data practices and personal data privacy to serve as nonvoting members of the commission. The former legislators must not be registered lobbyists and shall be compensated as provided under section 15.0575, subdivision 3.

Subd. 3. **Terms; vacancies.** Members of the commission serve for terms beginning upon appointment and ending at the beginning of the regular legislative session in the next odd-numbered year. The appropriate appointing authority must fill a vacancy for a seat of a current legislator for the remainder of the unexpired term.

Subd. 4. **Officers.** The commission must elect a chair and may elect other officers as it determines are necessary. The chair alternates between a member of the senate and a member of the house of representatives in January of each odd-numbered year.

Subd. 5. **Staff.** Legislative staff must provide administrative and research assistance to the commission. The Legislative Coordinating Commission may, if funding is available, appoint staff to provide research assistance.

Subd. 6. **Duties.** The commission shall:

(1) review and provide the legislature with research and analysis of emerging issues relating to government data practices and security and privacy of personal data;

(2) review and make recommendations on legislative proposals relating to the Minnesota Government Data Practices Act; and

(3) review and make recommendations on legislative proposals impacting personal data privacy rights, data security, and other related issues.

**EFFECTIVE DATE.** This section is effective the day following final enactment. Initial members of the commission serve for a term ending in January 2023. A member of the house of representatives shall serve as the first chair of the commission. A member of the senate shall serve as chair of the commission beginning in January 2023.

Sec. 2. Minnesota Statutes 2020, section 13.552, is amended by adding a subdivision to read:

**Subd. 8. Certificate of compliance for public contracts.** Access to data relating to certificates of compliance for public contracts is governed by section 363A.36.

Sec. 3. Minnesota Statutes 2020, section 13.7931, is amended by adding a subdivision to read:

**Subd. 1b. Data on individuals who are minors.** Except for electronic licensing system data classified under section 84.0874, data on individuals who are minors that are collected, created, received, maintained, or disseminated by the Department of Natural Resources are classified under section 84.0873.

Sec. 4. Minnesota Statutes 2020, section 13.824, subdivision 6, is amended to read:

**Subd. 6. Biennial audit.** (a) In addition to the log required under subdivision 5, the law enforcement agency must maintain records showing the date and time automated license plate reader data were collected and the applicable classification of the data. The law enforcement agency shall arrange for an independent, biennial audit of the records to determine whether data currently in the records are classified, how the data are used, whether they are destroyed as required under this section, and to verify compliance with subdivision 7. If the commissioner of administration believes that a law enforcement agency is not complying with this section or other applicable law, the commissioner may order a law enforcement agency to arrange for additional independent audits. Data in the records required under this paragraph are classified as provided in subdivision 2.

(b) The results of the audit are public. The commissioner of administration shall review the results of the audit. If the commissioner determines that there is a pattern of substantial noncompliance with this section by the law enforcement agency, the agency must immediately suspend operation of all automated license plate reader devices until the commissioner has authorized the agency to reinstate their use. An order of suspension under this paragraph may be issued by the commissioner, upon review of the results of the audit, review of the applicable provisions of this chapter, and after providing the agency a reasonable opportunity to respond to the audit's findings.

(c) A report summarizing the results of each audit must be provided to the commissioner of administration, to the ~~chair~~ chairs and ranking minority members of the committees of the house of representatives and the senate with jurisdiction over data practices and public safety issues, and to the Legislative Commission on Data Practices and Personal Data Privacy no later than 30 days following completion of the audit.

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

Sec. 5. Minnesota Statutes 2020, section 13.825, subdivision 9, is amended to read:

**Subd. 9. Biennial audit.** (a) A law enforcement agency must maintain records showing the date and time portable recording system data were collected and the applicable classification of the data.

The law enforcement agency shall arrange for an independent, biennial audit of the data to determine whether data are appropriately classified according to this section, how the data are used, and whether the data are destroyed as required under this section, and to verify compliance with subdivisions 7 and 8. If the governing body with jurisdiction over the budget of the agency determines that the agency is not complying with this section or other applicable law, the governing body may order additional independent audits. Data in the records required under this paragraph are classified as provided in subdivision 2.

(b) The results of the audit are public, except for data that are otherwise classified under law. The governing body with jurisdiction over the budget of the law enforcement agency shall review the results of the audit. If the governing body determines that there is a pattern of substantial noncompliance with this section, the governing body must order that operation of all portable recording systems be suspended until the governing body has authorized the agency to reinstate their use. An order of suspension under this paragraph may only be made following review of the results of the audit and review of the applicable provisions of this chapter, and after providing the agency and members of the public a reasonable opportunity to respond to the audit's findings in a public meeting.

(c) A report summarizing the results of each audit must be provided to the governing body with jurisdiction over the budget of the law enforcement agency ~~and~~, to the Legislative Commission on Data Practices and Personal Data Privacy, and to the chairs and ranking minority members of the committees of the house of representatives and the senate with jurisdiction over data practices and public safety issues no later than 60 days following completion of the audit.

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

Sec. 6. Minnesota Statutes 2020, section 13.851, is amended by adding a subdivision to read:

Subd. 13. Jailhouse witnesses. Data collected and maintained by the commissioner of corrections regarding jailhouse witnesses are governed by section 634.045.

Sec. 7. **[84.0873] DATA ON INDIVIDUALS WHO ARE MINORS.**

(a) When the Department of Natural Resources collects, creates, receives, maintains, or disseminates the following data on individuals who the department knows are minors, the data are considered private data on individuals, as defined in section 13.02, subdivision 12, except for data classified as public data according to section 13.43:

- (1) name;
- (2) date of birth;
- (3) Social Security number;
- (4) telephone number;
- (5) e-mail address;
- (6) physical or mailing address;



(7) location data;

(8) online account access information;

(9) data associated with the location of electronic devices; and

(10) other data that would identify participants who have registered for events, programs, or classes sponsored by the Department of Natural Resources.

(b) Access to data described in paragraph (a) is subject to Minnesota Rules, part 1205.0500. Data about minors classified under this section maintain their classification as private data on individuals after the individual is no longer a minor.

(c) When data about minors is created, collected, stored, or maintained as part of the electronic licensing system described in section 84.0874, the data is governed by section 84.0874 and may be disclosed pursuant to the provisions therein.

Sec. 8. Minnesota Statutes 2020, section 169.99, subdivision 1c, is amended to read:

Subd. 1c. **Notice of surcharge.** All parts of the uniform traffic ticket must ~~give~~ provide conspicuous notice ~~of the fact~~ that, if convicted, the person to whom it was issued ~~must~~ may be required to pay a state-imposed surcharge under section 357.021, subdivision 6, and the current amount of the required surcharge.

**EFFECTIVE DATE.** This section is effective August 1, 2022. The changes to the uniform traffic ticket described in this section must be reflected on the ticket the next time it is revised.

Sec. 9. Minnesota Statutes 2020, section 169.99, is amended by adding a subdivision to read:

Subd. 1d. **Financial hardship.** The first paragraph on the reverse side of the summons on the uniform traffic ticket must include the following, or substantially similar, language: "All or part of the cost of this summons may be waived on a showing of indigency or undue hardship on you or your family. You may schedule a court appearance to request a waiver based on your ability to pay by calling the Minnesota Court Payment Center (CPC) [followed by the Court Payment Center telephone number]. For more information, call the CPC or visit [www.mncourts.gov/fines](http://www.mncourts.gov/fines)."

**EFFECTIVE DATE.** This section is effective August 1, 2022. The changes to the uniform traffic ticket described in this section must be reflected on the ticket the next time it is revised.

Sec. 10. Minnesota Statutes 2020, section 357.021, subdivision 1a, is amended to read:

Subd. 1a. **Transmittal of fees to commissioner of management and budget.** (a) Every person, including the state of Minnesota and all bodies politic and corporate, who shall transact any business in the district court, shall pay to the court administrator of said court the sundry fees prescribed in subdivision 2. Except as provided in paragraph (d), the court administrator shall transmit the fees monthly to the commissioner of management and budget for deposit in the state treasury and credit to the general fund. \$30 of each fee collected in a dissolution action under subdivision 2, clause (1), must be deposited by the commissioner of management and budget in the special revenue fund and is appropriated to the commissioner of employment and economic development for the Minnesota Family Resiliency Partnership under section 116L.96.

(b) In a county which has a screener-collector position, fees paid by a county pursuant to this subdivision shall be transmitted monthly to the county treasurer, who shall apply the fees first to reimburse the county for the amount of the salary paid for the screener-collector position. The balance of the fees collected shall then be forwarded to the commissioner of management and budget for deposit in the state treasury and credited to the general fund. In a county in a judicial district under section 480.181, subdivision 1, paragraph (b), which has a screener-collector position, the fees paid by a county shall be transmitted monthly to the commissioner of management and budget for deposit in the state treasury and credited to the general fund. A screener-collector position for purposes of this paragraph is an employee whose function is to increase the collection of fines and to review the incomes of potential clients of the public defender, in order to verify eligibility for that service.

(c) No fee is required under this section from the public authority or the party the public authority represents in an action for:

(1) child support enforcement or modification, medical assistance enforcement, or establishment of parentage in the district court, or in a proceeding under section 484.702;

(2) civil commitment under chapter 253B;

(3) the appointment of a public conservator or public guardian or any other action under chapters 252A and 525;

(4) wrongfully obtaining public assistance under section 256.98 or 256D.07, or recovery of overpayments of public assistance;

(5) court relief under chapters 260, 260A, 260B, and 260C;

(6) forfeiture of property under sections 169A.63 and 609.531 to 609.5317;

(7) recovery of amounts issued by political subdivisions or public institutions under sections 246.52, 252.27, 256.045, 256.25, 256.87, 256B.042, 256B.14, 256B.15, 256B.37, 260B.331, and 260C.331, or other sections referring to other forms of public assistance;

(8) restitution under section 611A.04; or

(9) actions seeking monetary relief in favor of the state pursuant to section 16D.14, subdivision 5.

(d) \$20 from each fee collected for child support modifications under subdivision 2, clause (13), must be transmitted to the county treasurer for deposit in the county general fund and \$35 from each fee shall be credited to the state general fund. The fees must be used by the county to pay for child support enforcement efforts by county attorneys.

(e) No fee is required under this section from any federally recognized Indian Tribe or its representative in an action for:

(1) child support enforcement or modification, medical assistance enforcement, or establishment of parentage in the district court or in a proceeding under section 484.702;

(2) civil commitment under chapter 253B;

(3) the appointment of a public conservator or public guardian or any other action under chapters 252A and 525; or

(4) court relief under chapters 260, 260A, 260B, 260C, and 260D.

Sec. 11. Minnesota Statutes 2020, section 357.021, subdivision 6, is amended to read:

Subd. 6. **Surcharges on criminal and traffic offenders.** (a) Except as provided in this ~~paragraph~~ subdivision, the court shall impose and the court administrator shall collect a \$75 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor offense, other than a violation of a law or ordinance relating to vehicle parking, for which there shall be a \$12 surcharge. When a defendant is convicted of more than one offense in a case, the surcharge shall be imposed only once in that case. In the Second Judicial District, the court shall impose, and the court administrator shall collect, an additional \$1 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor offense, including a violation of a law or ordinance relating to vehicle parking, if the Ramsey County Board of Commissioners authorizes the \$1 surcharge. The surcharge shall be imposed whether or not the person is sentenced to imprisonment or the sentence is stayed. The surcharge shall not be imposed when a person is convicted of a petty misdemeanor for which no fine is imposed.

~~(b) If the court fails to impose a surcharge as required by this subdivision, the court administrator shall show the imposition of the surcharge, collect the surcharge, and correct the record.~~

~~(e) (b)~~ The court may not reduce the amount or waive payment of the surcharge required under this subdivision. Upon on a showing of indigency or undue hardship upon the convicted person or the convicted person's immediate family, the sentencing court may authorize payment of the surcharge in installments. Additionally, the court may permit the defendant to perform community work service in lieu of a surcharge.

~~(d) (c)~~ The court administrator or other entity collecting a surcharge shall forward it to the commissioner of management and budget.

~~(e) (d)~~ If the convicted person is sentenced to imprisonment and has not paid the surcharge before the term of imprisonment begins, the chief executive officer of the correctional facility in which the convicted person is incarcerated shall collect the surcharge from any earnings the inmate accrues from work performed in the facility or while on conditional release. The chief executive officer shall forward the amount collected to the court administrator or other entity collecting the surcharge imposed by the court.

~~(f) (e)~~ A person who enters a diversion program, continuance without prosecution, continuance for dismissal, or stay of adjudication for a violation of chapter 169 must pay the surcharge described in this subdivision. A surcharge imposed under this paragraph shall be imposed only once per case.

~~(g) (f)~~ The surcharge does not apply to administrative citations issued pursuant to section 169.999.

**EFFECTIVE DATE.** This section is effective July 1, 2022.

Sec. 12. Minnesota Statutes 2020, section 363A.02, subdivision 1, is amended to read:

Subdivision 1. **Freedom from discrimination.** (a) It is the public policy of this state to secure for persons in this state, freedom from discrimination:

(1) in employment because of race, color, creed, religion, national origin, sex, marital status, disability, status with regard to public assistance, sexual orientation, familial status, and age;

(2) in housing and real property because of race, color, creed, religion, national origin, sex, marital status, disability, status with regard to public assistance, sexual orientation, and familial status;

(3) in public accommodations because of race, color, creed, religion, national origin, sex, sexual orientation, and disability;

(4) in public services because of race, color, creed, religion, national origin, sex, marital status, disability, sexual orientation, and status with regard to public assistance; and

(5) in education because of race, color, creed, religion, national origin, sex, marital status, disability, status with regard to public assistance, sexual orientation, and age.

(b) Such discrimination threatens the rights and privileges of the inhabitants of this state and menaces the institutions and foundations of democracy. It is also the public policy of this state to protect all persons from wholly unfounded charges of discrimination. Nothing in this chapter shall be interpreted as restricting the implementation of positive action programs to combat discrimination.

Sec. 13. Minnesota Statutes 2020, section 363A.08, subdivision 6, is amended to read:

Subd. 6. **Reasonable accommodation.** (a) Except when based on a bona fide occupational qualification, it is an unfair employment practice for an employer with a number of part-time or full-time employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year equal to or greater than 25 effective July 1, 1992, and equal to or greater than 15 effective July 1, 1994, an employment agency, or a labor organization, not to ~~make~~ provide a reasonable accommodation ~~to the known disability of a qualified disabled person or job applicant for a job applicant or qualified employee with a disability~~ unless the employer, agency, or organization can demonstrate that the accommodation would impose an undue hardship on the business, agency, or organization. "Reasonable accommodation" means steps which must be taken to accommodate the known physical or mental limitations of a qualified ~~disabled person~~ individual with a disability. To determine the appropriate reasonable accommodation the employer, agency, or organization shall initiate an informal, interactive process with the individual with a disability in need of the accommodation. This process should identify the limitations resulting from the disability and any potential reasonable accommodations that could overcome those limitations. "Reasonable accommodation" may include but is not limited to, nor does it necessarily require: (1) making facilities readily accessible to and usable by ~~disabled persons~~ individuals with disabilities; and (2) job restructuring, modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, and the provision of aides on a temporary or periodic basis.

(b) In determining whether an accommodation would impose an undue hardship on the operation of a business or organization, factors to be considered include:

- (1) the overall size of the business or organization with respect to number of employees or members and the number and type of facilities;
- (2) the type of the operation, including the composition and structure of the work force, and the number of employees at the location where the employment would occur;
- (3) the nature and cost of the needed accommodation;
- (4) the reasonable ability to finance the accommodation at each site of business; and
- (5) documented good faith efforts to explore less restrictive or less expensive alternatives, including consultation with the disabled person or with knowledgeable disabled persons or organizations.

A prospective employer need not pay for an accommodation for a job applicant if it is available from an alternative source without cost to the employer or applicant.

Sec. 14. Minnesota Statutes 2020, section 363A.28, subdivision 1, is amended to read:

Subdivision 1. **Actions.** Any person aggrieved by a violation of this chapter may bring a civil action as provided in section 363A.33, subdivision 1, or may file a verified charge with the commissioner or the commissioner's designated agent. A charge filed with the commissioner must be in writing by hand, or electronically with an unsworn declaration under penalty of perjury, on a form provided by the commissioner and signed by the charging party. The charge must state the name of the person alleged to have committed an unfair discriminatory practice and set out a summary of the details of the practice complained of. The commissioner may require a charging party to provide the address of the person alleged to have committed the unfair discriminatory practice, names of witnesses, documents, and any other information necessary to process the charge. The commissioner may dismiss a charge when the charging party fails to provide required information. The commissioner within ten days of the filing shall serve a copy of the charge and a form for use in responding to the charge upon the respondent personally, electronically with the receiving party's consent, or by mail. The respondent shall file with the department a written response setting out a summary of the details of the respondent's position relative to the charge within ~~20~~ 30 days of receipt of the charge. If the respondent fails to respond with a written summary of the details of the respondent's position within 30 days after service of the charge, and service was consistent with rule 4 of the Rules of Civil Procedure, the commissioner, on behalf of the complaining party, may bring an action for default in district court pursuant to rule 55.01 of the Rules of Civil Procedure.

Sec. 15. Minnesota Statutes 2020, section 363A.28, subdivision 6, is amended to read:

Subd. 6. **Charge processing.** (a) Consistent with paragraph (h), the commissioner shall promptly inquire into the truth of the allegations of the charge. The commissioner shall make an immediate inquiry when a charge alleges actual or threatened physical violence. The commissioner shall also make an ~~immediate~~ inquiry when it appears that a charge is frivolous or without merit and shall dismiss those charges.

(b) The commissioner shall give priority to investigating and processing those charges, in the order below, which the commissioner determines have the following characteristics:

- (1) there is evidence of irreparable harm if immediate action is not taken;
- (2) there is evidence that the respondent has intentionally engaged in a reprisal;
- (3) a significant number of recent charges have been filed against the respondent;
- (4) the respondent is a government entity;
- (5) there is potential for broadly promoting the policies of this chapter; or
- (6) the charge is supported by substantial and credible documentation, witnesses, or other evidence.

The commissioner shall inform charging parties of these priorities and shall tell each party if their charge is a priority case or not.

On other charges the commissioner shall make a determination within 12 months after the charge was filed as to whether or not there is probable cause to credit the allegation of unfair discriminatory practices.

(c) If the commissioner determines after investigation that no probable cause exists to credit the allegations of the unfair discriminatory practice, the commissioner shall, within ten days of the determination, serve upon the charging party and respondent written notice of the determination. Within ~~ten~~ 30 days after receipt of notice, the charging party may request in writing, on forms prepared by the department, that the commissioner reconsider the determination. The request shall contain a brief statement of the reasons for and new evidence in support of the request for reconsideration. At the time of submission of the request to the commissioner, the charging party shall deliver or mail to the respondent a copy of the request for reconsideration. The commissioner shall reaffirm, reverse, or vacate and remand for further consideration the determination of no probable cause within 20 days after receipt of the request for reconsideration, and shall within ten days notify in writing the charging party and respondent of the decision to reaffirm, reverse, or vacate and remand for further consideration.

A decision by the commissioner that no probable cause exists to credit the allegations of an unfair discriminatory practice shall not be appealed to the court of appeals pursuant to section ~~363A.36~~ 363A.34 or sections 14.63 to 14.68.

(d) If the commissioner determines after investigation that probable cause exists to credit the allegations of unfair discriminatory practices, the commissioner shall serve on the respondent and the respondent's attorney if the respondent is represented by counsel, by first class mail, or electronically with the receiving party's consent, a notice setting forth a short plain written statement of the alleged facts which support the finding of probable cause and an enumeration of the provisions of law allegedly violated. Within 30 days after receipt of notice, the respondent may request in writing, on forms prepared by the department, that the commissioner reconsider the determination. If the commissioner determines that attempts to eliminate the alleged unfair practices through conciliation pursuant to subdivision 8 have been or would be unsuccessful or unproductive, the commissioner ~~shall~~ may issue a complaint and serve on the respondent, by registered or certified mail, or electronically with the receiving party's consent, a written notice of hearing together with a copy of the complaint, requiring the respondent to answer the allegations of the complaint at a

hearing before an administrative law judge at a time and place specified in the notice, not less than ten days after service of said complaint. A copy of the notice shall be furnished to the charging party and the attorney general.

(e) If, at any time after the filing of a charge, the commissioner has reason to believe that a respondent has engaged in any unfair discriminatory practice, the commissioner may file a petition in the district court in a county in which the subject of the complaint occurs, or in a county in which a respondent resides or transacts business, seeking appropriate temporary relief against the respondent, pending final determination of proceedings under this chapter, including an order or decree restraining the respondent from doing or procuring an act tending to render ineffectual an order the commissioner may enter with respect to the complaint. The court shall have power to grant temporary relief or a restraining order as it deems just and proper, but no relief or order extending beyond ten days shall be granted except by consent of the respondent or after hearing upon notice to the respondent and a finding by the court that there is reasonable cause to believe that the respondent has engaged in a discriminatory practice. Except as modified by subdivisions 1 to 9 and section 363A.06, subdivision 4, the Minnesota Rules of Civil Procedure shall apply to an application, and the district court shall have authority to grant or deny the relief sought on conditions as it deems just and equitable. All hearings under subdivisions 1 to 9 and section 363A.06, subdivision 4, shall be given precedence as nearly as practicable over all other pending civil actions.

(f) If a lessor, after engaging in a discriminatory practice defined in section 363A.09, subdivision 1, clause (1), leases or rents a dwelling unit to a person who has no knowledge of the practice or of the existence of a charge with respect to the practice, the lessor shall be liable for actual damages sustained by a person by reason of a final order as provided in subdivisions 1 to 9 and section 363A.06, subdivision 4, requiring the person to be evicted from the dwelling unit.

(g) In any complaint issued under subdivisions 1 to 9 and section 363A.06, subdivision 4, the commissioner may seek relief for a class of individuals affected by an unfair discriminatory practice occurring on or after a date one year prior to the filing of the charge from which the complaint originates.

(h) The commissioner may adopt policies to determine which charges are processed and the order in which charges are processed based on their particular social or legal significance, administrative convenience, difficulty of resolution, or other standard consistent with the provisions of this chapter.

(i) The chief administrative law judge shall adopt policies to provide sanctions for intentional and frivolous delay caused by any charging party or respondent in an investigation, hearing, or any other aspect of proceedings before the department under this chapter.

Sec. 16. Minnesota Statutes 2020, section 363A.31, subdivision 2, is amended to read:

Subd. 2. **Rescission of waiver.** A waiver or release of rights or remedies secured by this chapter which purports to apply to claims arising out of acts or practices prior to, or concurrent with, the execution of the waiver or release may be rescinded within 15 calendar days of its execution, except that a waiver or release given in settlement of a claim filed with the department or with another administrative agency or judicial body is valid and final upon execution. A waiving or releasing party shall be informed in writing of the right to rescind the waiver or release. To be effective, the

rescission must be in writing and delivered to the waived or released party ~~either~~ by hand, electronically with the receiving party's consent, or by mail within the 15-day period. If delivered by mail, the rescission must be:

- (1) postmarked within the 15-day period;
- (2) properly addressed to the waived or released party; and
- (3) sent by certified mail return receipt requested.

Sec. 17. Minnesota Statutes 2020, section 363A.33, subdivision 3, is amended to read:

Subd. 3. **Summons and complaints in a civil action.** A charging party bringing a civil action shall mail by registered or certified mail, or electronically with the receiving party's consent, a copy of the summons and complaint to the commissioner, and upon their receipt the commissioner shall terminate all proceedings in the department relating to the charge. No charge shall be filed or reinstated with the commissioner after a civil action relating to the same unfair discriminatory practice has been brought unless the civil action has been dismissed without prejudice.

Sec. 18. Minnesota Statutes 2020, section 363A.36, subdivision 1, is amended to read:

Subdivision 1. **Scope of application.** (a) ~~For all contracts for goods and services in excess of \$100,000, no department or agency of the state shall accept any bid or proposal for a contract or agreement from any business having more than 40 full-time employees within this state on a single working day during the previous 12 months, unless the commissioner is in receipt of the business' affirmative action plan for the employment of minority persons, women, and qualified disabled individuals. No department or agency of the state shall execute any such contract or agreement until the affirmative action plan has been approved by the commissioner. Receipt of a certificate of compliance issued by the commissioner shall signify that a firm or business has an affirmative action plan that has been approved by the commissioner. A certificate shall be valid for a period of four years. No department, agency of the state, the Metropolitan Council, or agency subject to section 473.143, subdivision 1, shall execute a contract for goods or services in excess of \$100,000 with a business that has 40 or more full-time employees in this state or a state where the business has its primary place of business on a single day during the prior 12 months, unless the business has a workforce certificate from the commissioner of human rights or has certified in writing that it is exempt. Determinations of exempt status shall be made by the commissioner of human rights. A certificate is valid for four years. A municipality as defined in section 466.01, subdivision 1, that receives state money for any reason is encouraged to prepare and implement an affirmative action plan for the employment of minority persons, people with disabilities, people of color, and women, and the qualified disabled and to submit the plan to the commissioner.~~

(b) ~~This paragraph applies to a contract for goods or services in excess of \$100,000 to be entered into between a department or agency of the state and a business that is not subject to paragraph (a), but that has more than 40 full-time employees on a single working day during the previous 12 months in the state where the business has its primary place of business. A department or agency of the state may not execute a contract or agreement with a business covered by this paragraph unless the business has a certificate of compliance issued by the commissioner under paragraph (a) or the business certifies that it is in compliance with federal affirmative action requirements.~~



(e) (b) This section does not apply to contracts entered into by the State Board of Investment for investment options under section 356.645.

(d) (c) The commissioner shall issue a certificate of compliance or notice of denial within 15 days of the application submitted by the business or firm.

**EFFECTIVE DATE.** This section is effective July 1, 2021, and applies to contracts entered into on or after that date.

Sec. 19. Minnesota Statutes 2020, section 363A.36, subdivision 2, is amended to read:

Subd. 2. **Filing fee; account; appropriation.** The commissioner shall collect a ~~\$150~~ \$250 fee for each certificate of compliance issued by the commissioner or the commissioner's designated agent. The proceeds of the fee must be deposited in a human rights fee special revenue account. Money in the account is appropriated to the commissioner to fund the cost of issuing certificates and investigating grievances.

**EFFECTIVE DATE.** This section is effective for applications received on or after July 1, 2021.

Sec. 20. Minnesota Statutes 2020, section 363A.36, subdivision 3, is amended to read:

Subd. 3. ~~Revocation of certificate~~ **Violations; remedies.** Certificates of compliance may be suspended or revoked by the commissioner if a holder of a certificate has not made a good faith effort to implement an affirmative action plan that has been approved by the commissioner. If a contractor does not effectively implement an affirmative action plan approved by the commissioner pursuant to subdivision 1, or fails to make a good faith effort to do so, the commissioner may refuse to approve subsequent plans submitted by that firm or business. If a certificate holder is in violation of this section, the commissioner may impose one or both of the following actions:

(1) issue fines up to \$5,000 per calendar year for each contract; or

(2) suspend or revoke a certificate of compliance until the contractor has paid all outstanding fines and otherwise complies with this section.

**EFFECTIVE DATE.** This section is effective July 1, 2021, and applies to all certificates of compliance in effect on or after that date.

Sec. 21. Minnesota Statutes 2020, section 363A.36, subdivision 4, is amended to read:

Subd. 4. **Revocation of contract.** A contract awarded by a department or agency of the state, the Metropolitan Council, or an agency subject to section 473.143, subdivision 1, may be terminated or abridged by the ~~department or agency~~ awarding entity because of suspension or revocation of a certificate based upon a contractor's failure to implement or make a good faith effort to implement an affirmative action plan approved by the commissioner under this section. If a contract is awarded to a person who does not have a contract compliance certificate required under subdivision 1, the commissioner may void the contract on behalf of the state.

**EFFECTIVE DATE.** This section is effective July 1, 2021, and applies to contracts entered into on or after that date.

Sec. 22. Minnesota Statutes 2020, section 363A.36, is amended by adding a subdivision to read:

Subd. 6. **Access to data.** Data submitted to the commissioner related to a certificate of compliance are private data on individuals or nonpublic data with respect to persons other than department employees. The commissioner's decision to issue, not issue, revoke, or suspend or otherwise penalize a certificate holder of a certificate of compliance is public data. Applications, forms, or similar documents submitted by a business seeking a certificate of compliance are public data. The commissioner may disclose data classified as private or nonpublic under this subdivision to other state agencies, statewide systems, and political subdivisions for the purposes of achieving compliance with this section.

Sec. 23. Minnesota Statutes 2020, section 363A.44, subdivision 2, is amended to read:

Subd. 2. **Application.** (a) A business shall apply for an equal pay certificate by paying a ~~\$150~~ \$250 filing fee and submitting an equal pay compliance statement to the commissioner. The proceeds from the fees collected under this subdivision shall be deposited in an equal pay certificate special revenue account. Money in the account is appropriated to the commissioner for the purposes of this section. The commissioner shall issue an equal pay certificate of compliance to a business that submits to the commissioner a statement signed by the chairperson of the board or chief executive officer of the business:

(1) that the business is in compliance with Title VII of the Civil Rights Act of 1964, Equal Pay Act of 1963, Minnesota Human Rights Act, and Minnesota Equal Pay for Equal Work Law;

(2) that the average compensation for its female employees is not consistently below the average compensation for its male employees within each of the major job categories in the EEO-1 employee information report for which an employee is expected to perform work under the contract, taking into account factors such as length of service, requirements of specific jobs, experience, skill, effort, responsibility, working conditions of the job, or other mitigating factors;

(3) that the business does not restrict employees of one sex to certain job classifications and makes retention and promotion decisions without regard to sex;

(4) that wage and benefit disparities are corrected when identified to ensure compliance with the laws cited in clause (1) and with clause (2); and

(5) how often wages and benefits are evaluated to ensure compliance with the laws cited in clause (1) and with clause (2).

(b) The equal pay compliance statement shall also indicate whether the business, in setting compensation and benefits, utilizes:

(1) a market pricing approach;

(2) state prevailing wage or union contract requirements;

(3) a performance pay system;

(4) an internal analysis; or

(5) an alternative approach to determine what level of wages and benefits to pay its employees. If the business uses an alternative approach, the business must provide a description of its approach.

(c) Receipt of the equal pay compliance statement by the commissioner does not establish compliance with the laws set forth in paragraph (a), clause (1).

**EFFECTIVE DATE.** This section is effective for applications received on or after July 1, 2021.

Sec. 24. Minnesota Statutes 2020, section 363A.44, subdivision 4, is amended to read:

Subd. 4. ~~Revocation of certificate~~ **Violations; remedies.** An equal pay certificate for a business may be suspended or revoked by the commissioner when the business fails to make a good-faith effort to comply with the laws identified in subdivision 2, paragraph (a), clause (1), fails to make a good-faith effort to comply with this section, or has multiple violations of this section or the laws identified in subdivision 2, paragraph (a), clause (1). The commissioner may also issue a fine due to lack of compliance with this section of up to \$5,000 per calendar year for each contract. The commissioner may suspend or revoke an equal pay certificate until the business has paid all outstanding fines and otherwise complies with this section. Prior to issuing a fine or suspending or revoking a certificate, the commissioner must first have sought to conciliate with the business regarding wages and benefits due to employees.

**EFFECTIVE DATE.** This section is effective July 1, 2021, and applies to all equal pay certificates in effect on or after that date.

Sec. 25. Minnesota Statutes 2020, section 363A.44, subdivision 9, is amended to read:

Subd. 9. **Access to data.** Data submitted to the commissioner related to equal pay certificates are private data on individuals or nonpublic data with respect to persons other than department employees. The commissioner's decision to issue, not issue, revoke, or suspend or otherwise penalize a certificate holder of an equal pay certificate is public data. Applications, forms, or similar documents submitted by a business seeking an equal pay certificate are public data. The commissioner may disclose data classified as private or nonpublic under this subdivision to other state agencies, statewide systems, and political subdivisions for the purposes of achieving compliance with this section.

Sec. 26. Minnesota Statutes 2020, section 477A.03, subdivision 2b, is amended to read:

Subd. 2b. **Counties.** (a) For aids payable in 2018 and 2019, the total aid payable under section 477A.0124, subdivision 3, is \$103,795,000, of which \$3,000,000 shall be allocated as required under Laws 2014, chapter 150, article 4, section 6. For aids payable in 2020, the total aid payable under section 477A.0124, subdivision 3, is \$116,795,000, of which \$3,000,000 shall be allocated as required under Laws 2014, chapter 150, article 4, section 6. For aids payable in 2021 through 2024, the total aid payable under section 477A.0124, subdivision 3, is \$118,795,000, of which \$3,000,000 shall be allocated as required under Laws 2014, chapter 150, article 4, section 6. For aids payable in 2025 and thereafter, the total aid payable under section 477A.0124, subdivision 3, is \$115,795,000. ~~Each calendar year,~~ On or before the first installment date provided in section 477A.015, paragraph (a), \$500,000 of this appropriation shall be retained transferred each year by the commissioner of revenue to make reimbursements to the commissioner of management and budget the Board of Public Defense for payments made the payment of service under section 611.27. The reimbursements shall be to defray the additional costs associated with court-ordered counsel under section 611.27.

Any ~~retained~~ transferred amounts not ~~used for reimbursement~~ expended or encumbered in a fiscal year shall be certified by the Board of Public Defense to the commissioner of revenue on or before October 1 and shall be included in the next distribution certification of county need aid ~~that is certified to the county auditors for the purpose of property tax reduction for the next taxes payable year.~~

(b) For aids payable in 2018 and 2019, the total aid under section 477A.0124, subdivision 4, is \$130,873,444. For aids payable in 2020, the total aid under section 477A.0124, subdivision 4, is \$143,873,444. For aids payable in 2021 and thereafter, the total aid under section 477A.0124, subdivision 4, is \$145,873,444. The commissioner of revenue shall transfer to the commissioner of management and budget \$207,000 annually for the cost of preparation of local impact notes as required by section 3.987, and other local government activities. The commissioner of revenue shall transfer to the commissioner of education \$7,000 annually for the cost of preparation of local impact notes for school districts as required by section 3.987. The commissioner of revenue shall deduct the amounts transferred under this paragraph from the appropriation under this paragraph. The amounts transferred are appropriated to the commissioner of management and budget and the commissioner of education respectively.

Sec. 27. Minnesota Statutes 2020, section 524.2-503, is amended to read:

**524.2-503 HARMLESS ERROR.**

(a) If a document or writing added upon a document was not executed in compliance with section 524.2-502, the document or writing is treated as if it had been executed in compliance with section 524.2-502 if the proponent of the document or writing establishes by clear and convincing evidence that the decedent intended the document or writing to constitute:

- (1) the decedent's will;
- (2) a partial or complete revocation of the will;
- (3) an addition to or an alteration of the will; or

(4) a partial or complete revival of the decedent's formerly revoked will or of a formerly revoked portion of the will.

(b) This section applies to documents and writings executed on or after March 13, 2020, ~~but before February 15, 2021.~~

**EFFECTIVE DATE.** This section is effective retroactively from March 13, 2020, and applies to documents and writings executed on or after March 13, 2020.

Sec. 28. Minnesota Statutes 2020, section 611.21, is amended to read:

**611.21 SERVICES OTHER THAN COUNSEL.**

(a) Counsel appointed by the court for an indigent defendant, or representing a defendant who, at the outset of the prosecution, has an annual income not greater than 125 percent of the poverty line established under United States Code, title 42, section 9902(2), may file an ex parte application requesting investigative, expert, interpreter, or other services necessary to an adequate defense in

the case. Upon finding, after appropriate inquiry in an ex parte proceeding, that the services are necessary and that the defendant is financially unable to obtain them, the court shall authorize counsel to obtain the services on behalf of the defendant. The court may establish a limit on the amount which may be expended or promised for such services. The court may, in the interests of justice, and upon a finding that timely procurement of necessary services could not await prior authorization, ratify such services after they have been obtained, but such ratification shall be given only in unusual situations. The court shall determine reasonable compensation for the services and direct payment by the county in which the prosecution originated, to the organization or person who rendered them, upon the filing of a claim for compensation supported by an affidavit specifying the time expended, services rendered, and expenses incurred on behalf of the defendant, and the compensation received in the same case or for the same services from any other source.

(b) The compensation to be paid to a person for such service rendered to a defendant under this section, or to be paid to an organization for such services rendered by an employee, may not exceed \$1,000, exclusive of reimbursement for expenses reasonably incurred, unless payment in excess of that limit is certified by the court as necessary to provide fair compensation for services of an unusual character or duration and the amount of the excess payment is approved by the chief judge of the district. The chief judge of the judicial district may delegate approval authority to an active district judge.

(c) If the court denies authorizing counsel to obtain services on behalf of the defendant, the court shall make written findings of fact and conclusions of law that state the basis for determining that counsel may not obtain services on behalf of the defendant. When the court issues an order denying counsel the authority to obtain services, the defendant may appeal immediately from that order to the court of appeals and may request an expedited hearing.

Sec. 29. Minnesota Statutes 2020, section 611.27, subdivision 9, is amended to read:

Subd. 9. **Request for other appointment of counsel.** The chief district public defender ~~with the approval of~~ may request that the state public defender ~~may request that the chief judge of the district court, or a district court judge designated by the chief judge,~~ authorize appointment of counsel other than the district public defender in such cases.

Sec. 30. Minnesota Statutes 2020, section 611.27, subdivision 10, is amended to read:

Subd. 10. **Addition of permanent staff.** The chief public defender may not request ~~the court~~ nor may the ~~court order~~ state public defender approve the addition of permanent staff under subdivision 7.

Sec. 31. Minnesota Statutes 2020, section 611.27, subdivision 11, is amended to read:

Subd. 11. **Appointment of counsel.** If the ~~court~~ state public defender finds that the provision of adequate legal representation, including associated services, is beyond the ability of the district public defender to provide, the ~~court shall order~~ state public defender may approve counsel to be appointed, with compensation and expenses to be paid under the provisions of this subdivision and subdivision 7. Counsel in such cases shall be appointed by the chief district public defender. ~~If the court issues an order denying the request, the court shall make written findings of fact and conclusions of law. Upon denial, the chief district public defender may immediately appeal the order denying the request to the court of appeals and may request an expedited hearing.~~

Sec. 32. Minnesota Statutes 2020, section 611.27, subdivision 13, is amended to read:

Subd. 13. **Correctional facility inmates.** All billings for services rendered and ordered under subdivision 7 shall require the approval of the chief district public defender before being forwarded ~~on a monthly basis~~ to the state public defender. In cases where adequate representation cannot be provided by the district public defender and where counsel has been ~~appointed under a court order~~ approved by the state public defender, the ~~state public defender~~ Board of Public Defense shall ~~forward to the commissioner of management and budget~~ pay all billings for services rendered under ~~the court order. The commissioner shall pay for services from county program aid retained~~ transferred by the commissioner of revenue for that purpose under section 477A.03, subdivision 2b, paragraph (a).

The costs of appointed counsel and associated services in cases arising from new criminal charges brought against indigent inmates who are incarcerated in a Minnesota state correctional facility are the responsibility of the state Board of Public Defense. In such cases the state public defender may follow the procedures outlined in this section for obtaining court-ordered counsel.

Sec. 33. Minnesota Statutes 2020, section 611.27, subdivision 15, is amended to read:

Subd. 15. **Costs of transcripts.** In appeal cases and postconviction cases where the appellate public defender's office does not have sufficient funds to pay for transcripts and other necessary expenses because it has spent or committed all of the transcript funds in its annual budget, the ~~state public defender may forward to the commissioner of management and budget~~ all billings for transcripts and other necessary expenses. The ~~commissioner shall~~ Board of Public Defense may pay for these transcripts and other necessary expenses from county program aid ~~retained~~ transferred by the commissioner of revenue for that purpose under section 477A.03, subdivision 2b, paragraph (a).

Sec. 34. **[611A.95] CERTIFICATIONS FOR VICTIMS OF CRIMES.**

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

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

(2) "criminal activity" means qualifying criminal activity pursuant to section 101(a)(15)(U)(iii) of the Immigration and Nationality Act, as amended through June 1, 2021, and includes the attempt, conspiracy, or solicitation to commit such crimes; and

(3) "certification" means any certification or statement required by federal immigration law, as amended through June 1, 2021, including, but not limited to, the information required by United States Code, title 8, section 1184(p), and United States Code, title 8, section 1184(o), including current United States Citizenship and Immigration Services Form I-918, Supplement B, and United States Citizenship and Immigration Services Form I-914, Supplement B, and any substantively similar successor forms.

Subd. 2. **Certification process.** (a) A certifying entity shall process a certification requested by a victim of criminal activity or a representative of the victim, including the victim's attorney, family member, or domestic violence or sexual assault violence advocate, within the time period prescribed in paragraph (b).

(b) A certifying entity shall process the certification within 90 days of request, unless the victim is in removal proceedings, in which case the certification shall be processed within 14 days of request. Requests for expedited certification must be affirmatively raised at the time of the request.

(c) An active investigation, the filing of charges, or a prosecution or conviction are not required for the victim of criminal activity to request and obtain the certification, provided that the certifying entity initiated an investigation and the victim cooperated in it.

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

(1) timely process requests for certification;

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

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

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

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

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

**EFFECTIVE DATE.** Subdivisions 1, 2, and 4 are effective the day following final enactment. Subdivision 3 is effective July 1, 2021.

Sec. 35. **[634.045] JAILHOUSE WITNESSES.**

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

(b) "Benefit" means any plea bargain, bail consideration, reduction or modification of sentence, or any other leniency, immunity, financial payment, reward, or amelioration of current or future conditions of incarceration offered or provided in connection with, or in exchange for, testimony that is offered or provided by a jailhouse witness.

(c) "Jailhouse witness" means a person who (1) while incarcerated, claims to have obtained information from a defendant in a criminal case or a person suspected to be the perpetrator of an offense, and (2) offers or provides testimony concerning statements made by that defendant or person suspected to be the perpetrator of an offense. It does not mean a codefendant or confidential informant who does not provide testimony against a suspect or defendant.

(d) "Commissioner" means the commissioner of corrections.

Subd. 2. **Use of and benefits provided to jailhouse witnesses; data collection.** (a) Each county attorney shall report to the commissioner, in a form determined by the commissioner:

(1) the name of the jailhouse witness and the district court file number of the case in which that witness testified or planned to testify;

(2) the substance and use of any testimony of a jailhouse witness against the interest of a suspect or defendant, regardless of whether such testimony is presented at trial; and

(3) the jailhouse witness's agreement to cooperate with the prosecution and any benefit that the prosecutor has offered or may offer in the future to the jailhouse witness in connection with the testimony.

(b) The commissioner shall maintain a statewide database containing the information received pursuant to paragraph (a) for 20 years from the date that the jailhouse witness information was entered into that statewide record.

(c) Data collected and maintained pursuant to this subdivision are classified as confidential data on individuals, as defined in section 13.02, subdivision 3. Only the commissioner may access the statewide record but shall provide all information held on specific jailhouse witnesses to a county attorney upon request.

Subd. 3. **Report on jailhouse witnesses.** By September 15 of each year, beginning in 2022, the commissioner shall publish on its website an annual report of the statewide record of jailhouse witnesses required under subdivision 2. Information in the report must be limited to summary data, as defined in section 13.02, subdivision 19, and must include:

(1) the total number of jailhouse witnesses tracked in the statewide record; and

(2) for each county, the number of new reports added pursuant to subdivision 2, paragraph (a), over the previous fiscal year.

Subd. 4. **Disclosure of information regarding jailhouse witness.** (a) In addition to the requirements for disclosures under rule 9 of the Rules of Criminal Procedure, and within the timeframes established by that rule, a prosecutor must disclose the following information to the defense about any jailhouse witness:

(1) the complete criminal history of the jailhouse witness, including any charges that are pending or were reduced or dismissed as part of a plea bargain;

(2) any cooperation agreement with the jailhouse witness and any deal, promise, inducement, or benefit that the state has made or intends to make in the future to the jailhouse witness;

(3) whether, at any time, the jailhouse witness recanted any testimony or statement implicating the suspect or defendant in the charged crime and, if so, the time and place of the recantation, the nature of the recantation, and the names of the persons who were present at the recantation;

(4) whether, at any time, the jailhouse witness made a statement implicating any other person in the charged crime and, if so, the time and place of the statement, the nature of the statement, and the names of the persons who were present at the statement; and



(5) information concerning other criminal cases in which the jailhouse witness has testified, or offered to testify, against a suspect or defendant with whom the jailhouse witness was imprisoned or confined, including any cooperation agreement, deal, promise, inducement, or benefit that the state has made or intends to make in the future to the jailhouse witness.

(b) A prosecutor has a continuing duty of disclosure before and during trial. If, after the omnibus hearing held pursuant to rule 11 of the Rules of Criminal Procedure, a prosecutor discovers additional material, information, or witnesses subject to disclosure under this subdivision, the prosecutor must promptly notify the court and defense counsel, or, if the defendant is not represented, the defendant, of what was discovered. If the court finds that the jailhouse witness was not known or that materials in paragraph (a) could not be discovered or obtained by the state within that period with the exercise of due diligence, the court may order that disclosure take place within a reasonable period. Upon good cause shown, the court may continue the proceedings.

(c) If the prosecutor files a written certificate with the trial court that disclosing the information described in paragraph (a) would subject the jailhouse witness or other persons to physical harm or coercion, the court may order that the information must be disclosed to the defendant's counsel but may limit disclosure to the defendant in a way that does not unduly interfere with the defendant's right to prepare and present a defense, including limiting disclosure to nonidentifying information.

Subd. 5. **Victim notification.** (a) A prosecutor shall make every reasonable effort to notify a victim if the prosecutor has decided to offer or provide any of the following to a jailhouse witness in exchange for, or as the result of, a jailhouse witness offering or providing testimony against a suspect or defendant:

- (1) reduction or dismissal of charges;
- (2) a plea bargain;
- (3) support for a modification of the amount or conditions of bail; or
- (4) support for a motion to reduce or modify a sentence.

(b) Efforts to notify the victim should include, in order of priority: (1) contacting the victim or a person designated by the victim by telephone; and (2) contacting the victim by mail. If a jailhouse witness is still in custody, the notification attempt shall be made before the jailhouse witness is released from custody.

(c) Whenever a prosecutor notifies a victim of domestic assault, criminal sexual conduct, or harassment or stalking under this section, the prosecutor shall also inform the victim of the method and benefits of seeking an order for protection under section 518B.01 or a restraining order under section 609.748 and that the victim may seek an order without paying a fee.

(d) The notification required under this subdivision is in addition to the notification requirements and rights described in sections 611A.03, 611A.0315, 611A.039, and 611A.06.

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

Sec. 36. **INITIAL APPOINTMENTS AND MEETINGS.**

Appointing authorities for the Legislative Commission on Data Practices under Minnesota Statutes, section 3.8844, must make initial appointments by July 15, 2021. The speaker of the house of representatives must designate one member of the commission to convene the first meeting of the commission by August 1, 2021.

#### ARTICLE 4

#### CRIMINAL SEXUAL CONDUCT

Section 1. Minnesota Statutes 2020, section 2.722, subdivision 1, is amended to read:

Subdivision 1. **Description.** Effective July 1, 1959, the state is divided into ten judicial districts composed of the following named counties, respectively, in each of which districts judges shall be chosen as hereinafter specified:

1. Goodhue, Dakota, Carver, Le Sueur, McLeod, Scott, and Sibley; 36 judges; and four permanent chambers shall be maintained in Red Wing, Hastings, Shakopee, and Glencoe and one other shall be maintained at the place designated by the chief judge of the district;

2. Ramsey; 26 judges;

3. Wabasha, Winona, Houston, Rice, Olmsted, Dodge, Steele, Waseca, Freeborn, Mower, and Fillmore; 23 judges; and permanent chambers shall be maintained in Faribault, Albert Lea, Austin, Rochester, and Winona;

4. Hennepin; 60 judges;

5. Blue Earth, Watonwan, Lyon, Redwood, Brown, Nicollet, Lincoln, Cottonwood, Murray, Nobles, Pipestone, Rock, Faribault, Martin, and Jackson; ~~46~~ 17 judges; and permanent chambers shall be maintained in Marshall, Windom, Fairmont, New Ulm, and Mankato;

6. Carlton, St. Louis, Lake, and Cook; 15 judges;

7. Benton, Douglas, Mille Lacs, Morrison, Otter Tail, Stearns, Todd, Clay, Becker, and Wadena; 30 judges; and permanent chambers shall be maintained in Moorhead, Fergus Falls, Little Falls, and St. Cloud;

8. Chippewa, Kandiyohi, Lac qui Parle, Meeker, Renville, Swift, Yellow Medicine, Big Stone, Grant, Pope, Stevens, Traverse, and Wilkin; 11 judges; and permanent chambers shall be maintained in Morris, Montevideo, and Willmar;

9. Norman, Polk, Marshall, Kittson, Red Lake, Roseau, Mahnomen, Pennington, Aitkin, Itasca, Crow Wing, Hubbard, Beltrami, Lake of the Woods, Clearwater, Cass and Koochiching; 24 judges; and permanent chambers shall be maintained in Crookston, Thief River Falls, Bemidji, Brainerd, Grand Rapids, and International Falls; and

10. Anoka, Isanti, Wright, Sherburne, Kanabec, Pine, Chisago, and Washington; 45 judges; and permanent chambers shall be maintained in Anoka, Stillwater, and other places designated by the chief judge of the district.

Sec. 2. Minnesota Statutes 2020, section 243.166, subdivision 1b, is amended to read:

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

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

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

(ii) kidnapping under section 609.25;

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

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

(v) surreptitious intrusion under the circumstances described in section 609.746, subdivision 1, paragraph (f);

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

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

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

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

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

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

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

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

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

(4) the person was charged with or petitioned for, including pursuant to a court martial, violating a law of the United States, including the Uniform Code of Military Justice, similar to the offenses described in clause (1), (2), or (3), and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances.

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

(1) the person was charged with or petitioned for an offense in another state that would be a violation of a law described in paragraph (a) if committed in this state and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances;

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

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

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

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

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

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

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

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

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2020, section 609.135, subdivision 2, is amended to read:

Subd. 2. **Stay of sentence maximum periods.** (a) If the conviction is for a felony other than section 609.2113, subdivision 1 or 2, ~~or~~ 609.2114, subdivision 2, or section 609.3451, subdivision 1, or Minnesota Statutes 2012, section 609.21, subdivision 1a, paragraph (b) or (c), the stay shall be for not more than four years or the maximum period for which the sentence of imprisonment might have been imposed, whichever is longer.

(b) If the conviction is for a gross misdemeanor violation of section 169A.20, 609.2113, subdivision 3, or 609.3451, or for a felony described in section 609.2113, subdivision 1 or 2, ~~or~~ 609.2114, subdivision 2, or 609.3451, subdivision 1, the stay shall be for not more than six years. The court shall provide for unsupervised probation for the last year of the stay unless the court finds that the defendant needs supervised probation for all or part of the last year.

(c) If the conviction is for a gross misdemeanor not specified in paragraph (b), the stay shall be for not more than two years.

(d) If the conviction is for any misdemeanor under section 169A.20; 609.746, subdivision 1; 609.79; or 617.23; or for a misdemeanor under section 609.2242 or 609.224, subdivision 1, in which the victim of the crime was a family or household member as defined in section 518B.01, the stay shall be for not more than two years. The court shall provide for unsupervised probation for the second year of the stay unless the court finds that the defendant needs supervised probation for all or part of the second year.

(e) If the conviction is for a misdemeanor not specified in paragraph (d), the stay shall be for not more than one year.

(f) The defendant shall be discharged six months after the term of the stay expires, unless the stay has been revoked or extended under paragraph (g), or the defendant has already been discharged.

(g) Notwithstanding the maximum periods specified for stays of sentences under paragraphs (a) to (f), a court may extend a defendant's term of probation for up to one year if it finds, at a hearing conducted under subdivision 1a, that:

(1) the defendant has not paid court-ordered restitution in accordance with the payment schedule or structure; and

(2) the defendant is likely to not pay the restitution the defendant owes before the term of probation expires.

This one-year extension of probation for failure to pay restitution may be extended by the court for up to one additional year if the court finds, at another hearing conducted under subdivision 1a, that the defendant still has not paid the court-ordered restitution that the defendant owes.

Nothing in this subdivision limits the court's ability to refer the case to collections under section 609.104.

(h) Notwithstanding the maximum periods specified for stays of sentences under paragraphs (a) to (f), a court may extend a defendant's term of probation for up to three years if it finds, at a hearing conducted under subdivision 1c, that:

(1) the defendant has failed to complete court-ordered treatment successfully; and

(2) the defendant is likely not to complete court-ordered treatment before the term of probation expires.

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 4. Minnesota Statutes 2020, section 609.2325, is amended to read:

**609.2325 CRIMINAL ABUSE.**

Subdivision 1. **Crimes.** ~~(a)~~ A caregiver who, with intent to produce physical or mental pain or injury to a vulnerable adult, subjects a vulnerable adult to any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, is guilty of criminal abuse and may be sentenced as provided in subdivision 3.

This ~~paragraph~~ subdivision does not apply to therapeutic conduct.

~~(b) A caregiver, facility staff person, or person providing services in a facility who engages in sexual contact or penetration, as defined in section 609.341, under circumstances other than those described in sections 609.342 to 609.345, with a resident, patient, or client of the facility is guilty of criminal abuse and may be sentenced as provided in subdivision 3.~~

Subd. 2. **Exemptions.** For the purposes of this section, a vulnerable adult is not abused for the sole reason that:

(1) the vulnerable adult or a person with authority to make health care decisions for the vulnerable adult under sections 144.651, 144A.44, chapter 145B, 145C, or 252A, or sections 253B.03 or 524.5-101 to 524.5-502, refuses consent or withdraws consent, consistent with that authority and within the boundary of reasonable medical practice, to any therapeutic conduct, including any care, service, or procedure to diagnose, maintain, or treat the physical or mental condition of the vulnerable adult or, where permitted under law, to provide nutrition and hydration parenterally or through intubation; this paragraph does not enlarge or diminish rights otherwise held under law by:

(i) a vulnerable adult or a person acting on behalf of a vulnerable adult, including an involved family member, to consent to or refuse consent for therapeutic conduct; or

(ii) a caregiver to offer or provide or refuse to offer or provide therapeutic conduct; or

(2) the vulnerable adult, a person with authority to make health care decisions for the vulnerable adult, or a caregiver in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the vulnerable adult in lieu of medical care, provided that this is consistent with the prior practice or belief of the vulnerable adult or with the expressed intentions of the vulnerable adult; ~~or~~.

~~(3) the vulnerable adult, who is not impaired in judgment or capacity by mental or emotional dysfunction or undue influence, engages in consensual sexual contact with: (i) a person, including a facility staff person, when a consensual sexual personal relationship existed prior to the caregiving relationship; or (ii) a personal care attendant, regardless of whether the consensual sexual personal relationship existed prior to the caregiving relationship.~~

Subd. 3. **Penalties.** ~~(a)~~ A person who violates subdivision 1, ~~paragraph (a)~~, may be sentenced as follows:

(1) if the act results in the death of a vulnerable adult, imprisonment for not more than 15 years or payment of a fine of not more than \$30,000, or both;

(2) if the act results in great bodily harm, imprisonment for not more than ten years or payment of a fine of not more than \$20,000, or both;

(3) if the act results in substantial bodily harm or the risk of death, imprisonment for not more than five years or payment of a fine of not more than \$10,000, or both; or

(4) in other cases, imprisonment for not more than one year or payment of a fine of not more than \$3,000, or both.

~~(b) A person who violates subdivision 1, paragraph (b), may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.~~

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 5. Minnesota Statutes 2020, section 609.324, subdivision 1, is amended to read:

Subdivision 1. **Engaging in, hiring, or agreeing to hire minor to engage in prostitution; penalties.** (a) Whoever intentionally does any of the following may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$40,000, or both:

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

(2) hires or offers or agrees to hire an individual under the age of ~~13~~ 14 years to engage in sexual penetration or sexual contact; or

(3) hires or offers or agrees to hire an individual who the actor reasonably believes to be under the age of ~~13~~ 14 years to engage in sexual penetration or sexual contact.

(b) Whoever intentionally does any of the following may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both:

(1) engages in prostitution with an individual under the age of 16 years but at least ~~13~~ 14 years;

(2) hires or offers or agrees to hire an individual under the age of 16 years but at least ~~13~~ 14 years to engage in sexual penetration or sexual contact; or

(3) hires or offers or agrees to hire an individual who the actor reasonably believes to be under the age of 16 years but at least 13 years to engage in sexual penetration or sexual contact.

(c) Whoever intentionally does any of the following may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both:

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

(2) hires or offers or agrees to hire an individual under the age of 18 years but at least 16 years to engage in sexual penetration or sexual contact; or

(3) hires or offers or agrees to hire an individual who the actor reasonably believes to be under the age of 18 years but at least 16 years to engage in sexual penetration or sexual contact.

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 6. Minnesota Statutes 2020, section 609.341, subdivision 3, is amended to read:

Subd. 3. **Force.** "Force" means either: (1) the infliction, by the actor of bodily harm; or (2) the attempted infliction, or threatened infliction by the actor of bodily harm or commission or threat of any other crime by the actor against the complainant or another, which (a) causes the complainant to reasonably believe that the actor has the present ability to execute the threat and (b) if the actor does not have a significant relationship to the complainant, also causes the complainant to submit.

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 7. Minnesota Statutes 2020, section 609.341, subdivision 7, is amended to read:

Subd. 7. **Mentally incapacitated.** "Mentally incapacitated" means:

(1) that a person under the influence of alcohol, a narcotic, anesthetic, or any other substance, administered to that person without the person's agreement, lacks the judgment to give a reasoned consent to sexual contact or sexual penetration; or

(2) that a person is under the influence of any substance or substances to a degree that renders them incapable of consenting or incapable of appreciating, understanding, or controlling the person's conduct.

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 8. Minnesota Statutes 2020, section 609.341, subdivision 11, is amended to read:

Subd. 11. **Sexual contact.** (a) "Sexual contact," for the purposes of sections 609.343, subdivision 1, clauses (a) to ~~(f)~~ (e), and subdivision 1a, clauses (a) to (f) and (i), and 609.345, subdivision 1, clauses (a) to ~~(e)~~; (d) and (h) to (p) (i), and subdivision 1a, clauses (a) to (e), (h), and (i), includes any of the following acts committed without the complainant's consent, except in those cases where consent is not a defense, and committed with sexual or aggressive intent:

(i) the intentional touching by the actor of the complainant's intimate parts, or

(ii) the touching by the complainant of the actor's, the complainant's, or another's intimate parts effected by a person in a current or recent position of authority, or by coercion, or by inducement if the complainant is under ~~13~~ 14 years of age or mentally impaired, or

(iii) the touching by another of the complainant's intimate parts effected by coercion or by a person in a current or recent position of authority, or

(iv) in any of the cases above, the touching of the clothing covering the immediate area of the intimate parts, or



(v) the intentional touching with seminal fluid or sperm by the actor of the complainant's body or the clothing covering the complainant's body.

(b) "Sexual contact," for the purposes of sections 609.343, subdivision ~~1~~ 1a, clauses (g) and (h), ~~and 609.345, subdivision 1a, clauses (f) and (g), and 609.3458,~~ includes any of the following acts committed with sexual or aggressive intent:

(i) the intentional touching by the actor of the complainant's intimate parts;

(ii) the touching by the complainant of the actor's, the complainant's, or another's intimate parts;

(iii) the touching by another of the complainant's intimate parts;

(iv) in any of the cases listed above, touching of the clothing covering the immediate area of the intimate parts; or

(v) the intentional touching with seminal fluid or sperm by the actor of the complainant's body or the clothing covering the complainant's body.

(c) "Sexual contact with a person under ~~13~~ 14" means the intentional touching of the complainant's bare genitals or anal opening by the actor's bare genitals or anal opening with sexual or aggressive intent or the touching by the complainant's bare genitals or anal opening of the actor's or another's bare genitals or anal opening with sexual or aggressive intent.

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 9. Minnesota Statutes 2020, section 609.341, subdivision 12, is amended to read:

Subd. 12. **Sexual penetration.** "Sexual penetration" means any of the following acts committed without the complainant's consent, except in those cases where consent is not a defense, whether or not emission of semen occurs:

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

(2) any intrusion however slight into the genital or anal openings:

(i) of the complainant's body by any part of the actor's body or any object used by the actor for this purpose;

(ii) of the complainant's body by any part of the body of the complainant, by any part of the body of another person, or by any object used by the complainant or another person for this purpose, when effected by a person in a current or recent position of authority, or by coercion, or by inducement if the child is under ~~13~~ 14 years of age or mentally impaired; or

(iii) of the body of the actor or another person by any part of the body of the complainant or by any object used by the complainant for this purpose, when effected by a person in a current or recent position of authority, or by coercion, or by inducement if the child is under ~~13~~ 14 years of age or mentally impaired.

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 10. Minnesota Statutes 2020, section 609.341, subdivision 14, is amended to read:

Subd. 14. **Coercion.** "Coercion" means the use by the actor of words or circumstances that cause the complainant reasonably to fear ~~that the actor will inflict~~ the infliction of bodily harm upon the complainant or another, or the use by the actor of confinement, or superior size or strength, against the complainant ~~that causes the complainant to submit to sexual penetration or contact against the complainant's will~~ to accomplish the act. Proof of coercion does not require proof of a specific act or threat.

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 11. Minnesota Statutes 2020, section 609.341, subdivision 15, is amended to read:

Subd. 15. **Significant relationship.** "Significant relationship" means a situation in which the actor is:

(1) the complainant's parent, stepparent, or guardian;

(2) any of the following persons related to the complainant by blood, marriage, or adoption: brother, sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece, grandparent, great-grandparent, great-uncle, great-aunt; ~~or~~

(3) an adult who jointly resides intermittently or regularly in the same dwelling as the complainant and who is not the complainant's spouse; or

(4) an adult who is or was involved in a significant romantic or sexual relationship with the parent of a complainant.

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 12. Minnesota Statutes 2020, section 609.341, is amended by adding a subdivision to read:

Subd. 24. **Prohibited occupational relationship.** A "prohibited occupational relationship" exists when the actor is in one of the following occupations and the act takes place under the specified circumstances:

(1) the actor performed massage or other bodywork for hire, the sexual penetration or sexual contact occurred during or immediately before or after the actor performed or was hired to perform one of those services for the complainant, and the sexual penetration or sexual contact was nonconsensual; or

(2) the actor and the complainant were in one of the following occupational relationships at the time of the act. Consent by the complainant is not a defense:

(i) the actor was a psychotherapist, the complainant was the actor's patient, and the sexual penetration or sexual contact occurred during a psychotherapy session or during a period of time when the psychotherapist-patient relationship was ongoing;

(ii) the actor was a psychotherapist and the complainant was the actor's former patient who was emotionally dependent on the actor;

(iii) the actor was or falsely impersonated a psychotherapist, the complainant was the actor's patient or former patient, and the sexual penetration or sexual contact occurred by means of therapeutic deception;

(iv) the actor was or falsely impersonated a provider of medical services to the complainant and the sexual penetration or sexual contact occurred by means of deception or false representation that the sexual penetration or sexual contact was for a bona fide medical purpose;

(v) the actor was or falsely impersonated a member of the clergy, the complainant was not married to the actor, the complainant met with the actor in private seeking or receiving religious or spiritual advice, aid, or comfort from the actor, and the sexual penetration or sexual contact occurred during the course of the meeting or during a period of time when the meetings were ongoing;

(vi) the actor provided special transportation service to the complainant and the sexual penetration or sexual contact occurred during or immediately before or after the actor transported the complainant;

(vii) the actor was or falsely impersonated a peace officer, as defined in section 626.84, the actor physically or constructively restrained the complainant or the complainant did not reasonably feel free to leave the actor's presence, and the sexual penetration or sexual contact was not pursuant to a lawful search or lawful use of force;

(viii) the actor was an employee, independent contractor, or volunteer of a state, county, city, or privately operated adult or juvenile correctional system, or secure treatment facility, or treatment facility providing services to clients civilly committed as mentally ill and dangerous, sexually dangerous persons, or sexual psychopathic personalities, including but not limited to jails, prisons, detention centers, or work release facilities, and the complainant was a resident of a facility or under supervision of the correctional system;

(ix) the complainant was enrolled in a secondary school and:

(A) the actor was a licensed educator employed or contracted to provide service for the school at which the complainant was a student;

(B) the actor was age 18 or older and at least 48 months older than the complainant and was employed or contracted to provide service for the secondary school at which the complainant was a student; or

(C) the actor was age 18 or older and at least 48 months older than the complainant, and was a licensed educator employed or contracted to provide services for an elementary, middle, or secondary school;

(x) the actor was a caregiver, facility staff person, or person providing services in a facility, and the complainant was a vulnerable adult who was a resident, patient, or client of the facility who was impaired in judgment or capacity by mental or emotional dysfunction or undue influence; or

(xi) the actor was a caregiver, facility staff person, or person providing services in a facility, and the complainant was a resident, patient, or client of the facility. This clause does not apply if a consensual sexual personal relationship existed prior to the caregiving relationship or if the actor was a personal care attendant.

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 13. Minnesota Statutes 2020, section 609.341, is amended by adding a subdivision to read:

Subd. 25. **Caregiver.** "Caregiver" has the meaning given in section 609.232, subdivision 2.

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 14. Minnesota Statutes 2020, section 609.341, is amended by adding a subdivision to read:

Subd. 26. **Facility.** "Facility" has the meaning given in section 609.232, subdivision 3.

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 15. Minnesota Statutes 2020, section 609.341, is amended by adding a subdivision to read:

Subd. 27. **Vulnerable adult.** "Vulnerable adult" has the meaning given in section 609.232, subdivision 11.

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 16. Minnesota Statutes 2020, section 609.342, is amended to read:

#### **609.342 CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE.**

Subdivision 1. **Adult victim; crime defined.** A person who engages in sexual penetration with another person, ~~or in sexual contact with a person under 13 years of age as defined in section 609.341, subdivision 11, paragraph (c),~~ is guilty of criminal sexual conduct in the first degree if any of the following circumstances exists:

~~(a) the complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;~~

~~(b) the complainant is at least 13 years of age but less than 16 years of age and the actor is more than 48 months older than the complainant and in a current or recent position of authority over the~~

complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

~~(e)~~ (a) circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

~~(d)~~ (b) the actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

~~(e)~~ (c) the actor causes personal injury to the complainant, and ~~either~~ any of the following circumstances exist:

(i) the actor uses ~~force or~~ coercion to accomplish the act; ~~or~~

(ii) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or

~~(ii)~~ (iii) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(d) the actor uses force as defined in section 609.341, subdivision 3, clause (1); or

~~(f)~~ (e) the actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) the actor or an accomplice uses force or coercion to cause the complainant to submit; or

(ii) the actor or an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant reasonably to believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

~~(g) the actor has a significant relationship to the complainant and the complainant was under 16 years of age at the time of the act. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or~~

~~(h) the actor has a significant relationship to the complainant, the complainant was under 16 years of age at the time of the act, and:~~

~~(i) the actor or an accomplice used force or coercion to accomplish the act;~~

~~(ii) the complainant suffered personal injury; or~~

~~(iii) the sexual abuse involved multiple acts committed over an extended period of time.~~

~~Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.~~

Subd. 1a. Victim under the age of 18; crime defined. A person who engages in penetration with anyone under 18 years of age or sexual contact with a person under 14 years of age as defined in section 609.341, subdivision 11, paragraph (c), is guilty of criminal sexual conduct in the first degree if any of the following circumstances exists:

(a) circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

(b) the actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

(c) the actor causes personal injury to the complainant, and any of the following circumstances exist:

(i) the actor uses coercion to accomplish the act;

(ii) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or

(iii) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(d) the actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) the actor or an accomplice uses force or coercion to cause the complainant to submit; or

(ii) the actor or an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

(e) the complainant is under 14 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(f) the complainant is at least 14 years of age but less than 16 years of age and:

(i) the actor is more than 36 months older than the complainant; and

(ii) the actor is in a current or recent position of authority over the complainant.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(g) the complainant was under 16 years of age at the time of the act and the actor has a significant relationship to the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(h) the complainant was under 16 years of age at the time of the act, and the actor has a significant relationship to the complainant and any of the following circumstances exist:

(i) the actor or an accomplice used force or coercion to accomplish the act;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(i) the actor uses force, as defined in section 609.341, subdivision 3, clause (1).

Subd. 2. **Penalty.** (a) Except as otherwise provided in section 609.3455; or Minnesota Statutes 2004, section 609.109, a person convicted under subdivision 1 or subdivision 1a may be sentenced to imprisonment for not more than 30 years or to a payment of a fine of not more than \$40,000, or both.

(b) Unless a longer mandatory minimum sentence is otherwise required by law or the Sentencing Guidelines provide for a longer presumptive executed sentence, the court shall presume that an executed sentence of 144 months must be imposed on an offender convicted of violating this section. Sentencing a person in a manner other than that described in this paragraph is a departure from the Sentencing Guidelines.

(c) A person convicted under this section is also subject to conditional release under section 609.3455.

Subd. 3. **Stay.** Except when imprisonment is required under section 609.3455; or Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision 1a, clause (g), the court may stay imposition or execution of the sentence if it finds that:

(a) a stay is in the best interest of the complainant or the family unit; and

(b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

(1) incarceration in a local jail or workhouse;

(2) a requirement that the offender complete a treatment program; and

(3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program unless approved by the treatment program and the supervising correctional agent.

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 17. Minnesota Statutes 2020, section 609.343, is amended to read:

**609.343 CRIMINAL SEXUAL CONDUCT IN THE SECOND DEGREE.**

Subdivision 1. **Adult victim; crime defined.** A person who engages in sexual contact with another person is guilty of criminal sexual conduct in the second degree if any of the following circumstances exists:

~~(a) the complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced;~~

~~(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant and in a current or recent position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;~~

~~(c) (a) circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;~~

~~(d) (b) the actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the dangerous weapon to cause the complainant to submit;~~

~~(e) (c) the actor causes personal injury to the complainant, and either any of the following circumstances exist:~~

~~(i) the actor uses force or coercion to accomplish the sexual contact; or~~

~~(ii) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or~~

~~(iii) (iii) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;~~

~~(d) the actor uses force as defined in section 609.341, subdivision 3, clause (1); or~~

~~(f) (e) the actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:~~

~~(i) the actor or an accomplice uses force or coercion to cause the complainant to submit; or~~

~~(ii) the actor or an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;~~

~~(g) the actor has a significant relationship to the complainant and the complainant was under 16 years of age at the time of the sexual contact. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or~~

~~(h) the actor has a significant relationship to the complainant, the complainant was under 16 years of age at the time of the sexual contact, and:~~

~~(i) the actor or an accomplice used force or coercion to accomplish the contact;~~

~~(ii) the complainant suffered personal injury; or~~

~~(iii) the sexual abuse involved multiple acts committed over an extended period of time.~~



Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

Subd. 1a. **Victim under the age of 18; crime defined.** A person who engages in sexual contact with anyone under 18 years of age is guilty of criminal sexual conduct in the second degree if any of the following circumstances exists:

(a) circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

(b) the actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the dangerous weapon to cause the complainant to submit;

(c) the actor causes personal injury to the complainant, and any of the following circumstances exist:

(i) the actor uses coercion to accomplish the sexual contact;

(ii) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or

(iii) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(d) the actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) the actor or an accomplice uses force or coercion to cause the complainant to submit; or

(ii) the actor or an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

(e) the complainant is under 14 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced;

(f) the complainant is at least 14 but less than 16 years of age and the actor is more than 36 months older than the complainant and in a current or recent position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(g) the complainant was under 16 years of age at the time of the sexual contact and the actor has a significant relationship to the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(h) the actor has a significant relationship to the complainant, the complainant was under 16 years of age at the time of the sexual contact, and:

(i) the actor or an accomplice used force or coercion to accomplish the contact;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;  
or

(i) the actor uses force, as defined in section 609.341, subdivision 3, clause (1).

Subd. 2. **Penalty.** (a) Except as otherwise provided in section 609.3455; or Minnesota Statutes 2004, section 609.109, a person convicted under subdivision 1 or subdivision 1a may be sentenced to imprisonment for not more than 25 years or to a payment of a fine of not more than \$35,000, or both.

(b) Unless a longer mandatory minimum sentence is otherwise required by law or the Sentencing Guidelines provide for a longer presumptive executed sentence, the court shall presume that an executed sentence of 90 months must be imposed on an offender convicted of violating subdivision 1, clause (a), (b), (c), (d), or (e), ~~(f)~~, or subdivision 1a, clause (a), (b), (c), (d), ~~(h)~~, or (i). Sentencing a person in a manner other than that described in this paragraph is a departure from the Sentencing Guidelines.

(c) A person convicted under this section is also subject to conditional release under section 609.3455.

Subd. 3. **Stay.** Except when imprisonment is required under section 609.3455; or Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision ~~1~~ 1a, clause (g), the court may stay imposition or execution of the sentence if it finds that:

(a) a stay is in the best interest of the complainant or the family unit; and

(b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

(1) incarceration in a local jail or workhouse;

(2) a requirement that the offender complete a treatment program; and

(3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program unless approved by the treatment program and the supervising correctional agent.

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 18. Minnesota Statutes 2020, section 609.344, is amended to read:

**609.344 CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE.**

Subdivision 1. **Adult victim; crime defined.** A person who engages in sexual penetration with another person is guilty of criminal sexual conduct in the third degree if any of the following circumstances exists:

~~(a) the complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant shall be a defense;~~

~~(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 24 months older than the complainant. In any such case if the actor is no more than 120 months older than the complainant, it shall be an affirmative defense, which must be proved by a preponderance of the evidence, that the actor reasonably believes the complainant to be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not be a defense. Consent by the complainant is not a defense;~~

~~(e)~~ (a) the actor uses force or coercion to accomplish the penetration;

~~(d)~~ (b) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(c) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or

(d) at the time of the act, the actor is in a prohibited occupational relationship with the complainant.

Subd. 1a. **Victim under the age of 18; crime defined.** A person who engages in sexual penetration with anyone under 18 years of age is guilty of criminal sexual conduct in the third degree if any of the following circumstances exists:

(a) the complainant is under 14 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant shall be a defense;

(b) the complainant is at least 14 but less than 16 years of age and the actor is more than 24 months older than the complainant. In any such case if the actor is no more than 60 months older than the complainant, it shall be an affirmative defense, which must be proved by a preponderance of the evidence, that the actor reasonably believes the complainant to be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not be a defense. Consent by the complainant is not a defense;

(c) the actor uses coercion to accomplish the penetration;

(d) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(e) the complainant is at least 16 but less than 18 years of age and the actor is more than ~~48~~ 36 months older than the complainant and in a current or recent position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(f) the actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual penetration. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(g) the actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual penetration, and:

- (i) the actor or an accomplice used force or coercion to accomplish the penetration;
- (ii) the complainant suffered personal injury; or
- (iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

~~(h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist and the sexual penetration occurred: the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or~~

(i) at the time of the act, the actor is in a prohibited occupational relationship with the complainant.

- ~~(i) during the psychotherapy session; or~~
- ~~(ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship exists.~~

~~Consent by the complainant is not a defense;~~

~~(i) the actor is a psychotherapist and the complainant is a former patient of the psychotherapist and the former patient is emotionally dependent upon the psychotherapist;~~

~~(j) the actor is a psychotherapist and the complainant is a patient or former patient and the sexual penetration occurred by means of therapeutic deception. Consent by the complainant is not a defense;~~

~~(k) the actor accomplishes the sexual penetration by means of deception or false representation that the penetration is for a bona fide medical purpose. Consent by the complainant is not a defense;~~

~~(l) the actor is or purports to be a member of the clergy, the complainant is not married to the actor, and:~~

~~(i) the sexual penetration occurred during the course of a meeting in which the complainant sought or received religious or spiritual advice, aid, or comfort from the actor in private; or~~

~~(ii) the sexual penetration occurred during a period of time in which the complainant was meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice, aid, or comfort in private. Consent by the complainant is not a defense;~~

~~(m) the actor is an employee, independent contractor, or volunteer of a state, county, city, or privately operated adult or juvenile correctional system, or secure treatment facility, or treatment facility providing services to clients civilly committed as mentally ill and dangerous, sexually~~

~~dangerous persons, or sexual psychopathic personalities, including, but not limited to, jails, prisons, detention centers, or work release facilities, and the complainant is a resident of a facility or under supervision of the correctional system. Consent by the complainant is not a defense;~~

~~(n) the actor provides or is an agent of an entity that provides special transportation service, the complainant used the special transportation service, and the sexual penetration occurred during or immediately before or after the actor transported the complainant. Consent by the complainant is not a defense;~~

~~(e) the actor performs massage or other bodywork for hire, the complainant was a user of one of those services, and nonconsensual sexual penetration occurred during or immediately before or after the actor performed or was hired to perform one of those services for the complainant; or~~

~~(p) the actor is a peace officer, as defined in section 626.84, and the officer physically or constructively restrains the complainant or the complainant does not reasonably feel free to leave the officer's presence. Consent by the complainant is not a defense. This paragraph does not apply to any penetration of the mouth, genitals, or anus during a lawful search.~~

Subd. 2. **Penalty.** Except as otherwise provided in section 609.3455, a person convicted under subdivision 1 or subdivision 1a may be sentenced:

(1) to imprisonment for not more than 15 years or to a payment of a fine of not more than \$30,000, or both; or

(2) if the person was convicted under subdivision ~~1~~ 1a, paragraph (b), and if the actor was no more than ~~48~~ 36 months but more than 24 months older than the complainant, to imprisonment for not more than five years or a fine of not more than \$30,000, or both.

A person convicted under this section is also subject to conditional release under section 609.3455.

Subd. 3. **Stay.** Except when imprisonment is required under section 609.3455; or Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision ~~1~~ 1a, clause (f), the court may stay imposition or execution of the sentence if it finds that:

(a) a stay is in the best interest of the complainant or the family unit; and

(b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

(1) incarceration in a local jail or workhouse;

(2) a requirement that the offender complete a treatment program; and

(3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program unless approved by the treatment program and the supervising correctional agent.

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 19. Minnesota Statutes 2020, section 609.345, is amended to read:

**609.345 CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE.**

Subdivision 1. **Adult victim; crime defined.** A person who engages in sexual contact with another person is guilty of criminal sexual conduct in the fourth degree if any of the following circumstances exists:

~~(a) the complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age or consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced;~~

~~(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant or in a current or recent position of authority over the complainant. Consent by the complainant to the act is not a defense. In any such case, if the actor is no more than 120 months older than the complainant, it shall be an affirmative defense which must be proved by a preponderance of the evidence that the actor reasonably believes the complainant to be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not be a defense;~~

~~(c) (a) the actor uses force or coercion to accomplish the sexual contact;~~

~~(d) (b) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;~~

~~(e) (c) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or~~

~~(f) (d) at the time of the act, the actor is in a prohibited occupational relationship with the complainant.~~

Subd. 1a. **Victim under the age of 18; crime defined.** A person who engages in sexual contact with anyone under 18 years of age is guilty of criminal sexual conduct in the fourth degree if any of the following circumstances exists:

(a) the complainant is under 14 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age or consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced;

(b) the complainant is at least 14 but less than 16 years of age and the actor is more than 36 months older than the complainant or in a current or recent position of authority over the complainant. Consent by the complainant to the act is not a defense.

Mistake of age is not a defense unless actor is less than 60 months older. In any such case, if the actor is no more than 60 months older than the complainant, it shall be an affirmative defense which must be proved by a preponderance of the evidence that the actor reasonably believes the complainant

to be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not be a defense;

(c) the actor uses coercion to accomplish the sexual contact;

(d) The actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(e) the complainant is at least 16 but less than 18 years of age and the actor is more than ~~48~~ 36 months older than the complainant and in a current or recent position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(f) the actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual contact. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(g) the actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual contact, and:

(i) the actor or an accomplice used force or coercion to accomplish the contact;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

~~(h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist and the sexual contact occurred:~~ the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or

(i) at the time of the act, the actor is in a prohibited occupational relationship with the complainant.

~~(i) during the psychotherapy session; or~~

~~(ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship exists. Consent by the complainant is not a defense;~~

~~(i) the actor is a psychotherapist and the complainant is a former patient of the psychotherapist and the former patient is emotionally dependent upon the psychotherapist;~~

~~(j) the actor is a psychotherapist and the complainant is a patient or former patient and the sexual contact occurred by means of therapeutic deception. Consent by the complainant is not a defense;~~

~~(k) the actor accomplishes the sexual contact by means of deception or false representation that the contact is for a bona fide medical purpose. Consent by the complainant is not a defense;~~

~~(1) the actor is or purports to be a member of the clergy, the complainant is not married to the actor, and:~~

~~(i) the sexual contact occurred during the course of a meeting in which the complainant sought or received religious or spiritual advice, aid, or comfort from the actor in private; or~~

~~(ii) the sexual contact occurred during a period of time in which the complainant was meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice, aid, or comfort in private. Consent by the complainant is not a defense;~~

~~(m) the actor is an employee, independent contractor, or volunteer of a state, county, city, or privately operated adult or juvenile correctional system, or secure treatment facility, or treatment facility providing services to clients civilly committed as mentally ill and dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but not limited to, jails, prisons, detention centers, or work release facilities, and the complainant is a resident of a facility or under supervision of the correctional system. Consent by the complainant is not a defense;~~

~~(n) the actor provides or is an agent of an entity that provides special transportation service, the complainant used the special transportation service, the complainant is not married to the actor, and the sexual contact occurred during or immediately before or after the actor transported the complainant. Consent by the complainant is not a defense;~~

~~(o) the actor performs massage or other bodywork for hire, the complainant was a user of one of those services, and noneconsensual sexual contact occurred during or immediately before or after the actor performed or was hired to perform one of those services for the complainant; or~~

~~(p) the actor is a peace officer, as defined in section 626.84, and the officer physically or constructively restrains the complainant or the complainant does not reasonably feel free to leave the officer's presence. Consent by the complainant is not a defense.~~

Subd. 2. **Penalty.** Except as otherwise provided in section 609.3455, a person convicted under subdivision 1 or subdivision 1a may be sentenced to imprisonment for not more than ten years or to a payment of a fine of not more than \$20,000, or both. A person convicted under this section is also subject to conditional release under section 609.3455.

Subd. 3. **Stay.** Except when imprisonment is required under section 609.3455; or Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision ~~1~~ 1a, clause (f), the court may stay imposition or execution of the sentence if it finds that:

(a) a stay is in the best interest of the complainant or the family unit; and

(b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

(1) incarceration in a local jail or workhouse;

(2) a requirement that the offender complete a treatment program; and



(3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program unless approved by the treatment program and the supervising correctional agent.

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 20. Minnesota Statutes 2020, section 609.3451, is amended to read:

**609.3451 CRIMINAL SEXUAL CONDUCT IN THE FIFTH DEGREE.**

Subdivision 1. **Sexual penetration; crime defined.** A person is guilty of criminal sexual conduct in the fifth degree: ~~if the person engages in nonconsensual sexual penetration.~~

Subd. 1a. **Sexual contact; child present; crime defined.** A person is guilty of criminal sexual conduct in the fifth degree if:

(1) ~~if~~ the person engages in nonconsensual sexual contact; or

(2) the person engages in masturbation or lewd exhibition of the genitals in the presence of a minor under the age of 16, knowing or having reason to know the minor is present.

For purposes of this section, "sexual contact" has the meaning given in section 609.341, subdivision 11, paragraph (a), clauses (i), (iv), and (v). Sexual contact also includes the intentional removal or attempted removal of clothing covering the complainant's intimate parts or undergarments, and the nonconsensual touching by the complainant of the actor's intimate parts, effected by the actor, if the action is performed with sexual or aggressive intent.

Subd. 2. **Gross misdemeanor.** A person convicted under subdivision ~~+~~ 1a may be sentenced to imprisonment for not more than one year or to a payment of a fine of not more than \$3,000, or both.

Subd. 3. **Felony.** (a) A person is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$10,000, or both, if the person violates subdivision 1.

(b) A person is guilty of a felony and may be sentenced to imprisonment for not more than seven years or to payment of a fine of not more than \$14,000, or both, if the person violates ~~this section~~ subdivision 1 or 1a within ~~seven~~ ten years of:

(1) a conviction under subdivision 1;

(2) a previous conviction for violating subdivision ~~+~~ 1a, clause (2), a crime described in paragraph ~~(b)~~ (c), or a statute from another state in conformity with any of these offenses; or

~~(2)~~ (3) the first of two or more previous convictions for violating subdivision ~~+~~ 1a, clause (1), or a statute from another state in conformity with this offense.

~~(b)~~(c) A previous conviction for violating section 609.342; 609.343; 609.344; 609.345; 609.3453; 617.23, subdivision 2, clause (2), or subdivision 3; or 617.247 may be used to enhance a criminal penalty as provided in paragraph ~~(a)~~ (b).

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 21. Minnesota Statutes 2020, section 609.3455, is amended to read:

**609.3455 DANGEROUS SEX OFFENDERS; LIFE SENTENCES; CONDITIONAL RELEASE.**

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

(b) "Conviction" includes a conviction as an extended jurisdiction juvenile under section 260B.130 for a violation of, or an attempt to violate, section 609.342, 609.343, 609.344, ~~or~~ 609.3453, or 609.3458, if the adult sentence has been executed.

(c) "Extreme inhumane conditions" mean situations where, either before or after the sexual penetration or sexual contact, the offender knowingly causes or permits the complainant to be placed in a situation likely to cause the complainant severe ongoing mental, emotional, or psychological harm, or causes the complainant's death.

(d) A "heinous element" includes:

- (1) the offender tortured the complainant;
- (2) the offender intentionally inflicted great bodily harm upon the complainant;
- (3) the offender intentionally mutilated the complainant;
- (4) the offender exposed the complainant to extreme inhumane conditions;
- (5) the offender was armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and used or threatened to use the weapon or article to cause the complainant to submit;
- (6) the offense involved sexual penetration or sexual contact with more than one victim;
- (7) the offense involved more than one perpetrator engaging in sexual penetration or sexual contact with the complainant; or
- (8) the offender, without the complainant's consent, removed the complainant from one place to another and did not release the complainant in a safe place.

(e) "Mutilation" means the intentional infliction of physical abuse designed to cause serious permanent disfigurement or permanent or protracted loss or impairment of the functions of any bodily member or organ, where the offender relishes the infliction of the abuse, evidencing debasement or perversion.

(f) A conviction is considered a "previous sex offense conviction" if the offender was convicted and sentenced for a sex offense before the commission of the present offense.

(g) A conviction is considered a "prior sex offense conviction" if the offender was convicted of committing a sex offense before the offender has been convicted of the present offense, regardless of whether the offender was convicted for the first offense before the commission of the present offense, and the convictions involved separate behavioral incidents.

(h) "Sex offense" means any violation of, or attempt to violate, section 609.342, 609.343, 609.344, 609.345, 609.3451, 609.3453, 609.3458, or any similar statute of the United States, this state, or any other state.

(i) "Torture" means the intentional infliction of extreme mental anguish, or extreme psychological or physical abuse, when committed in an especially depraved manner.

(j) An offender has "two previous sex offense convictions" only if the offender was convicted and sentenced for a sex offense committed after the offender was earlier convicted and sentenced for a sex offense and both convictions preceded the commission of the present offense of conviction.

**Subd. 2. Mandatory life sentence without release; egregious first-time and repeat offenders.**

(a) Notwithstanding the statutory maximum penalty otherwise applicable to the offense, the court shall sentence a person convicted under section 609.342, subdivision 1, paragraph (a), (b), (c), (d), or (e), (f), or (h); or 609.342, subdivision 1a, clause (a), (b), (c), (d), (h), or (i); 609.343, subdivision 1, paragraph (a), (b), (c), (d), or (e), (f); or (h) 609.343, subdivision 1a, clause (a), (b), (c), (d), (h), or (i), to life without the possibility of release if:

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

(2) the person has a previous sex offense conviction for a violation of section 609.342, 609.343, ~~or 609.344~~, or 609.3458, subdivision 1, paragraph (b), and the fact finder determines that a heinous element exists for the present offense.

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

**Subd. 3. Mandatory life sentence for egregious first-time offenders.** (a) Notwithstanding the statutory maximum penalty otherwise applicable to the offense, the court shall sentence a person to imprisonment for life if the person is convicted under section 609.342, subdivision 1, paragraph (a), (b), (c), (d), or (e), (f), or (h); or 609.342, subdivision 1a, clause (a), (b), (c), (d), (h), or (i); 609.343, subdivision 1, paragraph (a), (b), (c), (d), or (e), (f), or (h); or 609.343, subdivision 1a, clause (a), (b), (c), (d), (h), or (i); and the fact finder determines that a heinous element exists.

(b) The fact finder may not consider a heinous element if it is an element of the underlying specified violation of section 609.342 or 609.343.

**Subd. 3a. Mandatory sentence for certain engrained offenders.** (a) A court shall commit a person to the commissioner of corrections for a period of time that is not less than double the

presumptive sentence under the sentencing guidelines and not more than the statutory maximum, or if the statutory maximum is less than double the presumptive sentence, for a period of time that is equal to the statutory maximum, if:

(1) the court is imposing an executed sentence on a person convicted of committing or attempting to commit a violation of section 609.342, 609.343, 609.344, 609.345, ~~or~~ 609.3453, or 609.3458;

(2) the fact finder determines that the offender is a danger to public safety; and

(3) the fact finder determines that the offender's criminal sexual behavior is so engrained that the risk of reoffending is great without intensive psychotherapeutic intervention or other long-term treatment or supervision extending beyond the presumptive term of imprisonment and supervised release.

(b) The fact finder shall base its determination that the offender is a danger to public safety on any of the following factors:

(1) the crime involved an aggravating factor that would justify a durational departure from the presumptive sentence under the sentencing guidelines;

(2) the offender previously committed or attempted to commit a predatory crime or a violation of section 609.224 or 609.2242, including:

(i) an offense committed as a juvenile that would have been a predatory crime or a violation of section 609.224 or 609.2242 if committed by an adult; or

(ii) a violation or attempted violation of a similar law of any other state or the United States; or

(3) the offender planned or prepared for the crime prior to its commission.

(c) As used in this section, "predatory crime" has the meaning given in section 609.341, subdivision 22.

**Subd. 4. Mandatory life sentence; repeat offenders.** (a) Notwithstanding the statutory maximum penalty otherwise applicable to the offense, the court shall sentence a person to imprisonment for life if the person is convicted of violating section 609.342, 609.343, 609.344, 609.345, ~~or~~ 609.3453, or 609.3458 and:

(1) the person has two previous sex offense convictions;

(2) the person has a previous sex offense conviction and:

(i) the fact finder determines that the present offense involved an aggravating factor that would provide grounds for an upward durational departure under the sentencing guidelines other than the aggravating factor applicable to repeat criminal sexual conduct convictions;

(ii) the person received an upward durational departure from the sentencing guidelines for the previous sex offense conviction; or

(iii) the person was sentenced under this section or Minnesota Statutes 2004, section 609.108, for the previous sex offense conviction; or

(3) the person has two prior sex offense convictions, and the fact finder determines that the prior convictions and present offense involved at least three separate victims, and:

(i) the fact finder determines that the present offense involved an aggravating factor that would provide grounds for an upward durational departure under the sentencing guidelines other than the aggravating factor applicable to repeat criminal sexual conduct convictions;

(ii) the person received an upward durational departure from the sentencing guidelines for one of the prior sex offense convictions; or

(iii) the person was sentenced under this section or Minnesota Statutes 2004, section 609.108, for one of the prior sex offense convictions.

(b) Notwithstanding paragraph (a), a court may not sentence a person to imprisonment for life for a violation of section 609.345, unless the person's previous or prior sex offense convictions that are being used as the basis for the sentence are for violations of section 609.342, 609.343, 609.344, ~~or~~ 609.3453, or 609.3458, or any similar statute of the United States, this state, or any other state.

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

**Subd. 6. Mandatory ten-year conditional release term.** Notwithstanding the statutory maximum sentence otherwise applicable to the offense and unless a longer conditional release term is required in subdivision 7, when a court commits an offender to the custody of the commissioner of corrections for a violation of section 609.342, 609.343, 609.344, 609.345, ~~or~~ 609.3453, or 609.3458, the court shall provide that, after the offender has been released from prison, the commissioner shall place the offender on conditional release for ten years.

**Subd. 7. Mandatory lifetime conditional release term.** (a) When a court sentences an offender under subdivision 3 or 4, the court shall provide that, if the offender is released from prison, the commissioner of corrections shall place the offender on conditional release for the remainder of the offender's life.

(b) Notwithstanding the statutory maximum sentence otherwise applicable to the offense, when the court commits an offender to the custody of the commissioner of corrections for a violation of section 609.342, 609.343, 609.344, 609.345, ~~or~~ 609.3453, or 609.3458, and the offender has a previous or prior sex offense conviction, the court shall provide that, after the offender has been released from prison, the commissioner shall place the offender on conditional release for the remainder of the offender's life.

(c) Notwithstanding paragraph (b), an offender may not be placed on lifetime conditional release for a violation of section 609.345, unless the offender's previous or prior sex offense conviction is for a violation of section 609.342, 609.343, 609.344, ~~or~~ 609.3453, or 609.3458, subdivision 1, paragraph (b), or any similar statute of the United States, this state, or any other state.

Subd. 8. **Terms of conditional release; applicable to all sex offenders.** (a) The provisions of this subdivision relating to conditional release apply to all sex offenders sentenced to prison for a violation of section 609.342, 609.343, 609.344, 609.345, ~~or 609.3453~~, or 609.3458. Except as provided in this subdivision, conditional release of sex offenders is governed by provisions relating to supervised release. The commissioner of corrections may not dismiss an offender on conditional release from supervision until the offender's conditional release term expires.

(b) The conditions of release may include successful completion of treatment and aftercare in a program approved by the commissioner, satisfaction of the release conditions specified in section 244.05, subdivision 6, and any other conditions the commissioner considers appropriate. The commissioner shall develop a plan to pay the cost of treatment of a person released under this subdivision. The plan may include co-payments from offenders, third-party payers, local agencies, or other funding sources as they are identified. This section does not require the commissioner to accept or retain an offender in a treatment program. Before the offender is placed on conditional release, the commissioner shall notify the sentencing court and the prosecutor in the jurisdiction where the offender was sentenced of the terms of the offender's conditional release. The commissioner also shall make reasonable efforts to notify the victim of the offender's crime of the terms of the offender's conditional release.

(c) If the offender fails to meet any condition of release, the commissioner may revoke the offender's conditional release and order that the offender serve all or a part of the remaining portion of the conditional release term in prison. An offender, while on supervised release, is not entitled to credit against the offender's conditional release term for time served in confinement for a violation of release.

Subd. 9. **Applicability.** The provisions of this section do not affect the applicability of Minnesota Statutes 2004, section 609.108, to crimes committed before August 1, 2005, or the validity of sentences imposed under Minnesota Statutes 2004, section 609.108.

Subd. 10. **Presumptive executed sentence for repeat sex offenders.** Except as provided in subdivision 2, 3, 3a, or 4, if a person is convicted under sections 609.342 to 609.345 or 609.3453 within 15 years of a previous sex offense conviction, the court shall commit the defendant to the commissioner of corrections for not less than three years, nor more than the maximum sentence provided by law for the offense for which convicted, notwithstanding sections 242.19, 243.05, 609.11, 609.12, and 609.135. The court may stay the execution of the sentence imposed under this subdivision only if it finds that a professional assessment indicates the offender is accepted by and can respond to treatment at a long-term inpatient program exclusively treating sex offenders and approved by the commissioner of corrections. If the court stays the execution of a sentence, it shall include the following as conditions of probation:

(1) incarceration in a local jail or workhouse; and

(2) a requirement that the offender successfully complete the treatment program and aftercare as directed by the court.

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 22. **[609.3458] SEXUAL EXTORTION.**

Subdivision 1. **Crime defined.** (a) A person who engages in sexual contact with another person and compels the other person to submit to the contact by making any of the following threats, directly or indirectly, is guilty of sexual extortion:

(1) a threat to withhold or harm the complainant's trade, business, profession, position, employment, or calling;

(2) a threat to make or cause to be made a criminal charge against the complainant, whether true or false;

(3) a threat to report the complainant's immigration status to immigration or law enforcement authorities;

(4) a threat to disseminate private sexual images of the complainant as specified in section 617.261, nonconsensual dissemination of private sexual images;

(5) a threat to expose information that the actor knows the complainant wishes to keep confidential; or

(6) a threat to withhold complainant's housing, or to cause complainant a loss or disadvantage in the complainant's housing, or a change in the cost of complainant's housing.

(b) A person who engages in sexual penetration with another person and compels the other person to submit to such penetration by making any of the following threats, directly or indirectly, is guilty of sexual extortion:

(1) a threat to withhold or harm the complainant's trade, business, profession, position, employment, or calling;

(2) a threat to make or cause to be made a criminal charge against the complainant, whether true or false;

(3) a threat to report the complainant's immigration status to immigration or law enforcement authorities;

(4) a threat to disseminate private sexual images of the complainant as specified in section 617.261, nonconsensual dissemination of private sexual images;

(5) a threat to expose information that the actor knows the complainant wishes to keep confidential; or

(6) a threat to withhold complainant's housing, or to cause complainant a loss or disadvantage in the complainant's housing, or a change in the cost of complainant's housing.

Subd. 2. **Penalty.** (a) A person is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the person violates subdivision 1, paragraph (a).

(b) A person is guilty of a felony and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both, if the person violates subdivision 1, paragraph (b).

(c) A person convicted under this section is also subject to conditional release under section 609.3455.

Subd. 3. **No attempt charge.** Notwithstanding section 609.17, no person may be charged with or convicted of an attempt to commit a violation of this section.

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 23. **[609.3469] VOLUNTARY INTOXICATION DEFENSE.**

(a) The "knows or has reason to know" mental state requirement for violations of sections 609.342 to 609.345 involving a complainant who is mentally incapacitated, as defined in section 609.341, subdivision 7, clause (2), involves specific intent for purposes of determining the applicability of the voluntary intoxication defense described in section 609.075. This defense may be raised by a defendant if the defense is otherwise applicable under section 609.075 and related case law.

(b) Nothing in paragraph (a) may be interpreted to change the application of the defense to other crimes.

(c) Nothing in paragraph (a) is intended to change the scope or limitations of the defense or case law interpreting it beyond clarifying that the defense is available to a defendant described in paragraph (a).

**EFFECTIVE DATE.** The section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 24. Minnesota Statutes 2020, section 617.246, subdivision 2, is amended to read:

Subd. 2. **Use of minor.** (a) It is unlawful for a person to promote, employ, use or permit a minor to engage in or assist others to engage minors in posing or modeling alone or with others in any sexual performance or pornographic work if the person knows or has reason to know that the conduct intended is a sexual performance or a pornographic work.

Any person who violates this paragraph is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

(b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$40,000, or both, if:

(1) the person has a prior conviction or delinquency adjudication for violating this section or section 617.247;



(2) the violation occurs when the person is a registered predatory offender under section 243.166;  
or

(3) the violation involved a minor under the age of ~~13~~ 14 years.

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 25. Minnesota Statutes 2020, section 617.246, subdivision 3, is amended to read:

**Subd. 3. Operation or ownership of business.** (a) A person who owns or operates a business in which a pornographic work, as defined in this section, is disseminated to an adult or a minor or is reproduced, and who knows the content and character of the pornographic work disseminated or reproduced, is guilty of a felony and may be sentenced to imprisonment for not more than ten years, or to payment of a fine of not more than \$20,000, or both.

(b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$40,000, or both, if:

(1) the person has a prior conviction or delinquency adjudication for violating this section or section 617.247;

(2) the violation occurs when the person is a registered predatory offender under section 243.166;  
or

(3) the violation involved a minor under the age of ~~13~~ 14 years.

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 26. Minnesota Statutes 2020, section 617.246, subdivision 4, is amended to read:

**Subd. 4. Dissemination.** (a) A person who, knowing or with reason to know its content and character, disseminates for profit to an adult or a minor a pornographic work, as defined in this section, is guilty of a felony and may be sentenced to imprisonment for not more than ten years, or to payment of a fine of not more than \$20,000, or both.

(b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$40,000, or both, if:

(1) the person has a prior conviction or delinquency adjudication for violating this section or section 617.247;

(2) the violation occurs when the person is a registered predatory offender under section 243.166;  
or

(3) the violation involved a minor under the age of ~~13~~ 14 years.

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 27. Minnesota Statutes 2020, section 617.247, subdivision 3, is amended to read:

Subd. 3. **Dissemination prohibited.** (a) A person who disseminates pornographic work to an adult or a minor, knowing or with reason to know its content and character, is guilty of a felony and may be sentenced to imprisonment for not more than seven years or to payment of a fine of not more than \$10,000, or both.

(b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$20,000, or both, if:

(1) the person has a prior conviction or delinquency adjudication for violating this section or section 617.246;

(2) the violation occurs when the person is a registered predatory offender under section 243.166; or

(3) the violation involved a minor under the age of ~~13~~ 14 years.

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 28. Minnesota Statutes 2020, section 617.247, subdivision 4, is amended to read:

Subd. 4. **Possession prohibited.** (a) A person who possesses a pornographic work or a computer disk or computer or other electronic, magnetic, or optical storage system or a storage system of any other type, containing a pornographic work, knowing or with reason to know its content and character, is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both.

(b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both, if:

(1) the person has a prior conviction or delinquency adjudication for violating this section or section 617.246;

(2) the violation occurs when the person is a registered predatory offender under section 243.166; or

(3) the violation involved a minor under the age of ~~13~~ 14 years.

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to crimes committed on or after that date.

Sec. 29. Minnesota Statutes 2020, section 628.26, is amended to read:

**628.26 LIMITATIONS.**

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

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

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

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

~~(e) Indictments or complaints for violation of sections 609.322 and 609.342 to 609.345, if the victim was under the age of 18 years at the time the offense was committed, shall be found or made and filed in the proper court within the later of nine years after the commission of the offense or three years after the offense was reported to law enforcement authorities at any time after the commission of the offense.~~

~~(f) Notwithstanding the limitations in paragraph (e), indictments or complaints for violation of sections 609.322 and 609.342 to 609.344 may be found or made and filed in the proper court at any time after commission of the offense, if physical evidence is collected and preserved that is capable of being tested for its DNA characteristics. If this evidence is not collected and preserved and the victim was 18 years old or older at the time of the offense, the prosecution must be commenced within nine years after the commission of the offense.~~

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

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

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

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

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

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

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

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

**EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to violations committed on or after that date.

Sec. 30. **PREDATORY OFFENDER STATUTORY FRAMEWORK WORKING GROUP; REPORT.**

**Subdivision 1. Direction.** By September 1, 2021, the commissioner of corrections shall convene a working group to comprehensively assess the predatory offender statutory framework. The commissioner shall fully coordinate with the commissioner of public safety to invite and convene a working group that includes members that have specific expertise on juvenile justice and representatives from city and county prosecuting agencies, statewide crime victim coalitions, the Minnesota judicial branch, the Minnesota Board of Public Defense, private criminal defense attorneys, the Department of Public Safety, the Department of Human Services, the Sentencing Guidelines Commission, and state and local law enforcement agencies. The commissioner may also invite other interested parties to participate in the working group. The commissioner shall ensure that the membership of the working group is balanced among the various representatives and reflects a broad spectrum of viewpoints, and is inclusive of marginalized communities as well as victim and survivor voices. The commissioners of corrections and public safety shall each designate one representative to coordinate and provide technical expertise to the working group.

**Subd. 2. Duties.** The working group must examine and assess the predatory offender registration (POR) laws, including, but not limited to, the requirements placed on offenders, the crimes for which POR is required, the method by which POR requirements are applied to offenders, and the effectiveness of the POR system in achieving its stated purpose. Governmental agencies that hold POR data shall provide the working group with public POR data upon request. The working group is encouraged to request the assistance of the state court administrator's office to obtain relevant POR data maintained by the court system.

**Subd. 3. Report to legislature.** The commissioner shall file a report detailing the working group's findings and recommendations with the chairs and ranking minority members of the house of representatives and senate committees and divisions having jurisdiction over public safety and judiciary policy and finance by January 15, 2022.

Sec. 31. **REVISOR INSTRUCTION.**

(a) In Minnesota Statutes, the revisor of statutes, in consultation with the House Research Department and the Office of Senate Counsel, Research, and Fiscal Analysis, shall:

(1) make necessary cross-reference changes and remove cross-references consistent with the changes to Minnesota Statutes, sections 609.342, 609.343, 609.344, 609.345, and 609.3451, in sections 16 to 20; and

(2) add cross-reference to Minnesota Statutes, section 609.3458, in the following sections:

(i) 13.82, subdivision 17;

(ii) 145.4711, subdivision 5;

(iii) 245C.15, subdivision 1;

(iv) 253B.02, subdivision 4e;

(v) 253D.02, subdivision 8;

(vi) 260C.007, subdivisions 5, 13, 14, and 31;

(vii) 260E.03, subdivisions 20 and 22;

(viii) 299C.67, subdivision 2;

(ix) 504B.206, subdivisions 1 and 6;

(x) 518B.01, subdivision 2;

(xi) 541.073, subdivision 1;

(xii) 609.02, subdivision 16;

(xiii) 609.135, subdivision 5a;

(xiv) 609.3457, subdivision 4;

(xv) 609.347, subdivisions 1, 2, 3, 5, and 6;

(xvi) 609.3471;

(xvii) 609.353;

(xviii) 609.749, subdivision 5;

(xix) 611A.036, subdivision 7;

(xx) 611A.039, subdivision 1;

(xxi) 611A.08, subdivision 6;

(xxii) 611A.19, subdivision 1;

(xxiii) 611A.26, subdivision 6;

(xxiv) 628.26;

(xxv) 629.725;

(xxvi) 629.74;

(xxvii) 631.045; and

(xxviii) 631.046, subdivision 2.

(b) Consistent with paragraph (a), the revisor may make technical and other necessary changes to language, grammar, and sentence structure in Minnesota Statutes to preserve the meaning of the text.

## ARTICLE 5

### FORFEITURE

Section 1. Minnesota Statutes 2020, section 169A.63, subdivision 1, is amended to read:

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) "Asserting person" means a person, other than the driver alleged to have committed a designated offense, claiming an ownership interest in a vehicle that has been seized or restrained under this section.

~~(e)~~ (d) "Claimant" means an owner of a motor vehicle or a person claiming a leasehold or security interest in a motor vehicle.

~~(d)~~ (e) "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)~~ (f) "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: within ten years of the first of two qualified prior impaired driving incidents.

~~(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)~~ (g) "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.

~~(g)~~ (h) "Motor vehicle" and "vehicle" do not include a vehicle which is stolen or taken in violation of the law.

~~(h)~~ (i) "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)~~ (j) "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)~~ (k) "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.

**EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures that take place on or after that date.

Sec. 2. Minnesota Statutes 2020, section 169A.63, subdivision 7, is amended to read:

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; or

~~(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)~~ (2) 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).~~

**EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures that take place on or after that date.



Sec. 3. Minnesota Statutes 2020, section 169A.63, is amended by adding a subdivision to read:

Subd. 7a. **Innocent owner.** (a) An asserting person may bring an innocent owner claim by notifying the prosecuting authority in writing and within 60 days of the service of the notice of seizure.

(b) Upon receipt of notice pursuant to paragraph (a), the prosecuting authority may release the vehicle to the asserting person. If the prosecuting authority proceeds with the forfeiture, the prosecuting authority must, within 30 days, file a separate complaint in the name of the jurisdiction pursuing the forfeiture against the vehicle, describing the vehicle, specifying that the vehicle 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 the vehicle's unlawful use. The complaint may be filed in district court or conciliation court and the filing fee is waived.

(c) A complaint filed by the prosecuting authority must be served on the asserting person and on any other registered owners. Service may be made by certified mail at the address listed in the Department of Public Safety's computerized motor vehicle registration records or by any means permitted by court rules.

(d) The hearing on the complaint shall, to the extent practicable, be held within 30 days of the filing of the petition. The court may consolidate the hearing on the complaint with a hearing on any other complaint involving a claim of an ownership interest in the same vehicle.

(e) At a hearing held pursuant to this subdivision, the prosecuting authority must:

(1) prove by a preponderance of the evidence that the seizure was incident to a lawful arrest or a lawful search; and

(2) certify that the prosecuting authority has filed, or intends to file, charges against the driver for a designated offense or that the driver has a designated license revocation.

(f) At a hearing held pursuant to this subdivision, the asserting person must prove by a preponderance of the evidence that the asserting person:

(1) has an actual ownership interest in the vehicle; and

(2) did not have actual or constructive knowledge that the vehicle would be used or operated in any manner contrary to law or that the asserting person took reasonable steps to prevent use of the vehicle by the alleged offender.

(g) If the court determines that the state met both burdens under paragraph (e) and the asserting person failed to meet any burden under paragraph (f), the court shall order that the vehicle remains subject to forfeiture under this section.

(h) The court shall order that the vehicle is not subject to forfeiture under this section and shall order the vehicle returned to the asserting person if it determines that:

(1) the state failed to meet any burden under paragraph (e);

(2) the asserting person proved both elements under paragraph (f); or

(3) clauses (1) and (2) apply.

(i) If the court determines that the asserting person is an innocent owner and orders the vehicle returned to the innocent owner, an entity in possession of the vehicle is not required to release it until the innocent owner pays:

(1) the reasonable costs of the towing, seizure, and storage of the vehicle incurred before the innocent owner provided the notice required under paragraph (a); and

(2) any reasonable costs of storage of the vehicle incurred more than two weeks after an order issued under paragraph (h).

**EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures that take place on or after that date.

Sec. 4. Minnesota Statutes 2020, section 169A.63, subdivision 8, is amended to read:

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 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: If you were the person arrested when the property was seized, 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 do 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.~~

WARNING: If you have an ownership interest in the above-described property and were not the person arrested when the property was seized, you will automatically lose the above-described property and the right to be heard in court if you do not notify the prosecuting authority of your interest in writing within 60 days."

(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 vehicle to the person from whom the property was seized, if known owner. 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 certified mail or 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.

(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.

**EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures that take place on or after that date.

Sec. 5. Minnesota Statutes 2020, section 169A.63, subdivision 9, is amended to read:

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) 7a~~, 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).

**EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures that take place on or after that date.

Sec. 6. Minnesota Statutes 2020, section 169A.63, subdivision 10, is amended to read:

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, crime prevention, equipment, or capital expenses; and

(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, training, education, crime prevention, equipment, or capital expenses. For purposes of this subdivision, the prosecuting authority shall not include privately contracted prosecutors of a local political subdivision and, in those events, the forfeiture proceeds shall be forwarded to the political subdivision where the forfeiture was handled for the purposes identified in clause (1).

(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.

**EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures that take place on or after that date.

Sec. 7. Minnesota Statutes 2020, section 169A.63, subdivision 13, is amended to read:

Subd. 13. **Exception.** (a) A forfeiture proceeding is stayed and the vehicle must be returned if the driver who committed a designated offense or whose conduct resulted in a designated license revocation becomes a program participant in the ignition interlock program under section 171.306 at any time before the motor vehicle is forfeited, the forfeiture proceeding is stayed and the vehicle must be returned and any of the following apply:

(1) the driver committed a designated offense other than a violation of section 169A.20 under the circumstances described in section 169A.24; or

(2) the driver is accepted into a treatment court dedicated to changing the behavior of alcohol- and other drug-dependent offenders arrested for driving while impaired.

(b) Notwithstanding paragraph (a), the vehicle whose forfeiture was stayed in paragraph (a) may be seized and the forfeiture action may proceed under this section if the program participant described in paragraph (a):

(1) subsequently operates a motor vehicle:

(i) to commit a violation of section 169A.20 (driving while impaired);

(ii) in a manner that results in 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;

(iii) after tampering with, circumventing, or bypassing an ignition interlock device; or

(iv) without an ignition interlock device at any time when the driver's license requires such device; or

(2) either voluntarily or involuntarily ceases to participate in the program for more than 30 days, or fails to successfully complete it as required by the Department of Public Safety due to:

(i) two or more occasions of the participant's driving privileges being withdrawn for violating the terms of the program, unless the withdrawal is determined to be caused by an error of the department or the interlock provider; or

(ii) violating the terms of the contract with the provider as determined by the provider; or

(3) was the driver, forfeiture was stayed after the driver entered a treatment court, and the driver ceases to be a participant in the treatment court for any reason.

(c) Paragraph (b) applies only if the described conduct occurs before the participant has been restored to full driving privileges or within three years of the original designated offense or designated license revocation, whichever occurs latest.

(d) The requirement in subdivision 2, paragraph (b), that device manufacturers provide a discounted rate to indigent program participants applies also to device installation under this subdivision.

(e) An impound or law enforcement storage lot operator must allow an ignition interlock manufacturer sufficient access to the lot to install an ignition interlock device under this subdivision.

(f) Notwithstanding paragraph (a), an entity in possession of the vehicle is not required to release it until the reasonable costs of the towing, seizure, and storage of the vehicle have been paid by the vehicle owner.

(g) At any time prior to the vehicle being forfeited, the appropriate agency may require that the owner or driver of the vehicle ~~give security or post bond payable to the appropriate agency in an amount equal to the retail value~~ surrender the title of the seized vehicle. If this occurs, any future forfeiture action against the vehicle must instead proceed against the security as if it were the vehicle.

(h) ~~The appropriate agency may require an owner or driver to give security or post bond payable to the agency in an amount equal to the retail value of the vehicle, prior to releasing the vehicle from the impound lot to install an ignition interlock device.~~

(~~h~~) (h) If an event described in paragraph (b) occurs in a jurisdiction other than the one in which the original forfeitable event occurred, and the vehicle is subsequently forfeited, the proceeds shall be divided equally, after payment of seizure, towing, storage, forfeiture, and sale expenses and satisfaction of valid liens against the vehicle, among the appropriate agencies and prosecuting authorities in each jurisdiction.

(~~i~~) (i) Upon successful completion of the program, the stayed forfeiture proceeding is terminated or dismissed and any vehicle, security, or bond held by an agency must be returned to the owner of the vehicle.

(~~j~~) (j) A claimant of a vehicle for which a forfeiture action was stayed under paragraph (a) but which later proceeds under paragraph (b), may file a demand for judicial forfeiture as provided in subdivision 8, in which case the forfeiture proceedings must be conducted as provided in subdivision 9.

**EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures that take place on or after that date.

Sec. 8. Minnesota Statutes 2020, section 169A.63, is amended by adding a subdivision to read:

**Subd. 14. Subsequent unlawful use of seized vehicle; immunity.** An appropriate agency or prosecuting authority, including but not limited to any peace officer as defined in section 626.84, subdivision 1, paragraph (c); prosecutor; or employee of an appropriate agency or prosecuting authority who, in good faith and within the course and scope of the official duties of the person or entity, returns a vehicle seized under this chapter to the owner pursuant to this section shall be

immune from criminal or civil liability regarding any event arising out of the subsequent unlawful or unauthorized use of the motor vehicle.

**EFFECTIVE DATE.** This section is effective January 1, 2022.

Sec. 9. Minnesota Statutes 2020, section 609.531, subdivision 1, is amended to read:

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~~ Department of Public Safety, 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.

(i) "Asserting person" means a person, other than the driver alleged to have used a vehicle in the transportation or exchange of a controlled substance intended for distribution or sale, claiming an ownership interest in a vehicle that has been seized or restrained under this section.

**EFFECTIVE DATE.** This section is effective January 1, 2022.

Sec. 10. Minnesota Statutes 2020, section 609.531, is amended by adding a subdivision to read:

Subd. 9. **Transfer of forfeitable property to federal government.** The appropriate agency shall not directly or indirectly transfer property subject to forfeiture under sections 609.531 to 609.5318 to a federal agency for adoption if the forfeiture would be prohibited under state law.

**EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures that take place on or after that date.

Sec. 11. Minnesota Statutes 2020, section 609.5311, subdivision 2, is amended to read:

Subd. 2. **Associated property.** (a) All ~~personal property, and real and personal property, other than homestead property exempt from seizure under section 510.01, 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 an instrument or represents the proceeds of a controlled substance offense is subject to forfeiture under this section, except as provided in subdivision 3.

(b) The Department of Corrections Fugitive Apprehension Unit shall not seize real property for the purposes of forfeiture under paragraph (a).

(c) Money is the property of an appropriate agency and may be seized and recovered by the appropriate agency if:

(1) the money is used by an appropriate agency, or furnished to a person operating on behalf of an appropriate agency, to purchase or attempt to purchase a controlled substance; and

(2) the appropriate agency records the serial number or otherwise marks the money for identification.

As used in this paragraph, "money" means United States currency and coin; the currency and coin of a foreign country; a bank check, cashier's check, or traveler's check; a prepaid credit card; cryptocurrency; or a money order.

**EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures that take place on or after that date.

Sec. 12. Minnesota Statutes 2020, section 609.5311, subdivision 3, is amended to read:

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~~ \$100 or more and the conveyance device ~~is associated with a felony-level controlled substance crime~~ was used in the transportation or exchange of a controlled substance intended for distribution or sale.

(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) Money is subject to forfeiture under this section only if it has a total value of \$1,500 or more or there is probable cause to believe that the money was exchanged for the purchase of a controlled substance. As used in this paragraph, "money" means United States currency and coin; the currency and coin of a foreign country; a bank check, cashier's check, or traveler's check; a prepaid credit card; cryptocurrency; or a money order.

~~(h)~~ (i) 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).

(j) Nothing in this subdivision prohibits the seizure, with or without warrant, of any property or thing for the purpose of being produced as evidence on any trial or for any other lawful purpose.

**EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures that take place on or after that date.

Sec. 13. Minnesota Statutes 2020, section 609.5311, subdivision 4, is amended to read:

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.~~

**EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures that take place on or after that date.

Sec. 14. Minnesota Statutes 2020, section 609.5314, subdivision 1, is amended to read:

Subdivision 1. **Property subject to administrative forfeiture; presumption.** (a) The following are ~~presumed to be~~ subject to administrative forfeiture under this section:

(1) all money totaling \$1,500 or more, precious metals, and precious stones found in proximity to: that there is probable cause to believe represent the proceeds of a controlled substance offense;

~~(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 money found in proximity to controlled substances when there is probable cause to believe that the money was exchanged for the purchase of a controlled substance;

~~(2) (3) 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 there is probable cause to believe that the conveyance device was used in the transportation or exchange of a controlled substance intended for distribution or sale; and~~

~~(3) (4) 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) (3)~~ and ~~(3) (4)~~, for the purposes of forfeiture.

~~(c) A claimant of the property bears the burden to rebut this presumption. Money is the property of an appropriate agency and may be seized and recovered by the appropriate agency if:~~

(1) the money is used by an appropriate agency, or furnished to a person operating on behalf of an appropriate agency, to purchase or attempt to purchase a controlled substance; and

(2) the appropriate agency records the serial number or otherwise marks the money for identification.

(d) As used in this section, "money" means United States currency and coin; the currency and coin of a foreign country; a bank check, cashier's check, or traveler's check; a prepaid credit card; cryptocurrency; or a money order.

**EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures that take place on or after that date.

Sec. 15. Minnesota Statutes 2020, section 609.5314, is amended by adding a subdivision to read:

Subd. 1a. **Innocent owner.** (a) Any person, other than the defendant driver, alleged to have used a vehicle in the transportation or exchange of a controlled substance intended for distribution or sale, claiming an ownership interest in a vehicle that has been seized or restrained under this section may assert that right by notifying the prosecuting authority in writing and within 60 days of the service of the notice of seizure.

(b) Upon receipt of notice pursuant to paragraph (a), the prosecuting authority may release the vehicle to the asserting person. If the prosecuting authority proceeds with the forfeiture, the prosecuting authority must, within 30 days, file a separate complaint in the name of the jurisdiction pursuing the forfeiture against the vehicle, describing the vehicle, specifying that the vehicle was used in the transportation or exchange of a controlled substance intended for distribution or sale, and specifying the time and place of the vehicle's unlawful use. The complaint may be filed in district court or conciliation court and the filing fee is waived.

(c) A complaint filed by the prosecuting authority must be served on the asserting person and on any other registered owners. Service may be made by certified mail at the address listed in the Department of Public Safety's computerized motor vehicle registration records or by any means permitted by court rules.

(d) The hearing on the complaint shall, to the extent practicable, be held within 30 days of the filing of the petition. The court may consolidate the hearing on the complaint with a hearing on any other complaint involving a claim of an ownership interest in the same vehicle.

(e) At a hearing held pursuant to this subdivision, the state must prove by a preponderance of the evidence that:

(1) the seizure was incident to a lawful arrest or a lawful search; and

(2) the vehicle was used in the transportation or exchange of a controlled substance intended for distribution or sale.

(f) At a hearing held pursuant to this subdivision, the asserting person must prove by a preponderance of the evidence that the asserting person:

(1) has an actual ownership interest in the vehicle; and

(2) did not have actual or constructive knowledge that the vehicle would be used or operated in any manner contrary to law or that the asserting person took reasonable steps to prevent use of the vehicle by the alleged offender.

(g) If the court determines that the state met both burdens under paragraph (e) and the asserting person failed to meet any burden under paragraph (f), the court shall order that the vehicle remains subject to forfeiture under this section.

(h) The court shall order that the vehicle is not subject to forfeiture under this section and shall order the vehicle returned to the asserting person if it determines that:

(1) the state failed to meet any burden under paragraph (e);

(2) the asserting person proved both elements under paragraph (f); or

(3) clauses (1) and (2) apply.

(i) If the court determines that the asserting person is an innocent owner and orders the vehicle returned to the innocent owner, an entity in possession of the vehicle is not required to release the vehicle until the innocent owner pays:

(1) the reasonable costs of the towing, seizure, and storage of the vehicle incurred before the innocent owner provided the notice required under paragraph (a); and

(2) any reasonable costs of storage of the vehicle incurred more than two weeks after an order issued under paragraph (h).

**EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures that take place on or after that date.

Sec. 16. Minnesota Statutes 2020, section 609.5314, subdivision 2, is amended to read:

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: If you were the person arrested when the property was seized, 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~~ do 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.

WARNING: If you have an ownership interest in the above-described property and were not the person arrested when the property was seized, you will automatically lose the above-described property and the right to be heard in court if you do not notify the prosecuting authority of your interest in writing within 60 days."

(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.

**EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures that take place on or after that date.

Sec. 17. Minnesota Statutes 2020, section 609.5314, subdivision 3, is amended to read:

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 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.

**EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures that take place on or after that date.

Sec. 18. Minnesota Statutes 2020, section 609.5315, subdivision 5, is amended to read:

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, training, education, crime prevention, equipment, or capital expenses;

(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, training, education, crime prevention, equipment, or capital expenses; 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.

**EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures that take place on or after that date.

Sec. 19. Minnesota Statutes 2020, section 609.5315, subdivision 5b, is amended to read:

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

(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.~~

**EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures that take place on or after that date.

Sec. 20. Minnesota Statutes 2020, section 609.5315, subdivision 6, is amended to read:

Subd. 6. **Reporting requirement.** (a) For each forfeiture occurring in the state regardless of the authority for it and including forfeitures pursued under federal law, the appropriate agency and the prosecuting authority shall provide a written record of the forfeiture incident to the state auditor. The record shall include:

(1) the amount forfeited;

(2) the statutory authority for the forfeiture;~~its;~~

(3) the date; of the forfeiture;

(4) a brief description of the circumstances involved;~~and;~~

(5) whether the forfeiture was contested;

(6) whether the defendant was convicted pursuant to a plea agreement or a trial;

(7) whether there was a forfeiture settlement agreement;

(8) whether the property was sold, destroyed, or retained by an appropriate agency;



(9) the gross revenue from the disposition of the forfeited property;

(10) an estimate of the total costs to the agency to store the property in an impound lot, evidence room, or other location; pay for the time and expenses of an appropriate agency and prosecuting authority to litigate forfeiture cases; and sell or dispose of the forfeited property;

(11) the net revenue, determined by subtracting the costs identified under clause (10) from the gross revenue identified in clause (9), the appropriate agency received from the disposition of forfeited property;

(12) if any property was retained by an appropriate agency, the purpose for which it is used;

(13) 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;~~

(14) the number of firearms forfeited and the make, model, and serial number of each firearm forfeited. ~~The record shall indicate;~~ and

(15) 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) Each appropriate agency and prosecuting authority shall provide a written record regarding the proceeds of forfeited property, including proceeds received through forfeiture under state and federal law. The record shall include:

(1) the total amount of money or proceeds from the sale of forfeited property obtained or received by an appropriate agency or prosecuting authority in the previous reporting period;

(2) the manner in which each appropriate agency and prosecuting authority expended money or proceeds from the sale of forfeited property in the previous reporting period, including the total amount expended in the following categories:

(i) drug abuse, crime, and gang prevention programs;

(ii) victim reparations;

(iii) gifts or grants to crime victim service organizations that provide services to sexually exploited youth;

(iv) gifts or grants to crime victim service organizations that provide services to victims of trafficking offenses;

(v) investigation costs, including but not limited to witness protection, informant fees, and controlled buys;

(vi) court costs and attorney fees;

(vii) salaries, overtime, and benefits, as permitted by law;

(viii) professional outside services, including but not limited to auditing, court reporting, expert witness fees, outside attorney fees, and membership fees paid to trade associations;

(ix) travel, meals, and conferences;

(x) training and continuing education;

(xi) other operating expenses, including but not limited to office supplies, postage, and printing;

(xii) capital expenditures, including but not limited to vehicles, firearms, equipment, computers, and furniture;

(xiii) gifts or grants to nonprofit or other programs, indicating the recipient of the gift or grant; and

(xiv) any other expenditure, indicating the type of expenditure and, if applicable, the recipient of any gift or grant;

(3) the total value of seized and forfeited property held by an appropriate agency and not sold or otherwise disposed of; and

(4) a statement from the end of each year showing the balance of any designated forfeiture accounts maintained by an appropriate agency or prosecuting authority.

~~(e)~~ (d) Reports under paragraphs (a) and (b) shall be made on a ~~monthly~~ quarterly basis in a manner prescribed by the state auditor and reports under paragraph (c) shall be made on an annual 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, including the information provided by each appropriate agency or prosecuting authority under paragraphs (a) to (c). Summary data on seizures, forfeitures, and expenditures of forfeiture proceeds shall be disaggregated by each appropriate agency and prosecuting authority. The report shall be made public on the state auditor's website.

~~(e)~~ (e) 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)~~ (f) The prosecuting authority is not required to report information required by this subdivision paragraph (a) or (b) unless the prosecuting authority has been notified by the state auditor that the appropriate agency has not reported it.

**EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures that take place on or after that date.

#### Sec. 21. **RECIDIVISM STUDY.**

The legislative auditor shall conduct or contract with an independent third-party vendor to conduct a comprehensive program audit on the efficacy of forfeiture and the use of ignition interlock in cases involving an alleged violation of Minnesota Statutes, section 169A.20. The audit shall assess the financial impact of the programs, the efficacy in reducing recidivism, and the impacts, if any,

on public safety. The audit shall be conducted in accordance with generally accepted government auditing standards issued by the United States Government Accountability Office. The legislative auditor shall complete the audit no later than August 1, 2024, and shall report the results of the audit to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over public safety by January 15, 2025.

**EFFECTIVE DATE.** This section is effective January 1, 2022.

Sec. 22. **REPEALER.**

Minnesota Statutes 2020, section 609.5317, is repealed.

**EFFECTIVE DATE.** This section is effective January 1, 2022.

## ARTICLE 6

### CRIME VICTIM NOTIFICATION

Section 1. Minnesota Statutes 2020, section 253B.18, subdivision 5a, is amended to read:

Subd. 5a. **Victim notification of petition and release; right to submit statement.** (a) As used in this subdivision:

(1) "crime" has the meaning given to "violent crime" in section 609.1095, and includes criminal sexual conduct in the fifth degree and offenses within the definition of "crime against the person" in section 253B.02, subdivision 4e, and also includes offenses listed in section 253D.02, subdivision 8, paragraph (b), regardless of whether they are sexually motivated;

(2) "victim" means a person who has incurred loss or harm as a result of a crime the behavior for which forms the basis for a commitment under this section or chapter 253D; and

(3) "convicted" and "conviction" have the meanings given in section 609.02, subdivision 5, and also include juvenile court adjudications, findings under Minnesota Rules of Criminal Procedure, rule 20.02, that the elements of a crime have been proved, and findings in commitment cases under this section or chapter 253D that an act or acts constituting a crime occurred or were part of their course of harmful sexual conduct.

(b) A county attorney who files a petition to commit a person under this section or chapter 253D shall make a reasonable effort to provide prompt notice of filing the petition to any victim of a crime for which the person was convicted. In addition, the county attorney shall make a reasonable effort to promptly notify the victim of the resolution of the petition and the process for requesting notification of an individual's change in status as provided in paragraph (c).

(c) A victim may request notification of an individual's discharge or release as provided in paragraph (d) by submitting a written request for notification to the executive director of the facility in which the individual is confined. The Department of Corrections or a county attorney who receives a request for notification from a victim under this section shall promptly forward the request to the executive director of the treatment facility in which the individual is confined.

~~(e)~~ (d) Before provisionally discharging, discharging, granting pass-eligible status, approving a pass plan, or otherwise permanently or temporarily releasing a person committed under this section from a state-operated treatment program or treatment facility, the head of the state-operated treatment program or head of the treatment facility shall make a reasonable effort to notify any victim of a crime for which the person was convicted that the person may be discharged or released and that the victim has a right to submit a written statement regarding decisions of the medical director, special review board, or commissioner with respect to the person. To the extent possible, the notice must be provided at least 14 days before any special review board hearing or before a determination on a pass plan. Notwithstanding section 611A.06, subdivision 4, the commissioner shall provide the judicial appeal panel with victim information in order to comply with the provisions of this section. The judicial appeal panel shall ensure that the data on victims remains private as provided for in section 611A.06, subdivision 4. These notices shall only be provided to victims who have submitted a written request for notification as provided in paragraph (c).

~~(d) This subdivision applies only to victims who have requested notification through the Department of Corrections electronic victim notification system, or by contacting, in writing, the county attorney in the county where the conviction for the crime occurred. A request for notice under this subdivision received by the commissioner of corrections through the Department of Corrections electronic victim notification system shall be promptly forwarded to the prosecutorial authority with jurisdiction over the offense to which the notice relates or, following commitment, the head of the state-operated treatment program or head of the treatment facility. A county attorney who receives a request for notification under this paragraph following commitment shall promptly forward the request to the commissioner of human services.~~

(e) The rights under this subdivision are in addition to rights available to a victim under chapter 611A. This provision does not give a victim all the rights of a "notified person" or a person "entitled to statutory notice" under subdivision 4a, 4b, or 5 or section 253D.14.

Sec. 2. Minnesota Statutes 2020, section 253D.14, subdivision 2, is amended to read:

Subd. 2. **Notice of filing petition.** A county attorney who files a petition to commit a person under this chapter shall make a reasonable effort to provide prompt notice of filing the petition to any victim of a crime for which the person was convicted or was listed as a victim in the petition of commitment. In addition, the county attorney shall make a reasonable and good faith effort to promptly notify the victim of the resolution of the petition process for requesting the notification of an individual's change in status as provided in section 253D.14, subdivision 3.

Sec. 3. Minnesota Statutes 2020, section 253D.14, is amended by adding a subdivision to read:

Subd. 2a. **Requesting notification.** A victim may request notification of an individual's discharge or release as outlined in subdivision 3 by submitting a written request for notification to the executive director of the facility in which the individual is confined. The Department of Corrections or a county attorney who receives a request for notification from a victim under this section following an individual's civil commitment shall promptly forward the request to the executive director of the treatment facility in which the individual is confined.

Sec. 4. Minnesota Statutes 2020, section 253D.14, subdivision 3, is amended to read:

Subd. 3. **Notice of discharge or release.** Before provisionally discharging, discharging, granting pass-eligible status, approving a pass plan, or otherwise permanently or temporarily releasing a person committed under this chapter from a treatment facility, the executive director shall make a reasonable effort to notify any victim of a crime for which the person was convicted that the person may be discharged or released and that the victim has a right to submit a written statement regarding decisions of the executive director, or special review board, with respect to the person. To the extent possible, the notice must be provided at least 14 days before any special review board hearing or before a determination on a pass plan. Notwithstanding section 611A.06, subdivision 4, the commissioner shall provide the judicial appeal panel with victim information in order to comply with the provisions of this chapter. The judicial appeal panel shall ensure that the data on victims remains private as provided for in section 611A.06, subdivision 4. This subdivision applies only to victims who have submitted a written request for notification as provided in subdivision 2a.

Sec. 5. Minnesota Statutes 2020, section 611A.039, subdivision 1, is amended to read:

Subdivision 1. **Notice required.** (a) Except as otherwise provided in subdivision 2, within 15 working days after a conviction, acquittal, or dismissal in a criminal case in which there is an identifiable crime victim, the prosecutor shall make reasonable good faith efforts to provide to each affected crime victim oral or written notice of the final disposition of the case and of the victim rights under section 611A.06. When the court is considering modifying the sentence for a felony or a crime of violence or an attempted crime of violence, the court or its designee shall make a reasonable and good faith effort to notify the victim of the crime. If the victim is incapacitated or deceased, notice must be given to the victim's family. If the victim is a minor, notice must be given to the victim's parent or guardian. The notice must include:

- (1) the date and approximate time of the review;
- (2) the location where the review will occur;
- (3) the name and telephone number of a person to contact for additional information; and
- (4) a statement that the victim and victim's family may provide input to the court concerning the sentence modification.

(b) The Office of Justice Programs in the Department of Public Safety shall develop and update a model notice of postconviction rights under this subdivision and section 611A.06.

(c) As used in this section, "crime of violence" has the meaning given in section 624.712, subdivision 5, and also includes gross misdemeanor violations of section 609.224, and nonfelony violations of sections 518B.01, 609.2231, 609.3451, 609.748, and 609.749.

Sec. 6. Minnesota Statutes 2020, section 611A.06, subdivision 1, is amended to read:

Subdivision 1. **Notice of release required.** (a) The commissioner of corrections or other custodial authority shall make a good faith effort to notify the victim that the offender is to be released from imprisonment or incarceration, including release on extended furlough and for work release; ~~released and release from a juvenile correctional facility; released from a facility in which the offender was confined due to incompetency, mental illness, or mental deficiency, or commitment under section 253B.18 or chapter 253D;~~<sub>2</sub> or if the offender's custodial status is reduced, ~~if the victim has mailed to~~

~~the commissioner of corrections or~~ These notices shall only be provided to victims who have submitted a written request for notification to the head of the county correctional facility in which the offender is confined a written request for this notice, or the victim has made if committed to the Department of Corrections, submitted a written request for this notice to the commissioner of corrections or electronic request through the Department of Corrections electronic victim notification system. The good faith effort to notify the victim must occur prior to the offender's release or when the offender's custody status is reduced. For a victim of a felony crime against the person for which the offender was sentenced to imprisonment for more than 18 months, the good faith effort to notify the victim must occur 60 days before the offender's release.

(b) The commissioner of human services shall make a good faith effort to notify the victim in writing that the offender is to be released from confinement in a facility due to incompetency, mental illness, or mental deficiency, or commitment under section 253B.18 or chapter 253D if the victim has submitted a written request for notification to the executive director of the facility in which the individual is confined.

Sec. 7. **REPEALER.**

Minnesota Statutes 2020, sections 253D.14, subdivision 4; and 611A.0385, are repealed.

**ARTICLE 7**

**CHILD PROTECTION BACKGROUND CHECKS**

Section 1. Minnesota Statutes 2020, section 299C.60, is amended to read:

**299C.60 CITATION.**

Sections 299C.60 to 299C.64 may be cited as the "Minnesota Child, Elder, and Individuals with Disabilities Protection Background Check Act."

Sec. 2. Minnesota Statutes 2020, section 299C.61, is amended by adding a subdivision to read:

Subd. 1a. **Authorized agency.** "Authorized agency" means the licensing agency or, if one does not exist, the Bureau of Criminal Apprehension. Licensing agencies include but are not limited to the:

- (1) Department of Human Services;
- (2) Department of Health; and
- (3) Professional Educator Licensing and Standards Board.

Sec. 3. Minnesota Statutes 2020, section 299C.61, subdivision 2, is amended to read:

Subd. 2. **Background check crime.** "Background check crime" includes child abuse crimes, murder, manslaughter, felony level assault or any assault crime committed against a minor or vulnerable adult, kidnapping, arson, criminal sexual conduct, and prostitution-related crimes.

Sec. 4. Minnesota Statutes 2020, section 299C.61, is amended by adding a subdivision to read:

Subd. 2a. **Care.** "Care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children, the elderly, or individuals with disabilities.

Sec. 5. Minnesota Statutes 2020, section 299C.61, subdivision 4, is amended to read:

Subd. 4. **Child abuse crime.** "Child abuse crime" means:

(1) an act committed against a minor victim that constitutes a violation of section 609.185, paragraph (a), clause (5); 609.221; 609.222; 609.223; 609.224; 609.2242; 609.322; 609.324; 609.342; 609.343; 609.344; 609.345; 609.352; 609.377; ~~or~~ 609.378; 617.246; or 617.247; or

(2) a violation of section 152.021, subdivision 1, clause (4); 152.022, subdivision 1, clause (5) or (6); 152.023, subdivision 1, clause (3) or (4); 152.023, subdivision 2, clause (4) or (6); or 152.024, subdivision 1, clause (2), (3), or (4).

Sec. 6. Minnesota Statutes 2020, section 299C.61, is amended by adding a subdivision to read:

Subd. 8b. **Covered individual.** "Covered individual" means an individual:

(1) who has, seeks to have, or may have access to children, the elderly, or individuals with disabilities, served by a qualified entity; and

(2) who:

(i) is employed by or volunteers with, or seeks to be employed by or volunteer with, a qualified entity; or

(ii) owns or operates, or seeks to own or operate, a qualified entity.

Sec. 7. Minnesota Statutes 2020, section 299C.61, is amended by adding a subdivision to read:

Subd. 8c. **Individuals with disabilities.** "Individuals with disabilities" means persons with a mental or physical impairment who require assistance to perform one or more daily living tasks.

Sec. 8. Minnesota Statutes 2020, section 299C.61, is amended by adding a subdivision to read:

Subd. 8d. **National criminal history background check system.** "National criminal history background check system" means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification.

Sec. 9. Minnesota Statutes 2020, section 299C.61, is amended by adding a subdivision to read:

Subd. 8e. **Qualified entity.** "Qualified entity" means a business or organization, whether public, private, for-profit, not-for-profit, or voluntary, that provides care or care placement services, including a business or organization that licenses or certifies others to provide care or care placement services.

Sec. 10. Minnesota Statutes 2020, section 299C.62, subdivision 1, is amended to read:

Subdivision 1. **Generally.** The superintendent shall develop procedures in accordance with United States Code, title 34, section 40102, to enable a children's service provider qualified entity

to request a background check to determine whether a ~~children's service worker~~ covered worker is the subject of any reported conviction for a background check crime. ~~The superintendent shall perform the background check by retrieving and reviewing data on background check crimes.~~ The superintendent is authorized to exchange fingerprints with the Federal Bureau of Investigation for purposes of ~~a criminal history~~ the background check. The superintendent shall recover the cost of a background check through a fee charged ~~the children's service provider~~ to the qualified entity and make reasonable efforts to respond to the inquiry within 15 business days.

Sec. 11. Minnesota Statutes 2020, section 299C.62, subdivision 2, is amended to read:

Subd. 2. **Background check; requirements.** ~~(a) The superintendent may not perform a background check under this section unless the children's service provider submits a written document, signed by the children's service worker on whom the background check is to be performed, containing the following:~~

~~(1) a question asking whether the children's service worker has ever been convicted of a background check crime and if so, requiring a description of the crime and the particulars of the conviction;~~

~~(2) a notification to the children's service worker that the children's service provider will request the superintendent to perform a background check under this section; and~~

~~(3) a notification to the children's service worker of the children's service worker's rights under subdivision 3.~~

~~(b) Background checks performed under this section may only be requested by and provided to authorized representatives of a children's service provider who have a need to know the information and may be used only for the purposes of sections 299C.60 to 299C.64. Background checks may be performed pursuant to this section not later than one year after the document is submitted under this section.~~

The superintendent may not perform a background check of a covered individual under this section unless the covered individual:

(1) completes and signs a statement that:

(i) contains the name, address, and date of birth appearing on a valid identification document, as defined in United States Code, title 18, section 1028, of the covered individual;

(ii) the covered individual has not been convicted of a crime and, if the covered individual has been convicted of a crime, contains a description of the crime and the particulars of the conviction;

(iii) notifies the covered individual that the entity may request a background check under subdivision 1;

(iv) notifies the covered individual of the covered individual's rights under subdivision 3; and

(v) notifies the covered individual that prior to the completion of the background check the qualified entity may choose to deny the covered individual access to a person to whom the qualified entity provides care; and



(2) if requesting a national criminal history background check, provides a set of fingerprints.

Sec. 12. Minnesota Statutes 2020, section 299C.62, subdivision 3, is amended to read:

Subd. 3. ~~Children's service worker~~ **Covered individuals rights.** ~~(a) The children's service provider shall notify the children's service worker of the children's service worker's rights under paragraph (b).~~

~~(b) A children's service worker who is the subject of a background check request has the following rights:~~

~~(1) the right to be informed that a children's service provider will request a background check on the children's service worker;~~

~~(i) for purposes of the children's service worker's application to be employed by, volunteer with, be an independent contractor for, or be an owner of a children's service provider or for purposes of continuing as an employee, volunteer, independent contractor, or owner; and~~

~~(ii) to determine whether the children's service worker has been convicted of any crime specified in section 299C.61, subdivision 2 or 4;~~

~~(2) the right to be informed by the children's service provider of the superintendent's response to the background check and to obtain from the children's service provider a copy of the background check report;~~

~~(3) the right to obtain from the superintendent any record that forms the basis for the report;~~

~~(4) the right to challenge the accuracy and completeness of any information contained in the report or record pursuant to section 13.04, subdivision 4;~~

~~(5) the right to be informed by the children's service provider if the children's service worker's application to be employed with, volunteer with, be an independent contractor for, or be an owner of a children's service provider, or to continue as an employee, volunteer, independent contractor, or owner, has been denied because of the superintendent's response; and~~

~~(6) the right not to be required directly or indirectly to pay the cost of the background check.~~

The qualified entity shall notify the covered individual who is subjected to a background check under subdivision 1 that the individual has the right to:

(1) obtain a copy of any background check report;

(2) challenge the accuracy or completeness of the information contained in the background report or record pursuant to section 13.04, subdivision 4, or applicable federal authority; and

(3) be given notice of the opportunity to appeal and instructions on how to complete the appeals process.

Sec. 13. Minnesota Statutes 2020, section 299C.62, subdivision 4, is amended to read:

Subd. 4. **Response of bureau.** The superintendent shall respond to a background check request within a reasonable time after receiving a request from a qualified entity or the signed, written document described in subdivision 2. The superintendent shall provide the ~~children's service provider~~ qualified entity with a copy of the ~~applicant's~~ covered individual's criminal record or a statement that the ~~applicant~~ covered individual is not the subject of a criminal history record at the bureau. It is the responsibility of the ~~service provider~~ qualified entity to determine if the ~~applicant~~ covered individual qualifies as an employee, volunteer, or independent contractor under this section.

Sec. 14. Minnesota Statutes 2020, section 299C.62, subdivision 6, is amended to read:

Subd. 6. **Admissibility of evidence.** Evidence or proof that a background check of a volunteer was not requested under sections 299C.60 to 299C.64 by a ~~children's service provider~~ qualified entity is not admissible in evidence in any litigation against a nonprofit or charitable organization.

Sec. 15. Minnesota Statutes 2020, section 299C.63, is amended to read:

#### **299C.63 EXCEPTION; OTHER LAWS.**

The superintendent is not required to respond to a background check request concerning a ~~children's service worker~~ covered individual who, as a condition of occupational licensure or employment, is subject to the background study requirements imposed by any statute or rule other than sections 299C.60 to 299C.64. ~~A background check performed on a licensee, license applicant, or employment applicant under this section does not satisfy the requirements of any statute or rule other than sections 299C.60 to 299C.64, that provides for background study of members of an individual's particular occupation.~~

Sec. 16. Minnesota Statutes 2020, section 299C.72, is amended to read:

#### **299C.72 MINNESOTA CRIMINAL HISTORY CHECKS.**

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

(a) "Applicant for employment" means an individual who seeks either county or city employment or has applied to serve as a volunteer in the county or city.

(b) "Applicant for licensure" means the individual seeks a license issued by the county or city which is not subject to a federal- or state-mandated background check.

(c) "Authorized law enforcement agency" means the county sheriff for checks conducted for county purposes, the police department for checks conducted for city purposes, or the county sheriff for checks conducted for city purposes where there is no police department.

(d) "Criminal history check" means retrieval of criminal history data via the secure network described in section 299C.46.

(e) "Criminal history data" means adult convictions and adult open arrests less than one year old found in the Minnesota computerized criminal history repository.

(f) "Current employee" means an individual presently employed by either a county or city or who presently serves as a volunteer in the county or city.

(g) "Current licensee" means an individual who has previously sought and received a license, which is still presently valid, issued by a county or city.

~~(f)~~(h) "Informed consent" has the meaning given in section 13.05, subdivision 4, paragraph (d).

Subd. 2. **Criminal history check authorized.** (a) The criminal history check authorized by this section shall not be used in place of a statutorily mandated or authorized background check.

(b) An authorized law enforcement agency may conduct a criminal history check of an individual who is an applicant for employment ~~or, current employee,~~ applicant for licensure, or current licensee. Prior to conducting the criminal history check, the authorized law enforcement agency must receive the informed consent of the individual.

(c) The authorized law enforcement agency shall not disseminate criminal history data and must maintain it securely with the agency's office. The authorized law enforcement agency can indicate whether the applicant for employment or applicant for licensure has a criminal history that would prevent hire, acceptance as a volunteer to a hiring authority, or would prevent the issuance of a license to the department that issues the license.

## ARTICLE 8

### LAW ENFORCEMENT SALARIES

Section 1. Laws 2021, First Special Session chapter 4, article 9, section 1, is amended to read:

#### Section 1. LAW ENFORCEMENT SALARY INCREASES.

(a) Notwithstanding any law to the contrary, the commissioner of commerce must increase the salary paid to commerce insurance fraud specialists positions in positions represented by the Minnesota Law Enforcement Association by 13.2 percent, and must increase the salary paid to these commerce insurance fraud specialists that are compensated at the maximum base wage level by an additional two percent.

(b) If a collective bargaining agreement between the Minnesota Law Enforcement Association and the state for the period July 1, 2019, to June 30, 2021, is approved by the legislature or the Legislative Coordinating Commission as provided in Minnesota Statutes, section 3.855, the percent increase for salary provided under paragraph (a) shall be reduced by the percent increase of any wage adjustment for the same period provided in the collective bargaining agreement.

(c) Notwithstanding any law to the contrary, in addition to the salary increases required under paragraph (a), the commissioner of commerce shall increase by 8.4 percent the salary paid to supervisors and managers, and must increase the salary paid to supervisors and managers who are compensated at the maximum base wage level by an additional two percent. For purposes of this paragraph, "supervisors and managers" means employees who are employed in positions that require them to be licensed as peace officers, as defined in Minnesota Statutes, section 626.84, subdivision 1, who supervise or manage employees described in paragraph (a).

**EFFECTIVE DATE.** This section is effective retroactively from October 22, 2020.

Sec. 2. Laws 2021, First Special Session chapter 4, article 9, section 2, is amended to read:

**Sec. 2. LAW ENFORCEMENT SALARY SUPPLEMENT FOR FISCAL YEAR 2020.**

(a) Notwithstanding any law to the contrary, an eligible state employee employed at any time during fiscal year 2020 in a position for which the Minnesota Law Enforcement Association was the exclusive representative shall receive a salary supplement payment that is equal to the salary the employee earned in that position in fiscal year 2020, multiplied by 2.25 percent. For purposes of this section, "eligible state employee" means a person who is employed by the state on the effective date of this section and who was employed in fiscal year 2020 as a commerce insurance fraud specialist by the Department of Commerce.

(b) If a collective bargaining agreement between the Minnesota Law Enforcement Association and the state for the period July 1, 2019, to June 30, 2021, is approved by the legislature or the Legislative Coordinating Commission as provided in Minnesota Statutes, section 3.855, the percent used to determine the salary supplement payment provided under paragraph (a) shall be reduced by the percent increase of any wage adjustment for the same period provided in the collective bargaining agreement.

**EFFECTIVE DATE.** This section is effective on the effective date of 2021 First Special Session chapter 4, article 9, section 2.

Sec. 3. Laws 2021, First Special Session chapter 4, article 9, section 3, is amended to read:

**Sec. 3. LAW ENFORCEMENT SALARY SUPPLEMENT FOR A PORTION OF FISCAL YEAR 2021.**

(a) Notwithstanding any law to the contrary, an eligible state employee employed at any time from July 1, 2020, to October 21, 2020, in a position for which the Minnesota Law Enforcement Association was the exclusive representative shall receive a salary supplement payment that is equal to the salary the employee earned in that position from July 1, 2020, to October 21, 2020, multiplied by 4.8 percent. For purposes of this section, "eligible state employee" means a person who is employed by the state on the effective date of this section and who was employed at any time from July 1, 2020, to October 21, 2020, as a commerce insurance fraud specialist by the Department of Commerce.

(b) If a collective bargaining agreement between the Minnesota Law Enforcement Association and the state for the period July 1, 2019, to June 30, 2021, is approved by the legislature or the Legislative Coordinating Commission as provided in Minnesota Statutes, section 3.855, the percent used to determine the salary supplement payment provided under paragraph (a) shall be reduced by the percent increase of any wage adjustment for the same period provided in the collective bargaining agreement.

**EFFECTIVE DATE.** This section is effective on the effective date of 2021 First Special Session chapter 4, article 9, section 3.

Sec. 4. Laws 2021, First Special Session chapter 4, article 9, section 4, is amended to read:

**Sec. 4. APPROPRIATIONS; SALARY INCREASES.**

\$214,000 in fiscal year 2021 is appropriated from the general fund to the commissioner of commerce for salary increases ~~under section 1~~. This appropriation is available until December 30, 2021. In each of fiscal years 2022 and 2023, \$283,000 is appropriated from the general fund to the commissioner of commerce for this purpose. This amount is in addition to the base appropriation for this purpose.

**EFFECTIVE DATE.** This section is effective on the effective date of 2021 First Special Session chapter 4, article 9, section 4.

Sec. 5. Laws 2021, First Special Session chapter 4, article 9, section 5, is amended to read:

**Sec. 5. APPROPRIATIONS; SALARY SUPPLEMENTS FROM JULY 1, 2019, TO OCTOBER 21, 2020.**

\$58,000 in fiscal year 2021 is appropriated from the general fund to the commissioner of commerce for salary supplements ~~under sections 2 and 3~~. This appropriation is available until December 30, 2021. This is a onetime appropriation.

**EFFECTIVE DATE.** This section is effective on the effective date of 2021 First Special Session chapter 4, article 9, section 5.

Sec. 6. Laws 2021, First Special Session chapter 5, article 3, section 1, is amended to read:

**Section 1. LAW ENFORCEMENT SALARY INCREASES.**

(a) Notwithstanding any law to the contrary, the commissioner of public safety must increase the salary paid to state patrol troopers in positions represented by the Minnesota Law Enforcement Association by 13.2 percent and must increase the salary paid to these state patrol troopers that are compensated at the maximum base wage level by an additional two percent.

(b) If a collective bargaining agreement between the Minnesota Law Enforcement Association and the state for the period July 1, 2019, to June 30, 2021, is approved by the legislature or the Legislative Coordinating Commission as provided in Minnesota Statutes, section 3.855, the percent increase for salary provided under paragraph (a) shall be reduced by the percent increase of any wage adjustment for the same period provided in the collective bargaining agreement.

(c) Notwithstanding any law to the contrary, in addition to the salary increases required under paragraph (a), the commissioner of public safety shall increase by 8.4 percent the salary paid to supervisors and managers, and must increase the salary paid to supervisors and managers who are compensated at the maximum base wage level by an additional two percent. For purposes of this paragraph, "supervisors and managers" means employees who are employed in positions that require them to be licensed as peace officers, as defined in Minnesota Statutes, section 626.84, subdivision 1, who supervise or manage employees described in paragraph (a).

**EFFECTIVE DATE.** This section is effective retroactively from October 22, 2020.

Sec. 7. Laws 2021, First Special Session chapter 5, article 3, section 2, is amended to read:

**Sec. 2. LAW ENFORCEMENT SALARY SUPPLEMENT FOR FISCAL YEAR 2020.**

(a) Notwithstanding any law to the contrary, an eligible state employee employed at any time during fiscal year 2020 in a position for which the Minnesota Law Enforcement Association was the exclusive representative shall receive a salary supplement payment that is equal to the salary the employee earned in that position in fiscal year 2020, multiplied by 2.25 percent. For purposes of this section, "eligible state employee" means a person who is employed by the state on the effective date of this section and who was employed in fiscal year 2020 as a state patrol trooper by the Department of Public Safety.

(b) If a collective bargaining agreement between the Minnesota Law Enforcement Association and the state for the period July 1, 2019, to June 30, 2021, is approved by the legislature or the Legislative Coordinating Commission as provided in Minnesota Statutes, section 3.855, the percent used to determine the salary supplement payment provided under paragraph (a) shall be reduced by the percent increase of any wage adjustment for the same period provided in the collective bargaining agreement.

**EFFECTIVE DATE.** This section is effective on the effective date of 2021 First Special Session chapter 5, article 3, section 2.

Sec. 8. Laws 2021, First Special Session chapter 5, article 3, section 3, is amended to read:

**Sec. 3. LAW ENFORCEMENT SALARY SUPPLEMENT FOR A PORTION OF FISCAL YEAR 2021.**

(a) Notwithstanding any law to the contrary, an eligible state employee employed at any time from July 1, 2020, to October 21, 2020, in a position for which the Minnesota Law Enforcement Association was the exclusive representative shall receive a salary supplement payment that is equal to the salary the employee earned in that position from July 1, 2020, to October 21, 2020, multiplied by 4.8 percent. For purposes of this section, "eligible state employee" means a person who is employed by the state on the effective date of this section and who was employed at any time from July 1, 2020, to October 21, 2020, as a state patrol trooper by the Department of Public Safety.

(b) If a collective bargaining agreement between the Minnesota Law Enforcement Association and the state for the period July 1, 2019, to June 30, 2021, is approved by the legislature or the Legislative Coordinating Commission as provided in Minnesota Statutes, section 3.855, the percent used to determine the salary supplement payment provided under paragraph (a) shall be reduced by the percent increase of any wage adjustment for the same period provided in the collective bargaining agreement.

**EFFECTIVE DATE.** This section is effective on the effective date of 2021 First Special Session chapter 5, article 3, section 3.

Sec. 9. Laws 2021, First Special Session chapter 5, article 3, section 4, is amended to read:

**Sec. 4. APPROPRIATIONS; SALARY INCREASES.**

(a) \$125,000 is appropriated in fiscal year 2021 from the general fund to the commissioner of public safety for state patrol salary increases ~~under section 4~~. This appropriation is available until

December 30, 2021. In each of fiscal years 2022 and 2023, \$464,000 is appropriated from the general fund to the commissioner of public safety for this purpose. This amount is in addition to the base appropriation for this purpose.

(b) \$3,182,000 is appropriated in fiscal year 2021 from the trunk highway fund to the commissioner of public safety for state patrol salary increases ~~under section 1~~. This appropriation is available until December 30, 2021. In each of fiscal years 2022 and 2023, \$10,363,000 is appropriated from the trunk highway fund to the commissioner of public safety for this purpose. This amount is in addition to the base appropriation for this purpose.

(c) \$27,000 is appropriated in fiscal year 2021 from the highway user tax distribution fund to the commissioner of public safety for state patrol salary increases ~~under section 1~~. This appropriation is available until December 30, 2021. In each of fiscal years 2022 and 2023, \$110,000 is appropriated from the highway user tax distribution fund to the commissioner of public safety for this purpose. This amount is in addition to the base appropriation for this purpose.

**EFFECTIVE DATE.** This section is effective on the effective date of 2021 First Special Session chapter 5, article 3, section 4.

Sec. 10. Laws 2021, First Special Session chapter 5, article 3, section 5, is amended to read:

**Sec. 5. APPROPRIATIONS; SALARY SUPPLEMENTS FROM JULY 1, 2019, TO OCTOBER 21, 2020.**

(a) \$105,000 is appropriated in fiscal year 2021 from the general fund to the commissioner of public safety for state patrol salary supplements ~~under sections 2 and 3~~. This is a onetime appropriation and is available until December 30, 2021.

(b) \$2,538,000 is appropriated in fiscal year 2021 from the trunk highway fund to the commissioner of public safety for state patrol salary supplements ~~under sections 2 and 3~~. This is a onetime appropriation and is available until December 30, 2021.

(c) \$32,000 is appropriated in fiscal year 2021 from the highway user tax distribution fund to the commissioner of public safety for state patrol salary supplements ~~under sections 2 and 3~~. This is a onetime appropriation and is available until December 30, 2021.

**EFFECTIVE DATE.** This section is effective on the effective date of 2021 First Special Session chapter 5, article 3, section 5.

**Sec. 11. LAW ENFORCEMENT SALARY INCREASES.**

(a) Notwithstanding any law to the contrary, salary increases shall apply to the following employees whose exclusive representative is the Minnesota Law Enforcement Association:

(1) the commissioner of public safety must increase the salary paid to Bureau of Criminal Apprehension agents and special agents in the gambling enforcement division by 13.2 percent, and must increase the salary paid to Bureau of Criminal Apprehension agents and special agents in the gambling enforcement division that are compensated at the maximum base wage level by an additional two percent; and

(2) the commissioner of corrections must increase the salary paid to fugitive specialists positions by 13.2 percent, and must increase the salary paid to fugitive specialists that are compensated at the maximum base wage level by an additional two percent.

(b) If a collective bargaining agreement between the Minnesota Law Enforcement Association and the state for the period July 1, 2019, to June 30, 2021, is approved by the legislature or the Legislative Coordinating Commission as provided in Minnesota Statutes, section 3.855, the percent increase for salary provided under paragraph (a) shall be reduced by the percent increase of any wage adjustment for the same period provided in the collective bargaining agreement.

(c) Notwithstanding any law to the contrary, in addition to the salary increases required under paragraph (a), each agency described in paragraph (a) shall increase by 8.4 percent the salary paid to supervisors and managers, and must increase the salary paid to supervisors and managers who are compensated at the maximum base wage level by an additional two percent. For purposes of this paragraph, "supervisors and managers" means employees who are employed in positions that require them to be licensed as peace officers, as defined in Minnesota Statutes, section 626.84, subdivision 1, who supervise or manage employees described in paragraph (a).

**EFFECTIVE DATE.** This section is effective retroactively from October 22, 2020.

**Sec. 12. LAW ENFORCEMENT SALARY SUPPLEMENT FOR FISCAL YEAR 2020.**

(a) Notwithstanding any law to the contrary, an eligible state employee employed at any time during fiscal year 2020 in a position for which the Minnesota Law Enforcement Association was the exclusive representative shall receive a salary supplement payment that is equal to the salary the employee earned in that position in fiscal year 2020, multiplied by 2.25 percent. For purposes of this section, "eligible state employee" means a person who is employed by the state on the effective date of this section and who was employed in fiscal year 2020 in one of the following positions:

- (1) Bureau of Criminal Apprehension agent, employed by the Department of Public Safety;
- (2) special agent in the gambling enforcement division of the Department of Public Safety; or
- (3) fugitive specialist, employed by the Department of Corrections.

(b) If a collective bargaining agreement between the Minnesota Law Enforcement Association and the state for the period July 1, 2019, to June 30, 2021, is approved by the legislature or the Legislative Coordinating Commission as provided in Minnesota Statutes, section 3.855, the percent used to determine the salary supplement payment provided under paragraph (a) shall be reduced by the percent increase of any wage adjustment for the same period provided in the collective bargaining agreement.

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

**Sec. 13. LAW ENFORCEMENT SALARY SUPPLEMENT FOR A PORTION OF FISCAL YEAR 2021.**

(a) Notwithstanding any law to the contrary, an eligible state employee employed at any time from July 1, 2020, to October 21, 2020, in a position for which the Minnesota Law Enforcement



Association was the exclusive representative shall receive a salary supplement payment that is equal to the salary the employee earned in that position from July 1, 2020, to October 21, 2020, multiplied by 4.8 percent. For purposes of this section, "eligible state employee" means a person who is employed by the state on the effective date of this section and who was employed at any time from July 1, 2020, to October 21, 2020, in one of the following positions:

- (1) Bureau of Criminal Apprehension agent, employed by the Department of Public Safety;
- (2) special agent in the gambling enforcement division of the Department of Public Safety; or
- (3) fugitive specialist, employed by the Department of Corrections.

(b) If a collective bargaining agreement between the Minnesota Law Enforcement Association and the state for the period July 1, 2019, to June 30, 2021, is approved by the legislature or the Legislative Coordinating Commission as provided in Minnesota Statutes, section 3.855, the percent used to determine the salary supplement payment provided under paragraph (a) shall be reduced by the percent increase of any wage adjustment for the same period provided in the collective bargaining agreement.

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

**Sec. 14. APPROPRIATIONS; SALARY INCREASES.**

Subdivision 1. **Department of Corrections.** \$142,000 in fiscal year 2021 is appropriated from the general fund to the commissioner of corrections for salary increases. In each of fiscal years 2022 and 2023, \$209,000 is appropriated from the general fund to the commissioner of corrections for this purpose. This amount is in addition to the base appropriation for this purpose.

Subd. 2. **Department of Public Safety.** (a) \$1,076,000 in fiscal year 2021 is appropriated from the general fund to the commissioner of public safety for Bureau of Criminal Apprehension salary increases. In each of fiscal years 2022 and 2023, \$1,846,000 is appropriated from the general fund to the commissioner of public safety for this purpose. This amount is in addition to the base appropriation for this purpose.

(b) \$99,000 in fiscal year 2021 is appropriated from the general fund to the commissioner of public safety for Alcohol and Gambling Enforcement Division salary increases. In each of fiscal years 2022 and 2023, \$148,000 is appropriated from the general fund to the commissioner of public safety for this purpose. This amount is in addition to the base appropriation for this purpose.

(c) The fiscal year 2021 appropriations in this section are available until December 30, 2021.

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

**Sec. 15. APPROPRIATIONS; SALARY SUPPLEMENTS FROM JULY 1, 2019, TO OCTOBER 21, 2020.**

Subdivision 1. **Department of Corrections.** \$41,000 in fiscal year 2021 is appropriated from the general fund to the commissioner of corrections for salary supplements. This is a onetime appropriation.

Subd. 2. **Department of Public Safety.** (a) \$240,000 in fiscal year 2021 is appropriated from the general fund to the commissioner of public safety for Bureau of Criminal Apprehension salary supplements. This is a onetime appropriation.

(b) \$24,000 in fiscal year 2021 is appropriated from the general fund to the commissioner of public safety for Alcohol and Gambling Enforcement Division salary supplements. This is a onetime appropriation.

(c) The fiscal year 2021 appropriations in this section are available until December 30, 2021.

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

Sec. 16. **INTERPRETATION.**

If an appropriation in this article is enacted more than once in the 2021 first special legislative session, the appropriation must be given effect only once.

## ARTICLE 9

### POLICING AND CORRECTIONS

Section 1. Minnesota Statutes 2020, section 13.41, subdivision 3, is amended to read:

Subd. 3. **Board of Peace Officer Standards and Training.** The following government data of the Board of Peace Officer Standards and Training are private data:

~~(1) personal telephone numbers, and home and e-mail addresses of licensees and applicants for licenses; and~~

~~(2) data that identify the government entity that employs a licensed peace officer.~~

The board may disseminate private data on applicants and licensees as is necessary to administer law enforcement licensure or to provide data under section 626.845, subdivision 1, to law enforcement agencies who are conducting employment background investigations.

Sec. 2. Minnesota Statutes 2020, section 13.411, is amended by adding a subdivision to read:

Subd. 11. **Peace officer database.** Section 626.8457, subdivision 3, governs data sharing between law enforcement agencies and the Peace Officer Standards and Training Board for purposes of administering the peace officer database required by section 626.845, subdivision 3.

Sec. 3. Minnesota Statutes 2020, section 214.10, subdivision 11, is amended to read:

Subd. 11. **Board of Peace Officers Standards and Training; reasonable grounds determination.** (a) After the investigation is complete, the executive director shall convene at least a ~~three-member~~ four-member committee of the board to determine if the complaint constitutes reasonable grounds to believe that a violation within the board's enforcement jurisdiction has occurred. In conformance with section 626.843, subdivision 1b, at least ~~two~~ three members of the committee must be voting board members who are peace officers and one member of the committee must be a voting board member appointed from the general public. No later than 30 days before the committee

meets, the executive director shall give the licensee who is the subject of the complaint and the complainant written notice of the meeting. The executive director shall also give the licensee a copy of the complaint. Before making its determination, the committee shall give the complaining party and the licensee who is the subject of the complaint a reasonable opportunity to be heard.

(b) The committee shall, by majority vote, after considering the information supplied by the investigating agency and any additional information supplied by the complainant or the licensee who is the subject of the complaint, take one of the following actions:

(1) find that reasonable grounds exist to believe that a violation within the board's enforcement jurisdiction has occurred and order that an administrative hearing be held;

(2) decide that no further action is warranted; or

(3) continue the matter.

The executive director shall promptly give notice of the committee's action to the complainant and the licensee.

(c) If the committee determines that a complaint does not relate to matters within its enforcement jurisdiction but does relate to matters within another state or local agency's enforcement jurisdiction, it shall refer the complaint to the appropriate agency for disposition.

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

Sec. 4. Minnesota Statutes 2020, section 241.016, is amended to read:

**241.016 ANNUAL PERFORMANCE REPORT REQUIRED.**

Subdivision 1. ~~Biennial~~ **Annual report.** (a) The Department of Corrections shall submit a performance report to the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over criminal justice funding by January 15 of each ~~odd-numbered~~ year. The issuance and content of the report must include the following:

(1) department strategic mission, goals, and objectives;

(2) the department-wide per diem, adult facility-specific per diems, and an average per diem, reported in a standard calculated method as outlined in the departmental policies and procedures;

(3) department annual statistics as outlined in the departmental policies and procedures; ~~and~~

(4) information about prison-based mental health programs, including, but not limited to, the availability of these programs, participation rates, and completion rates; and

(5) beginning in 2023, a written aggregate of the state correctional facilities security audit group's recommendations based on each security audit and assessment of a state correctional facility and the commissioner's responses to the recommendations.

(b) The department shall maintain recidivism rates for adult facilities on an annual basis. In addition, each year the department shall, on an alternating basis, complete a recidivism analysis of

adult facilities, juvenile services, and the community services divisions and include a three-year recidivism analysis in the report described in paragraph (a). The recidivism analysis must: (1) assess education programs, vocational programs, treatment programs, including mental health programs, industry, and employment; and (2) assess statewide re-entry policies and funding, including postrelease treatment, education, training, and supervision. In addition, when reporting recidivism for the department's adult and juvenile facilities, the department shall report on the extent to which offenders it has assessed as chemically dependent commit new offenses, with separate recidivism rates reported for persons completing and not completing the department's treatment programs.

(c) The department shall maintain annual statistics related to the supervision of extended jurisdiction juveniles and include those statistics in the report described in paragraph (a). The statistics must include:

(1) the total number and population demographics of individuals under supervision in adult facilities, juvenile facilities, and the community who were convicted as an extended jurisdiction juvenile;

(2) the number of individuals convicted as an extended jurisdiction juvenile who successfully completed probation in the previous year;

(3) the number of individuals identified in clause (2) for whom the court terminated jurisdiction before the person became 21 years of age pursuant to section 260B.193, subdivision 5;

(4) the number of individuals convicted as an extended jurisdiction juvenile whose sentences were executed; and

(5) the average length of time individuals convicted as an extended jurisdiction juvenile spend on probation.

Sec. 5. Minnesota Statutes 2020, section 241.021, subdivision 1, is amended to read:

Subdivision 1. **Correctional facilities; inspection; licensing.** (a) Except as provided in paragraph (b), the commissioner of corrections shall inspect and license all correctional facilities throughout the state, whether public or private, established and operated for the detention and confinement of persons ~~detained or confined~~ or incarcerated therein according to law except to the extent that they are inspected or licensed by other state regulating agencies. The commissioner shall promulgate pursuant to chapter 14, rules establishing minimum standards for these facilities with respect to their management, operation, physical condition, and the security, safety, health, treatment, and discipline of persons ~~detained or confined~~ or incarcerated therein. ~~Commencing September 1, 1980, These~~ minimum standards shall include but are not limited to specific guidance pertaining to:

(1) screening, appraisal, assessment, and treatment for persons confined or incarcerated in correctional facilities with mental illness or substance use disorders;

(2) a policy on the involuntary administration of medications;

(3) suicide prevention plans and training;

(4) verification of medications in a timely manner;

- (5) well-being checks;
- (6) discharge planning, including providing prescribed medications to persons confined or incarcerated in correctional facilities upon release;
- (7) a policy on referrals or transfers to medical or mental health care in a noncorrectional institution;
- (8) use of segregation and mental health checks;
- (9) critical incident debriefings;
- (10) clinical management of substance use disorders;
- (11) a policy regarding identification of persons with special needs confined or incarcerated in correctional facilities;
- (12) a policy regarding the use of telehealth;
- (13) self-auditing of compliance with minimum standards;
- (14) information sharing with medical personnel and when medical assessment must be facilitated;
- (15) a code of conduct policy for facility staff and annual training;
- (16) a policy on death review of all circumstances surrounding the death of an individual committed to the custody of the facility; and
- (17) dissemination of a rights statement made available to persons confined or incarcerated in licensed correctional facilities.

No individual, corporation, partnership, voluntary association, or other private organization legally responsible for the operation of a correctional facility may operate the facility unless ~~licensed by it~~ it possesses a current license from the commissioner of corrections. Private adult correctional facilities shall have the authority of section 624.714, subdivision 13, if the Department of Corrections licenses the facility with ~~such~~ the authority and the facility meets requirements of section 243.52.

The commissioner shall review the correctional facilities described in this subdivision at least once every ~~biennium~~ two years, except as otherwise provided ~~herein~~, to determine compliance with the minimum standards established ~~pursuant~~ according to this subdivision or other Minnesota statute related to minimum standards and conditions of confinement.

The commissioner shall grant a license to any facility found to conform to minimum standards or to any facility which, in the commissioner's judgment, is making satisfactory progress toward substantial conformity and the standards not being met do not impact the interests and well-being of the persons ~~detained or confined therein or incarcerated in the facility~~ are protected. A limited license under subdivision 1a may be issued for purposes of effectuating a facility closure. The commissioner may grant licensure up to two years. Unless otherwise specified by statute, all licenses issued under this chapter expire at 12:01 a.m. on the day after the expiration date stated on the license.

The commissioner shall have access to the buildings, grounds, books, records, staff, and to persons ~~detained or confined or incarcerated~~ in these facilities. The commissioner may require the officers in charge of these facilities to furnish all information and statistics the commissioner deems necessary, at a time and place designated by the commissioner.

All facility administrators of correctional facilities are required to report all deaths of individuals who died while committed to the custody of the facility, regardless of whether the death occurred at the facility or after removal from the facility for medical care stemming from an incident or need for medical care at the correctional facility, as soon as practicable, but no later than 24 hours of receiving knowledge of the death, including any demographic information as required by the commissioner.

All facility administrators of correctional facilities are required to report all other emergency or unusual occurrences as defined by rule, including uses of force by facility staff that result in substantial bodily harm or suicide attempts, to the commissioner of corrections within ten days from the occurrence, including any demographic information as required by the commissioner. The commissioner of corrections shall consult with the Minnesota Sheriffs' Association and a representative from the Minnesota Association of Community Corrections Act Counties who is responsible for the operations of an adult correctional facility to define "use of force" that results in substantial bodily harm for reporting purposes.

The commissioner may require that any or all such information be provided through the Department of Corrections detention information system. The commissioner shall post each inspection report publicly and on the department's website within 30 days of completing the inspection. The education program offered in a correctional facility for the ~~detention or confinement or incarceration~~ of juvenile offenders must be approved by the commissioner of education before the commissioner of corrections may grant a license to the facility.

(b) For juvenile facilities licensed by the commissioner of human services, the commissioner may inspect and certify programs based on certification standards set forth in Minnesota Rules. For the purpose of this paragraph, "certification" has the meaning given it in section 245A.02.

(c) Any state agency which regulates, inspects, or licenses certain aspects of correctional facilities shall, insofar as is possible, ensure that the minimum standards it requires are substantially the same as those required by other state agencies which regulate, inspect, or license the same aspects of similar types of correctional facilities, although at different correctional facilities.

(d) Nothing in this section shall be construed to limit the commissioner of corrections' authority to promulgate rules establishing standards of eligibility for counties to receive funds under sections 401.01 to 401.16, or to require counties to comply with operating standards the commissioner establishes as a condition precedent for counties to receive that funding.

(e) The department's inspection unit must report directly to a division head outside of the correctional institutions division.

~~(e) When the commissioner finds that any facility described in paragraph (a), except foster care facilities for delinquent children and youth as provided in subdivision 2, does not substantially conform to the minimum standards established by the commissioner and is not making satisfactory progress toward substantial conformance, the commissioner shall promptly notify the chief executive~~

~~officer and the governing board of the facility of the deficiencies and order that they be remedied within a reasonable period of time. The commissioner may by written order restrict the use of any facility which does not substantially conform to minimum standards to prohibit the detention of any person therein for more than 72 hours at one time. When, after due notice and hearing, the commissioner finds that any facility described in this subdivision, except county jails and lockups as provided in sections 641.26, 642.10, and 642.11, does not conform to minimum standards, or is not making satisfactory progress toward substantial compliance therewith, the commissioner may issue an order revoking the license of that facility. After revocation of its license, that facility shall not be used until its license is renewed. When the commissioner is satisfied that satisfactory progress towards substantial compliance with minimum standard is being made, the commissioner may, at the request of the appropriate officials of the affected facility supported by a written schedule for compliance, grant an extension of time for a period not to exceed one year.~~

~~(f) As used in this subdivision, "correctional facility" means any facility, including a group home, having a residential component, the primary purpose of which is to serve persons placed therein by a court, court services department, parole authority, or other correctional agency having dispositional power over persons charged with, convicted, or adjudicated to be guilty or delinquent.~~

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

Subd. 1a. **Correction order; conditional license.** (a) When the commissioner finds that any facility described in subdivision 1, except foster care facilities for delinquent children and youth as provided in subdivision 2, does not substantially conform to the minimum standards established by the commissioner and is not making satisfactory progress toward substantial conformance and the nonconformance does not present an imminent risk of life-threatening harm or serious physical injury to the persons confined or incarcerated in the facility, the commissioner shall promptly notify the facility administrator and the governing board of the facility of the deficiencies and must issue a correction order or a conditional license order that the deficiencies be remedied within a reasonable and specified period of time.

The conditional license order may restrict the use of any facility which does not substantially conform to minimum standards, including imposition of conditions limiting operation of the facility or parts of the facility, reducing facility capacity, limiting intake, limiting length of detention for individuals, or imposing detention limitations based on the needs of the individuals being confined or incarcerated therein.

The correction order or conditional license order must clearly state the following:

(1) the specific minimum standards violated, noting the implicated rule or law;

(2) the findings that constitute a violation of minimum standards;

(3) the corrective action needed;

(4) time allowed to correct each violation; and

(5) if a license is made conditional, the length and terms of the conditional license, any conditions limiting operation of the facility, and the reasons for making the license conditional.

(b) The facility administrator may request review of the findings noted in the conditional license order on the grounds that satisfactory progress toward substantial compliance with minimum standards has been made, supported by evidence of correction, and, if appropriate, may include a written schedule for compliance. The commissioner shall review the evidence of correction and the progress made toward substantial compliance with minimum standards within a reasonable period of time, not to exceed ten business days. When the commissioner has assurance that satisfactory progress toward substantial compliance with minimum standards is being made, the commissioner shall lift any conditions limiting operation of the facility or parts of the facility or remove the conditional license order.

(c) Nothing in this section prohibits the commissioner from ordering a revocation under subdivision 1b prior to issuing a correction order or conditional license order.

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

Subd. 1b. **License revocation order.** (a) When, after due notice to the facility administrator of the commissioner's intent to issue a revocation order, the commissioner finds that any facility described in this subdivision, except county jails and lockups subject to active condemnation proceedings or orders as provided in sections 641.26, 642.10, and 642.11, does not conform to minimum standards, or is not making satisfactory progress toward substantial compliance with minimum standards, and the nonconformance does not present an imminent risk of life-threatening harm or serious physical injury to the persons confined or incarcerated in the facility, the commissioner may issue an order revoking the license of that facility.

The notice of intent to issue a revocation order shall include:

- (1) the citation to minimum standards that have been violated;
- (2) the nature and severity of each violation;
- (3) whether the violation is recurring or nonrecurring;
- (4) the effect of the violation on persons confined or incarcerated in the correctional facility;
- (5) an evaluation of the risk of harm to persons confined or incarcerated in the correctional facility;
- (6) relevant facts, conditions, and circumstances concerning the operation of the licensed facility, including at a minimum:
  - (i) specific facility deficiencies that endanger the health or safety of persons confined or incarcerated in the correctional facility;
  - (ii) substantiated complaints relating to the correctional facility; or
  - (iii) any other evidence that the correctional facility is not in compliance with minimum standards.

(b) The facility administrator must submit a written response within 30 days of receipt of the notice of intent to issue a revocation order with any information related to errors in the notice, ability to conform to minimum standards within a set period of time including but not limited to a written



schedule for compliance, and any other information the facility administrator deems relevant for consideration by the commissioner. The written response must also include a written plan indicating how the correctional facility will ensure the transfer of confined or incarcerated individuals and records if the correctional facility closes. Plans must specify arrangements the correctional facility will make to transfer confined or incarcerated individuals to another licensed correctional facility for continuation of detention.

(c) When revoking a license, the commissioner shall consider the nature, chronicity, or severity of the violation of law or rule and the effect of the violation on the health, safety, or rights of persons confined or incarcerated in the correctional facility.

(d) If the facility administrator does not respond within 30 days to the notice of intent to issue a revocation order or if the commissioner does not have assurance that satisfactory progress toward substantial compliance with minimum standards will be made, the commissioner shall issue a revocation order. The revocation order must be sent to the facility administrator and the governing board of the facility, clearly stating:

(1) the specific minimum standards violated, noting the implicated rule or law;

(2) the findings that constitute a violation of minimum standards and the nature, chronicity, or severity of those violations;

(3) the corrective action needed;

(4) any prior correction or conditional license orders issued to correct violations; and

(5) the date at which the license revocation shall take place.

A revocation order may authorize use until a certain date, not to exceed the duration of the current license, unless a limited license is issued by the commissioner for purposes of effectuating a facility closure and continued operation does not present an imminent risk of life-threatening harm or is not likely to result in serious physical injury to the persons confined or incarcerated in the facility.

(e) After revocation of the facility's licensure, that facility shall not be used until the license is renewed. When the commissioner is satisfied that satisfactory progress toward substantial compliance with minimum standards is being made, the commissioner may, at the request of the facility administrator supported by a written schedule for compliance, reinstate the license.

Sec. 8. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to read:

Subd. 1c. **Temporary license suspension.** The commissioner shall act immediately to temporarily suspend a license issued under this chapter if:

(1) the correctional facility's failure to comply with applicable minimum standards or the conditions in the correctional facility pose an imminent risk of life-threatening harm or serious physical injury to persons confined or incarcerated in the facility, staff, law enforcement, visitors, or the public; and

(i) if the imminent risk of life-threatening harm or serious physical injury cannot be promptly corrected through a different type of order under this section; and

(ii) the correctional facility cannot or has not corrected the violation giving rise to the imminent risk of life-threatening harm or serious physical injury; or

(2) while the correctional facility continues to operate pending due notice and opportunity for written response to the commissioner's notice of intent to issue an order of revocation, the commissioner identifies one or more subsequent violations of minimum standards which may adversely affect the health or safety of persons confined or incarcerated in the facility, staff, law enforcement, visitors, or the public.

A notice stating the reasons for the immediate suspension informing the facility administrator must be delivered by personal service to the correctional facility administrator and the governing board of the facility.

Sec. 9. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to read:

Subd. 1d. **Public notice of restriction, revocation, or suspension.** If the license of a facility under this section is revoked or suspended, or use of the facility is restricted for any reason under a conditional license order, the commissioner shall post the facility, the status of the facility's license, and the reason for the restriction, revocation, or suspension publicly and on the department's website.

Sec. 10. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to read:

Subd. 1e. **Reconsideration of orders; appeals.** (a) If the facility administrator believes the correction order, conditional license order, or revocation order is in error, the facility administrator may ask the Department of Corrections to reconsider the parts of the order or action that are alleged to be in error. The request for reconsideration must:

(1) be made in writing;

(2) be postmarked and sent to the commissioner no later than 30 calendar days after receipt of the correction order, conditional license order, or revocation order;

(3) specify the parts of the order that are alleged to be in error;

(4) explain why the correction order, conditional license order, or revocation order is in error;  
and

(5) include documentation to support the allegation of error.

The commissioner shall issue a disposition within 60 days of receipt of the facility administrator's response to correction, conditional license, or revocation order violations. A request for reconsideration does not stay any provisions or requirements of the order.

(b) The facility administrator may request reconsideration of an order immediately suspending a license. The request for reconsideration of an order immediately suspending a license must be made in writing and sent by certified mail, personal service, or other means expressly stated in the commissioner's order. If mailed, the request for reconsideration must be postmarked and sent to the commissioner no later than five business days after the facility administrator receives notice that the license has been immediately suspended. If a request is made by personal service, it must be

received by the commissioner no later than five business days after the facility administrator received the order. The request for reconsideration must:

- (1) specify the parts of the order that are alleged to be in error;
- (2) explain why they are in error; and
- (3) include documentation to support the allegation of error.

A facility administrator and the governing board of the facility shall discontinue operation of the correctional facility upon receipt of the commissioner's order to immediately suspend the license.

(c) Within five business days of receipt of the facility administrator's timely request for reconsideration of a temporary immediate suspension, the commissioner shall review the request for reconsideration. The scope of the review shall be limited solely to the issue of whether the temporary immediate suspension order should remain in effect pending the written response to commissioner's notice of intent to issue a revocation order.

The commissioner's disposition of a request for reconsideration of correction, conditional license, temporary immediate suspension, or revocation order is final and subject to appeal. The facility administrator must request reconsideration as required by this section of any correction, conditional license, temporary immediate suspension, or revocation order prior to appeal.

No later than 60 days after the postmark date of the mailed notice of the commissioner's decision on a request for reconsideration, the facility administrator may appeal the decision by filing for a writ of certiorari with the court of appeals under section 606.01 and Minnesota Rules of Civil Appellate Procedure, Rule 115.

Sec. 11. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to read:

Subd. 1f. **Report.** By February 15, 2022, and by February 15 each year thereafter, the commissioner of corrections shall report to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over public safety and judiciary on the status of the implementation of the provisions in this section over the prior year, particularly the health and safety of individuals confined or incarcerated in a state correctional facility and a facility licensed by the commissioner. This report shall include but not be limited to data regarding:

(1) the number of confined or incarcerated persons who died while committed to the custody of the facility, regardless of whether the death occurred at the facility or after removal from the facility for medical care stemming from an incident or need for medical care at the correctional facility, including aggregated demographic information and the correctional facilities' most recent inspection reports and any corrective orders or conditional licenses issued;

(2) the aggregated results of the death reviews by facility as required by subdivision 8, including any implemented policy changes;

(3) the number of uses of force by facility staff on persons confined or incarcerated in the correctional facility, including but not limited to whether those uses of force were determined to be

justified by the facility, for which the commissioner of corrections shall consult with the Minnesota Sheriffs' Association and a representative from the Minnesota Association of Community Corrections Act Counties who is responsible for the operations of an adult correctional facility to develop criteria for reporting and define reportable uses of force;

(4) the number of suicide attempts, number of people transported to a medical facility, and number of people placed in segregation;

(5) the number of persons committed to the commissioner of corrections' custody that the commissioner is housing in facilities licensed under subdivision 1, including but not limited to:

(i) aggregated demographic data of those individuals;

(ii) length of time spent housed in a licensed correctional facility; and

(iii) any contracts the Department of Corrections has with correctional facilities to provide housing; and

(6) summary data from state correctional facilities regarding complaints involving alleged on-duty staff misconduct, including but not limited to the:

(i) total number of misconduct complaints and investigations;

(ii) total number of complaints by each category of misconduct, as defined by the commissioner of corrections;

(iii) number of allegations dismissed as unfounded;

(iv) number of allegations dismissed on grounds that the allegation was unsubstantiated; and

(v) number of allegations substantiated, any resulting disciplinary action, and the nature of the discipline.

Sec. 12. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to read:

**Subd. 1g. Biennial assessment and audit of security practices; state correctional facilities.**

(a) Beginning in 2022, the commissioner shall have the department's inspection unit conduct biennial security audits of each state correctional facility using the standards promulgated by the state correctional facilities security audit group. The unit must prepare a report for each assessment and audit and submit the report to the state correctional facilities security audit group within 30 days of completion of the audit.

(b) Corrections and detention confidential data, as defined in section 13.85, subdivision 3, and nonpublic security information, as defined in section 13.37, subdivision 1, that is contained in reports and records of the group maintain that classification, regardless of the data's classification in the hands of the person who provided the data, and are not subject to discovery or introduction into evidence in a civil or criminal action against the state arising out of the matters the group is reviewing. Information, documents, and records otherwise available from other sources are not immune from discovery or use in a civil or criminal action solely because they were acquired during the group's audit. This section does not limit a person who presented information to the group or who is a

member of the group from testifying about matters within the person's knowledge. However, in a civil or criminal proceeding, a person may not be questioned about the person's good faith presentation of information to the group or opinions formed by the person as a result of the group's audits.

Sec. 13. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to read:

Subd. 1h. **State correctional facilities security audit group.** (a) Beginning in fiscal year 2022, the commissioner shall form a state correctional facilities security audit group. The group must consist of the following members:

(1) a department employee who is not assigned to the correctional institutions division, appointed by the commissioner;

(2) the ombudsperson for corrections;

(3) an elected sheriff or designee nominated by the Minnesota Sheriffs Association and appointed by the commissioner;

(4) a physical plant safety consultant, appointed by the governor;

(5) a private security consultant with expertise in correctional facility security, appointed by the governor;

(6) two senators, one appointed by the senate majority leader and one appointed by the minority leader; and

(7) two representatives, one appointed by the speaker of the house and one appointed by the minority leader of the house of representatives.

(b) By January 1, 2022, the group shall establish security audit standards for state correctional facilities. In developing the standards, the group, or individual members of the group, may gather information from state correctional facilities and state correctional staff and inmates. The security audit group must periodically review the standards and modify them as needed. The group must report the standards to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over public safety policy and finance by February 15, 2022.

(c) The group shall review facility audit reports submitted to the group by the agency's inspection unit. Notwithstanding any law to the contrary, the group is entitled to review the full audit reports including nonpublic security information and corrections and detention confidential data. Within 60 days of receiving an audit report from the department's inspection unit, the group must make recommendations to the commissioner. Within 45 days of receiving the group's recommendations, the commissioner must reply in writing to the group's findings and recommendations. The commissioner's response must explain whether the agency will implement the group's recommendations, the timeline for implementation of the changes, and, if not, why the commissioner will not or cannot implement the group's recommendations.

(d) Beginning in 2023, the commissioner must include a written aggregate of the group's recommendations based on each security audit and assessment of a state correctional facility and the commissioner's responses to the recommendations in the biennial report required under section

241.016, subdivision 1. The commissioner shall not include corrections and detention confidential data, as defined in section 13.85, subdivision 3, and nonpublic security information, as defined in section 13.37, subdivision 1, in the commissioner's report to the legislature.

(e) The commissioner shall provide staffing and administrative support to the group.

Sec. 14. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to read:

Subd. 1i. **Definition.** As used in this section, "correctional facility" means any facility, including a group home, having a residential component, the primary purpose of which is to serve persons placed in facilities by a court, court services department, parole authority, or other correctional agency having dispositional power over persons charged with, convicted, or adjudicated guilty or delinquent.

Sec. 15. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to read:

Subd. 7. **Intake release of information.** All correctional facilities that confine or incarcerate adults are required at intake to provide each person an authorization form to release information related to that person's health or mental health condition and when that information should be shared. This release form shall allow the individual to select if the individual wants to require the correctional facility to make attempts to contact the designated person to facilitate the sharing of health condition information upon incapacitation or if the individual becomes unable to communicate or direct the sharing of this information, so long as contact information was provided and the incapacitated individual or individual who is unable to communicate or direct the sharing of this information is not subject to a court order prohibiting contact with the designated person.

Sec. 16. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to read:

Subd. 8. **Death review teams.** In the event a correctional facility receives information of the death of an individual while committed to the custody of the facility, regardless of whether the death occurred at the facility or after removal from the facility for medical care stemming from an incident or need for medical care at the correctional facility, the administrator of the facility, minimally including a medical expert of the facility's choosing who did not provide medical services to the individual, and, if appropriate, a mental health expert, shall review the circumstances of the death and assess for preventable mortality and morbidity, including recommendations for policy or procedure change, within 90 days of death. The investigating law enforcement agency may provide documentation, participate in, or provide documentation and participate in the review in instances where criminal charges were not brought. A preliminary autopsy report must be provided as part of the review and any subsequent autopsy findings as available. The facility administrator shall provide notice to the commissioner of corrections via the Department of Corrections detention information system that the correctional facility has conducted a review and identify any recommendations for changes in policy, procedure, or training that will be implemented. Any report or other documentation created for purposes of a facility death review is confidential as defined in section 13.02, subdivision 3. Nothing in this section relieves the facility administrator from complying with the notice of death to the commissioner as required by subdivision 1, paragraph (a).

Sec. 17. Minnesota Statutes 2020, section 243.48, subdivision 1, is amended to read:

Subdivision 1. **General searches.** The commissioner of corrections, the state correctional facilities audit group, the governor, lieutenant governor, members of the legislature, state officers, and the ombudsperson for corrections may visit the inmates at pleasure, but no other persons without permission of the chief executive officer of the facility, under rules prescribed by the commissioner. A moderate fee may be required of visitors, other than those allowed to visit at pleasure. All fees so collected shall be reported and remitted to the commissioner of management and budget under rules as the commissioner may deem proper, and when so remitted shall be placed to the credit of the general fund.

Sec. 18. Minnesota Statutes 2020, section 243.52, is amended to read:

**243.52 DISCIPLINE; PREVENTION OF ESCAPE; DUTY TO REPORT.**

Subdivision 1. **Discipline and prevention of escape.** If any ~~inmate~~ person confined or incarcerated in any adult correctional facility either under the control of the commissioner of corrections or licensed by the commissioner of corrections under section 241.021 assaults any correctional officer or any other person ~~or inmate~~, the assaulted person may use force in defense of the assault, except as limited in this section. If any ~~inmate~~ person confined or incarcerated attempts to damage the buildings or appurtenances, resists the lawful authority of any correctional officer, refuses to obey the correctional officer's reasonable demands, or attempts to escape, the correctional officer may enforce obedience and discipline or prevent escape by the use of force. If any ~~inmate~~ person confined or incarcerated resisting lawful authority is wounded or killed by the use of force by the correctional officer or assistants, that conduct is authorized under this section.

Subd. 2. **Use of force.** (a) Use of force must not be applied maliciously or sadistically for the purpose of causing harm to a confined or incarcerated person.

(b) Unless the use of deadly force is justified in this section, a correctional officer working in an adult correctional facility either under the control of the commissioner of corrections or licensed by the commissioner under section 241.021 may not use any of the following restraints:

(1) a choke hold;

(2) a prone restraint;

(3) tying all of a person's limbs together behind the person's back to render the person immobile;

or

(4) securing a person in any way that results in transporting the person face down in a vehicle, except as directed by a medical professional.

(c) For the purposes of this subdivision, the following terms have the meanings given them:

(1) "choke hold" means a method by which a person applies sufficient pressure to a person to make breathing difficult or impossible, and includes but is not limited to any pressure to the neck, throat, or windpipe that may prevent or hinder breathing or reduce intake of air. Choke hold also means applying pressure to a person's neck on either side of the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the carotid arteries;

(2) "prone restraint" means the use of manual restraint that places a person in a face-down position; and

As used in this section, "use of force" means conduct which is defined by sections 609.06 to 609.066. (3) "deadly force" has the meaning given in section 609.066, subdivision 1.

(d) Use of deadly force is justified only if an objectively reasonable correctional officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that deadly force is necessary:

(1) to protect the correctional officer or another from death or great bodily harm, provided that the threat:

(i) can be articulated with specificity by the correctional officer;

(ii) is reasonably likely to occur absent action by the correctional officer; and

(iii) must be addressed through the use of deadly force without unreasonable delay; or

(2) to effect the capture or prevent the escape of a person when the officer reasonably believes that the person will cause death or great bodily harm to another person under the threat criteria in clause (1), unless immediately apprehended.

Subd. 3. **Duty to report.** (a) Regardless of tenure or rank, staff working in an adult correctional facility either under the control of the commissioner of corrections or licensed by the commissioner under section 241.021 who observe another employee engage in neglect or use force that exceeds the degree of force permitted by law must report the incident in writing as soon as practicable, but no later than 24 hours to the administrator of the correctional facility that employs the reporting staff member.

(b) A staff member who fails to report neglect or excessive use of force within 24 hours is subject to disciplinary action or sanction by the correctional facility that employs them. Staff members shall suffer no reprisal for reporting another staff member engaged in excessive use of force or neglect.

(c) For the purposes of this subdivision, "neglect" means:

(1) the knowing failure or omission to supply a person confined or incarcerated in the facility with care or services, including but not limited to food, clothing, health care, or supervision that is reasonable and necessary to obtain or maintain the person's physical or mental health or safety; or

(2) the absence or likelihood of absence of care or services, including but not limited to food, clothing, health care, or supervision necessary to maintain the physical and mental health of the person that a reasonable person would deem essential for health, safety, or comfort.

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

Sec. 19. Minnesota Statutes 2020, section 244.19, subdivision 3, is amended to read:



Subd. 3. **Powers and duties.** All county probation officers serving a district court shall act under the orders of the court in reference to any person committed to their care by the court, and in the performance of their duties shall have the general powers of a peace officer; and it shall be their duty to make such investigations with regard to any person as may be required by the court before, during, or after the trial or hearing, and to furnish to the court such information and assistance as may be required; to take charge of any person before, during or after trial or hearing when so directed by the court, and to keep such records and to make such reports to the court as the court may order.

All county probation officers serving a district court shall, in addition, provide probation and parole services to wards of the commissioner of corrections resident in the counties they serve, and shall act under the orders of said commissioner of corrections in reference to any ward committed to their care by the commissioner of corrections.

All probation officers serving a district court shall, under the direction of the authority having power to appoint them, initiate programs for the welfare of persons coming within the jurisdiction of the court to prevent delinquency and crime and to rehabilitate within the community persons who come within the jurisdiction of the court and are properly subject to efforts to accomplish prevention and rehabilitation. They shall, under the direction of the court, cooperate with all law enforcement agencies, schools, child welfare agencies of a public or private character, and other groups concerned with the prevention of crime and delinquency and the rehabilitation of persons convicted of crime and delinquency.

All probation officers serving a district court shall make monthly and annual reports to the commissioner of corrections, on forms furnished by the commissioner, containing such information on number of cases cited to the juvenile division of district court, offenses, adjudications, dispositions, and related matters as may be required by the commissioner of corrections. The reports shall include the information on individuals convicted as an extended jurisdiction juvenile identified in section 241.016, subdivision 1, paragraph (c).

Sec. 20. **[260B.008] USE OF RESTRAINTS.**

(a) As used in this section, "restraints" means a mechanical or other device that constrains the movement of a person's body or limbs.

(b) Restraints may not be used on a child appearing in court in a proceeding under this chapter unless the court finds that:

(1) the use of restraints is necessary:

(i) to prevent physical harm to the child or another; or

(ii) to prevent the child from fleeing in situations in which the child presents a substantial risk of flight from the courtroom; and

(2) there are no less restrictive alternatives to restraints that will prevent flight or physical harm to the child or another, including but not limited to the presence of court personnel, law enforcement officers, or bailiffs.

The finding in clause (1), item (i), may be based, among other things, on the child having a history of disruptive courtroom behavior or behavior while in custody for any current or prior offense that has placed others in potentially harmful situations, or presenting a substantial risk of inflicting physical harm on the child or others as evidenced by past behavior. The court may take into account the physical structure of the courthouse in assessing the applicability of the above factors to the individual child.

(c) The court shall be provided the child's behavior history and shall provide the child an opportunity to be heard in person or through counsel before ordering the use of restraints. If restraints are ordered, the court shall make findings of fact in support of the order.

(d) By April 1, 2022, each judicial district shall develop a protocol to address how to implement and comply with this section. In developing the protocol, a district shall consult with law enforcement agencies, prosecutors, public defenders within the district, and any other entity deemed necessary by the district's chief judge.

**EFFECTIVE DATE.** Paragraphs (a), (b), and (c) are effective April 15, 2022. Paragraph (d) is effective the day following final enactment.

**Sec. 21. [260B.1755] ALTERNATIVE TO ARREST OF CERTAIN JUVENILE OFFENDERS AUTHORIZED.**

(a) A peace officer who has probable cause to believe that a child is a petty offender or delinquent child may refer the child to a program, including restorative programs, that the law enforcement agency with jurisdiction over the child deems appropriate.

(b) If a peace officer or law enforcement agency refers a child to a program under paragraph (a), the peace officer or law enforcement agency may defer issuing a citation or a notice to the child to appear in juvenile court, transmitting a report to the prosecuting authority, or otherwise initiating a proceeding in juvenile court.

(c) After receiving notice that a child who was referred to a program under paragraph (a) successfully completed that program, a peace officer or law enforcement agency shall not issue a citation or a notice to the child to appear in juvenile court, transmit a report to the prosecuting authority, or otherwise initiate a proceeding in juvenile court for the conduct that formed the basis of the referral.

(d) This section does not apply to peace officers acting pursuant to an order or warrant described in section 260B.175, subdivision 1, paragraph (a), or other court order to take a child into custody.

Sec. 22. Minnesota Statutes 2020, section 401.06, is amended to read:

**401.06 COMPREHENSIVE PLAN; STANDARDS OF ELIGIBILITY; COMPLIANCE.**

No county or group of counties electing to provide correctional services pursuant to sections 401.01 to 401.16 shall be eligible for the subsidy herein provided unless and until its comprehensive plan shall have been approved by the commissioner. The commissioner shall, pursuant to the Administrative Procedure Act, promulgate rules establishing standards of eligibility for counties to receive funds under sections 401.01 to 401.16. To remain eligible for subsidy counties shall maintain

substantial compliance with the minimum standards established pursuant to sections 401.01 to 401.16 and the policies and procedures governing the services described in section 401.025 as prescribed by the commissioner. Counties shall also be in substantial compliance with other correctional operating standards permitted by law and established by the commissioner and shall report statistics required by the commissioner including but not limited to information on individuals convicted as an extended jurisdiction juvenile identified in section 241.016, subdivision 1, paragraph (c). The commissioner shall review annually the comprehensive plans submitted by participating counties, including the facilities and programs operated under the plans. The commissioner is hereby authorized to enter upon any facility operated under the plan, and inspect books and records, for purposes of recommending needed changes or improvements.

When the commissioner shall determine that there are reasonable grounds to believe that a county or group of counties is not in substantial compliance with minimum standards, at least 30 days' notice shall be given the county or counties and a hearing conducted by the commissioner to ascertain whether there is substantial compliance or satisfactory progress being made toward compliance. The commissioner may suspend all or a portion of any subsidy until the required standard of operation has been met.

Sec. 23. Minnesota Statutes 2020, section 626.14, is amended to read:

**626.14 TIME AND MANNER OF SERVICE; NO-KNOCK SEARCH WARRANTS.**

Subdivision 1. Time. A search warrant may be served only between the hours of 7:00 a.m. and 8:00 p.m. unless the court determines on the basis of facts stated in the affidavits that a nighttime search outside those hours is necessary to prevent the loss, destruction, or removal of the objects of the search or to protect the searchers or the public. The search warrant shall state that it may be served only between the hours of 7:00 a.m. and 8:00 p.m. unless a nighttime search outside those hours is authorized.

Subd. 2. Definition. For the purposes of this section, "no-knock search warrant" means a search warrant authorizing peace officers to enter certain premises without first knocking and announcing the officer's presence or purpose prior to entering the premises. No-knock search warrants may also be referred to as dynamic entry warrants.

Subd. 3. Requirements for a no-knock search warrant. (a) No peace officer shall seek a no-knock search warrant unless the warrant application includes at a minimum:

- (1) all documentation and materials the issuing court requires;
- (2) the information specified in paragraph (b); and
- (3) a sworn affidavit as provided in section 626.08.

(b) Each warrant application seeking a no-knock entry must include, in detailed terms, the following:

- (1) why peace officers are seeking the use of a no-knock entry and are unable to detain the suspect or search the residence through the use of a knock and announce warrant;

(2) what investigative activities have taken place to support issuance of the no-knock search warrant, or why no investigative activity is needed or able to be performed; and

(3) whether the warrant can be effectively executed during daylight hours according to subdivision 1.

(c) The chief law enforcement officer or designee and another superior officer must review and approve each warrant application. The agency must document the approval of both reviewing parties.

(d) A no-knock search warrant shall not be issued when the only crime alleged is possession of a controlled substance unless there is probable cause to believe that the controlled substance is for other than personal use.

Subd. 4. **Reporting requirements regarding no-knock search warrants.** (a) Law enforcement agencies shall report to the commissioner of public safety regarding the use of no-knock search warrants in a format prescribed by the commissioner. An agency must report the use of a no-knock search warrant to the commissioner no later than three months after the date the warrant was issued. The report shall include the following information:

(1) the number of no-knock search warrants requested;

(2) the number of no-knock search warrants the court issued;

(3) the number of no-knock search warrants executed;

(4) the number of injuries and fatalities suffered, if any, by peace officers and by civilians in the execution of no-knock search warrants; and

(5) any other information the commissioner requests.

(b) The commissioner of public safety shall report the information provided under paragraph (a) annually to the chairs and ranking minority members of the legislative committees with jurisdiction over public safety.

**EFFECTIVE DATE.** This section is effective September 1, 2021, and applies to warrants requested on or after that date.

Sec. 24. Minnesota Statutes 2020, section 626.842, subdivision 2, is amended to read:

Subd. 2. **Terms, compensation, removal, filling of vacancies.** The membership terms, compensation, removal of members and the filling of vacancies for members appointed pursuant to section 626.841, ~~clauses (1), (2), (4), and (5) on the board~~; the provision of staff, administrative services and office space; the review and processing of complaints; the setting of fees; and other matters relating to board operations shall be as provided in chapter 214.

Sec. 25. Minnesota Statutes 2020, section 626.8435, subdivision 1, is amended to read:

Subdivision 1. **Establishment and membership.** The Ensuring Police Excellence and Improving Community Relations Advisory Council is established under the Peace Officer Standards and Training Board. The council consists of the following 15 members:

- (1) the superintendent of the Bureau of Criminal Apprehension, or a designee;
- (2) the executive director of the Peace Officer Standards and Training Board, or a designee;
- (3) the executive director of the Minnesota Police and Peace Officers Association, or a designee;
- (4) the executive director of the Minnesota Sheriffs' Association, or a designee;
- (5) the executive director of the Minnesota Chiefs of Police Association, or a designee;
- (6) six community members, of which:

(i) four members shall represent the community-specific boards established under ~~section 257.0768~~ sections 15.0145 and 3.922, reflecting one appointment made by each board;

(ii) one member shall be a mental health advocate and shall be appointed by the Minnesota chapter of the National Alliance on Mental Illness; and

(iii) one member shall be an advocate for victims and shall be appointed by Violence Free Minnesota; and

(7) four members appointed by the legislature, of which one shall be appointed by the speaker of the house, one by the house minority leader, one by the senate majority leader, and one by the senate minority leader.

The appointing authorities shall make their appointments by September 15, 2020, and shall ensure geographical balance when making appointments.

Sec. 26. Minnesota Statutes 2020, section 626.845, subdivision 3, is amended to read:

Subd. 3. **Peace officer data.** The board, in consultation with the Minnesota Chiefs of Police Association, Minnesota Sheriffs' Association, and Minnesota Police and Peace Officers Association, shall create a central repository for peace officer data ~~designated as public data under chapter 13.~~ The database shall be designed to receive, in real time, the ~~public~~ data required to be submitted to the board by law enforcement agencies in section 626.8457, subdivision 3, paragraph (b). To ensure the anonymity of individuals, the database must use encrypted data to track information transmitted on individual peace officers.

Sec. 27. Minnesota Statutes 2020, section 626.8457, subdivision 3, is amended to read:

Subd. 3. **Report on alleged misconduct; database; report.** (a) A chief law enforcement officer shall report annually to the board summary data regarding the investigation and disposition of cases involving alleged misconduct, indicating the total number of investigations, the total number by each subject matter, the number dismissed as unfounded, and the number dismissed on grounds that the allegation was unsubstantiated.

(b) Beginning July 1, 2021, a chief law enforcement officer, in real time, must submit individual peace officer data classified as public data on individuals, as defined by section 13.02, subdivision 15, or private data on individuals, as defined by section 13.02, subdivision 12, and submitted using encrypted data that the board determines is necessary to:

(1) evaluate the effectiveness of statutorily required training;

(2) assist the Ensuring Police Excellence and Improving Community Relations Advisory Council in accomplishing the council's duties; and

(3) allow for the board, the Ensuring Police Excellence and Improving Community Relations Advisory Council, and the board's complaint investigation committee to identify patterns of behavior that suggest an officer is in crisis or is likely to violate a board-mandated model policy.

(c) The reporting obligation in paragraph (b) is ongoing. A chief law enforcement officer must update data within 30 days of final disposition of a complaint or investigation.

(d) Law enforcement agencies and political subdivisions are prohibited from entering into a confidentiality agreement that would prevent disclosure of the data identified in paragraph (b) to the board. Any such confidentiality agreement is void as to the requirements of this section.

(e) By February 1 of each year, the board shall prepare a report that contains summary data provided under paragraph (b). The board must post the report on its publicly accessible website and provide a copy to the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over criminal justice policy.

Sec. 28. Minnesota Statutes 2020, section 626.8469, is amended by adding a subdivision to read:

**Subd. 1b. Crisis intervention and mental illness crisis training; dementia and Alzheimer's.** The board, in consultation with stakeholders, including but not limited to the Minnesota Crisis Intervention Team and the Alzheimer's Association, shall create a list of approved entities and training courses primarily focused on issues associated with persons with dementia and Alzheimer's disease. To receive the board's approval, a training course must:

(1) have trainers with at least two years of direct care of a person with Alzheimer's disease or dementia, crisis intervention training, and mental health experience;

(2) cover techniques for responding to and issues associated with persons with dementia and Alzheimer's disease, including at a minimum wandering, driving, abuse, and neglect; and

(3) meet the crisis intervention and mental illness crisis training standards established in subdivision 1a.

Sec. 29. **[626.8476] CONFIDENTIAL INFORMANTS; REQUIRED POLICY AND TRAINING.**

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

(b) "Confidential informant" means a person who cooperates with a law enforcement agency confidentially in order to protect the person or the agency's intelligence gathering or investigative efforts and:

(1) seeks to avoid arrest or prosecution for a crime, mitigate punishment for a crime in which a sentence will be or has been imposed, or receive a monetary or other benefit; and

(2) is able, by reason of the person's familiarity or close association with suspected criminals, to:

(i) make a controlled buy or controlled sale of contraband, controlled substances, or other items that are material to a criminal investigation;

(ii) supply regular or constant information about suspected or actual criminal activities to a law enforcement agency; or

(iii) otherwise provide information important to ongoing criminal intelligence gathering or criminal investigative efforts.

(c) "Controlled buy" means the purchase of contraband, controlled substances, or other items that are material to a criminal investigation from a target offender that is initiated, managed, overseen, or participated in by law enforcement personnel with the knowledge of a confidential informant.

(d) "Controlled sale" means the sale of contraband, controlled substances, or other items that are material to a criminal investigation to a target offender that is initiated, managed, overseen, or participated in by law enforcement personnel with the knowledge of a confidential informant.

(e) "Mental harm" means a psychological injury that is not necessarily permanent but results in visibly demonstrable manifestations of a disorder of thought or mood that impairs a person's judgment or behavior.

(f) "Target offender" means the person suspected by law enforcement personnel to be implicated in criminal acts by the activities of a confidential informant.

**Subd. 2. Model policy.** (a) By January 1, 2022, the board shall adopt a model policy addressing the use of confidential informants by law enforcement. The model policy must establish policies and procedures for the recruitment, control, and use of confidential informants. In developing the policy, the board shall consult with representatives of the Bureau of Criminal Apprehension, Minnesota Police Chiefs Association, Minnesota Sheriff's Association, Minnesota Police and Peace Officers Association, Minnesota County Attorneys Association, treatment centers for substance abuse, and mental health organizations. The model policy must include, at a minimum, the following:

(1) information that the law enforcement agency shall maintain about each confidential informant that must include, at a minimum, an emergency contact for the informant in the event of the informant's physical or mental harm or death;

(2) a process to advise a confidential informant of conditions, restrictions, and procedures associated with participating in the agency's investigative or intelligence gathering activities;

(3) procedures for compensation to an informant that is commensurate with the value of the services and information provided and based on the level of the targeted offender, the amount of any seizure, and the significance of contributions made by the informant;

(4) designated supervisory or command-level review and oversight in the use of a confidential informant;

(5) limits or restrictions on off-duty association or social relationships by law enforcement agency personnel with a confidential informant;

(6) limits or restrictions on the potential exclusion of an informant from engaging in a controlled buy or sale of a controlled substance if the informant is known by the law enforcement agency to: (i) be receiving in-patient or out-patient treatment administered by a licensed service provider for substance abuse; (ii) be participating in a treatment-based drug court program; or (iii) have experienced a drug overdose within the past year;

(7) exclusion of an informant under the age of 18 years from participating in a controlled buy or sale of a controlled substance without the written consent of a parent or legal guardian, except that the informant may provide confidential information to a law enforcement agency;

(8) consideration of an informant's diagnosis of mental illness, substance abuse, or disability, and history of mental illness, substance abuse, or disability;

(9) guidelines for the law enforcement agency to consider if the agency decides to establish a procedure to request an advocate from the county social services agency for an informant if the informant is an addict in recovery or possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction that impairs the informant's ability to understand instructions and make informed decisions, where the agency determines this process does not place the informant in any danger;

(10) guidelines for the law enforcement agency to use to encourage prospective and current confidential informants who are known to be substance abusers or to be at risk for substance abuse to seek prevention or treatment services;

(11) reasonable protective measures for a confidential informant when law enforcement knows or should have known of a risk or threat of harm to a person serving as a confidential informant and the risk or threat of harm is a result of the informant's service to the law enforcement agency;

(12) guidelines for the training and briefing of a confidential informant;

(13) reasonable procedures to help protect the identity of a confidential informant during the time the person is acting as an informant;

(14) procedures to deactivate a confidential informant that maintain the safety and anonymity of the informant;

(15) optional procedures that the law enforcement agency may adopt relating to deactivated confidential informants to offer and provide assistance to them with physical, mental, or emotional health services;

(16) a process to evaluate and report the criminal history and propensity for violence of any target offenders; and



(17) guidelines for a written agreement between the confidential informant and the law enforcement agency that take into consideration, at a minimum, an informant's physical or mental infirmity or other physical, mental, or emotional dysfunction that impairs the informant's ability to knowingly contract or otherwise protect the informant's self-interest.

(b) The board shall annually review and, as necessary, revise the model confidential informant policy in collaboration with representatives from the organizations listed under paragraph (a).

Subd. 3. **Agency policies required.** (a) The chief law enforcement officer of every state and local law enforcement agency must establish and enforce a written policy governing the use of confidential informants. The policy must be identical or, at a minimum, substantially similar to the new or revised model policy adopted by the board under subdivision 2.

(b) Every state and local law enforcement agency must certify annually to the board that it has adopted a written policy in compliance with the board's model confidential informant policy.

(c) The board shall assist the chief law enforcement officer of each state and local law enforcement agency in developing and implementing confidential informant policies under this subdivision.

Subd. 4. **Required in-service training.** The chief law enforcement officer of every state and local law enforcement agency shall provide in-service training in the recruitment, control, and use of confidential informants to every peace officer and part-time peace officer employed by the agency who the chief law enforcement officer determines is involved in working with confidential informants given the officer's responsibilities. The training shall comply with learning objectives based on the policies and procedures of the model policy developed and approved by the board.

Subd. 5. **Compliance reviews.** The board has the authority to inspect state and local agency policies to ensure compliance with this section. The board may conduct the inspection based upon a complaint it receives about a particular agency or through a random selection process.

Subd. 6. **Licensing sanctions; injunctive relief.** The board may impose licensing sanctions and seek injunctive relief under section 214.11 for failure to comply with the requirements of this section.

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

Sec. 30. Laws 2017, chapter 95, article 3, section 30, is amended to read:

Sec. 30. **ALTERNATIVES TO INCARCERATION PILOT PROGRAM FUND.**

(a) Agencies providing supervision to offenders on probation, parole, or supervised release are eligible for ~~grants~~ funding to facilitate access to community options including, but not limited to, inpatient chemical dependency treatment for nonviolent controlled substance offenders to address and correct behavior that is, or is likely to result in, a technical violation of the conditions of release. For purposes of this section, "nonviolent controlled substance offender" is a person who meets the criteria described under Minnesota Statutes, section 244.0513, subdivision 2, clauses (1), (2), and (5), and "technical violation" means a violation of a court order of probation, condition of parole,

or condition of supervised release, except an allegation of a subsequent criminal act that is alleged in a formal complaint, citation, or petition.

(b) The Department of Corrections shall ~~establish criteria for selecting grant recipients and the amount awarded to each grant recipient~~ issue annual funding of \$160,000 to each recipient.

(c) ~~By January 15, 2019,~~ The commissioner of corrections shall submit ~~a~~ an annual report to the chairs of the house of representatives and senate committees with jurisdiction over public safety policy and finance by January 15 of each year. At a minimum, the report must include:

~~(1) the total number of grants issued under this program;~~

~~(2) the average amount of each grant;~~

~~(3)~~ (1) the community services accessed as a result of the grants funding;

~~(4)~~ (2) a summary of the type of supervision offenders were under when a grant funding was used to help access a community option;

~~(5)~~ (3) the number of individuals who completed, and the number who failed to complete, programs accessed as a result of this grant funding; and

~~(6)~~ (4) the number of individuals who violated the terms of release following participation in a program accessed as a result of this grant funding, separating technical violations and new criminal offenses;

(5) the number of individuals who completed or were discharged from probation after participating in the program;

(6) the number of individuals identified in clause (5) who committed a new offense after discharge from the program;

(7) identification of barriers nonviolent controlled substance offenders face in accessing community services and a description of how the program navigates those barriers; and

(8) identification of gaps in existing community services for nonviolent controlled substance offenders.

Sec. 31. **TITLE.**

Section 29 shall be known as "Matthew's Law."

Sec. 32. **RULEMAKING AUTHORITY.**

The executive director of the Peace Officer Standards and Training Board may adopt rules to carry out the purposes of section 3.

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

Sec. 33. **REVISOR INSTRUCTION.**

In the next edition of Minnesota Statutes, the revisor of statutes shall codify the alternatives to incarceration program under section 30 to reflect that it is a permanent program. The revisor may make editorial and other nonsubstantive language changes to accomplish this.

## ARTICLE 10

### EFFECTIVE DATE

#### Section 1. EFFECTIVE DATES FOR CERTAIN ENACTMENTS.

Notwithstanding Minnesota Statutes, sections 645.02 and 645.21, or any other law to the contrary, articles 1 to 9 are effective on or retroactively from July 1, 2021. If a provision in an article specifies an effective date different than July 1, 2021, for purposes of the provision the effective date specified in the article prevails. Any fiscal year 2021 appropriation made in this act is effective retroactively from June 30, 2021.

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

Delete the title and insert:

"A bill for an act relating to public safety; modifying certain provisions relating to public safety, courts, corrections, sexual offenders, crime victims, background checks, forfeiture, law enforcement, human rights, and data practices; providing for task forces and working groups; requiring reports; providing for criminal penalties; appropriating money for courts, public safety, sentencing guidelines, corrections, human rights, Peace Officer Standards and Training (POST) Board, Private Detective Board, Guardian ad Litem Board, state auditor, Legislative Coordinating Commission, Department of Natural Resources, Uniform Laws Commission, Board on Judicial Standards, and Board of Public Defense; amending Minnesota Statutes 2020, sections 2.722, subdivision 1; 13.41, subdivision 3; 13.411, by adding a subdivision; 13.552, by adding a subdivision; 13.7931, by adding a subdivision; 13.824, subdivision 6; 13.825, subdivision 9; 13.851, by adding a subdivision; 152.01, subdivision 18; 169.99, subdivision 1c, by adding a subdivision; 169A.55, subdivisions 2, 4; 169A.60, subdivisions 2, 3, 13; 169A.63, subdivisions 1, 7, 8, 9, 10, 13, by adding subdivisions; 171.29, subdivision 1; 171.30, subdivision 1; 171.306, subdivisions 2, 4; 214.10, subdivision 11; 241.016; 241.021, subdivision 1, by adding subdivisions; 243.166, subdivision 1b; 243.48, subdivision 1; 243.52; 244.19, subdivision 3; 253B.18, subdivision 5a; 253D.14, subdivisions 2, 3, by adding a subdivision; 299A.52, subdivision 2; 299C.60; 299C.61, subdivisions 2, 4, by adding subdivisions; 299C.62, subdivisions 1, 2, 3, 4, 6; 299C.63; 299C.72; 299C.80, subdivision 3; 340A.504, subdivision 7; 357.021, subdivisions 1a, 6; 363A.02, subdivision 1; 363A.08, subdivision 6; 363A.28, subdivisions 1, 6; 363A.31, subdivision 2; 363A.33, subdivision 3; 363A.36, subdivisions 1, 2, 3, 4, by adding a subdivision; 363A.44, subdivisions 2, 4, 9; 401.06; 403.02, subdivision 16; 403.03, subdivision 1; 403.07, subdivision 2; 403.11, subdivision 1; 403.21, subdivisions 3, 12; 403.36, subdivision 1; 477A.03, subdivision 2b; 524.2-503; 609.1095, subdivision 1; 609.131, subdivision 2; 609.135, subdivision 2; 609.221; 609.2325; 609.322, subdivisions 1, 1a; 609.324, subdivisions 1, 2, 4; 609.3241; 609.341, subdivisions 3, 7, 11, 12, 14, 15, by adding subdivisions; 609.342; 609.343; 609.344; 609.345; 609.3451; 609.3455; 609.3459; 609.352, subdivision 4; 609.531, subdivision 1, by adding a subdivision; 609.5311, subdivisions 2, 3, 4; 609.5314, subdivisions 1, 2, 3, by adding a subdivision; 609.5315, subdivisions 5, 5b, 6; 609.605, subdivision 2; 609.66, subdivision 1e; 611.21; 611.27, subdivisions 9, 10, 11, 13, 15; 611A.039, subdivision 1; 611A.06, subdivision 1;

617.246, subdivisions 2, 3, 4; 617.247, subdivisions 3, 4; 626.14; 626.842, subdivision 2; 626.8435, subdivision 1; 626.845, subdivision 3; 626.8457, subdivision 3; 626.8469, by adding a subdivision; 628.26; Laws 2016, chapter 189, article 4, section 7; Laws 2017, chapter 95, article 1, section 11, subdivision 7; article 3, section 30; Laws 2020, Seventh Special Session chapter 2, article 2, section 4; Laws 2021, First Special Session chapter 4, article 9, sections 1; 2; 3; 4; 5; Laws 2021, First Special Session chapter 5, article 3, sections 1; 2; 3; 4; 5; proposing coding for new law in Minnesota Statutes, chapters 3; 84; 260B; 299A; 299F; 326B; 604A; 609; 611A; 626; 634; repealing Minnesota Statutes 2020, sections 253D.14, subdivision 4; 609.324, subdivision 3; 609.5317; 611A.0385."

And when so amended the bill do pass. Amendments adopted. Report adopted.

### **SECOND READING OF SENATE BILLS**

S.F. No. 7 was read the second time.

### **MOTIONS AND RESOLUTIONS - CONTINUED**

Senator Johnson moved that S.F. No. 39, No. 1 on General Orders, be stricken and laid on the table. The motion prevailed.

Senator Johnson moved that S.F. No. 16, No. 2 on General Orders, be stricken and laid on the table. The motion prevailed.

### **MEMBERS EXCUSED**

Senator Eichorn was excused from the Session of today from 11:10 a.m. to 12:05 p.m.

### **ADJOURNMENT**

Senator Johnson moved that the Senate do now adjourn until 9:00 a.m., Tuesday, June 29, 2021. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate