

Bill Comparison Summary of Senate File 878 and Other Bills

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<p style="text-align: center;">Senate Finance-related Nonriders</p>	<p style="text-align: center;">House Article 1</p>
<p>S.F. 406, article 2, section 7, authorizes the commissioner of corrections, in consultation with the commissioner of health, to award grants for doula services to incarcerated women.</p>	<p>No comparable provision.</p>
<p>S.F. 406, article 2, section 10, provides that an Application for Discharge of Judgment is exempt from the \$310 civil filing fee. Specifies that the filing fee in section 548.181 applies instead (\$5 for each judgment to be discharged). Also lowers the child support modification motion fee by \$50 (from \$100 to \$50).</p>	<p>No comparable provision.</p>
<p>S.F. 406, article 2, section 12, amends the 2013 appropriation rider for the Tax Court to allow funds dedicated to law clerks, CLE costs, and Westlaw to be used for operating expenses. Makes funds in the first year of the biennium available in the second year.</p>	<p>Section 16 is identical.</p>
<p>S.F. 406, article 2, section 13, amends the 2013 appropriation rider for the Board on Judicial Standards to provide that only <i>unencumbered</i> and unspent balances carry over to subsequent fiscal years.</p>	<p>Section 17 is identical.</p>
<p>S.F. 406, article 2, section 14, permits the commissioner of public safety, acting through the Office of Justice Programs, to award a grant to be used to conduct training, technical support, and peer learning opportunities for counties across the state. The intent of the grant is to eliminate the inappropriate or unnecessary use of secure detention, minimize re-arrest and failure to appear rates pending adjudication, ensure appropriate conditions of confinement in secure facilities, and reduce racial and ethnic disparities for juvenile offenders. Specifies the grant criteria and requires the grant recipient to conduct a program evaluation relating to the grant.</p>	<p>No comparable provision. However, the House has a similar rider.</p>
<p>S.F. 406, article 2, section 15, establishes a grant program for child advocacy center grants. Authorizes the commissioner of public safety to award grants to child advocacy centers whose primary purpose is to coordinate the investigation, treatment, and management of abuse cases and provide direct services to children and vulnerable adults. Specifies what the grants may be used for and the organizations that are eligible.</p>	<p>No comparable provision. However, the House has a similar rider.</p>
<p>S.F. 406, article 2, section 16, requires the commissioner of public safety to establish a Lifesaver grant program to assist local law enforcement agencies with the cost of developing rapid response programs to quickly find individuals with medical conditions that cause wandering or result in them becoming lost and missing. Specifies the agencies that are eligible to receive grants and what a grant application must include. Authorizes the commissioner to award, on a first-come,</p>	<p>Article 3, section 11, is substantively identical. The House provision is codified and also has a minor stylistic difference.</p>

Senate Finance-related Nonriders	House Article 1
first-served basis, grants of up to \$4,000 to eligible applicants to develop new Lifesaver programs and up to \$2,000 to eligible applicants to expand existing programs. Addresses how grant recipients may use the grants and requires them to file reports with the commissioner on how the money was spent.	
S.F. 406, article 2, section 17 , establishes a grant program under which the commissioner of public safety must award grants to programs that provide sexual assault primary prevention services. Describes the application process and the duties of grantees.	No comparable provision.

Sec.	House Article 2: Courts	Senate
1	Place of hearing. Allows the initial civil commitment hearing to be conducted by interactive video conference. Requires compliance with the provisions on the use of interactive video teleconference found in the General Rules of Practice, rule 131, and Minnesota Rules of Civil Commitment, rule 14.	S.F. 128, section 1 , is identical.
2	Time and place of hearing. Allows the civil commitment review hearing to be conducted by interactive video conference. Requires compliance with the provisions on the use of interactive video teleconference found in the General Rules of Practice, rule 131, and Minnesota Rules of Civil Commitment, rule 14.	S.F. 128, section 2 , is identical
3	Procedure. Allows the Judicial Appeal Panel to conduct a hearing related to the continued commitment of a person who is committed as a sexually dangerous person or as a sexual psychopathic personality by interactive video conference. Requires compliance with the provisions on the use of interactive video teleconference found in the General Rules of Practice, rule 131, and Minnesota Rules of Civil Commitment, rule 14.	S.F. 128, section 3 , is identical.
4	Duty to ensure placement prevention and family reunification. Removes the requirement that reasonable efforts to prevent placement and for rehabilitation are	No comparable provision.

Sec.	House Article 2: Courts	Senate
	necessary for child protection cases where the child was conceived as the result of sexual assault of the mother and it is the offender-parent who seeks access to the child.	
5	Voluntary and involuntary. Authorizes a juvenile court to terminate the parental rights of a parent when the parent is proven to have sexually assaulted the mother in conceiving the child.	No comparable provision.
6	Finding regarding reasonable efforts. Directs the court to make a specific finding when a parent’s parental rights are terminated under section 5.	No comparable provision.
7	Written order. Extends the time for serving a motion for a rehearing in Tax Court from 15 to 30 days and the time to hear the motion from 30 to 60 days.	No comparable provision, but see H.F. 848, 1st unofficial engrossment, passed Senate.
8	Small claims jurisdiction. Increases the monetary threshold for Tax Court small claim division from \$5,000 to \$15,000 for cases <u>not</u> involving valuation, assessment, and taxation of property.	No comparable provision, but see H.F. 848, 1st unofficial engrossment, passed Senate.
9	Disclosure; court reporter requirements. Requires disclosure of existence of exclusive agreement with a court reporter or reporting firm in the notice of deposition or legal proceeding. Expands requirements that apply to freelance court reporters to also apply to court reporting firms. Requires court reporters or firms to charge the same rate to all parties for transcript copies.	No comparable provision.
10	Remedies. Provides that, upon a violation of the disclosure provision in subdivision 2, paragraph (a) (see § 9), the court may impose sanctions, including civil contempt, costs, and attorneys’ fees, rather than require re-conducting the legal proceeding.	No comparable provision.
11	Interest rates; judgment. Sets the pre-judgment interest rate at 4 percent rate for all judgments, regardless of the amount. Current law provides a 10 percent rate for certain judgments over \$50,000. Also, provides that this section does not apply in certain breach of insurance policy cases.	No comparable provision.

Sec.	House Article 3: Public Safety	Senate
1	<p>Legal proceedings; protective order. Provides that a person or entity may not be compelled to disclose the actual address of a participant in the Safe at Home Address Confidentiality Program in a legal proceeding, unless the court or tribunal determines that there is reason to believe that the matter cannot proceed without disclosure, and there is no other practicable way of obtaining the information or evidence. The court must provide notice to the program participant of the requested disclosure and give the participant an opportunity to present evidence of any potential harm to the participant due to the disclosure. The court must determine whether the interest in disclosure outweighs the harm to the program participant’s safety. In a criminal proceeding, the court must order disclosure if protecting the address would violate the defendant’s constitutional confrontation rights.</p> <p>The order for disclosure must be limited to ensure that the address is disclosed no wider than that necessary for purposes of the investigation, prosecution, or litigation.</p> <p>This section maintains the existing permissive authority for a court or tribunal to issue a protective order to prevent disclosure of information that could reasonably lead to the discovery of a participant’s location.</p>	<p>S.F. 619, 1st engrossment, section 1, is identical except for technical differences.</p>
2	<p>Discoverability of not public data. Requires consideration of potential Safe at Home data protections when not public data are considered for release during the discovery phase of a legal proceeding.</p>	<p>S.F. 619, 1st engrossment, section 2, is identical.</p>
	<p>No comparable provision.</p>	<p>License Revocation after conviction; firearm suppressor. Establishes a five year period of ineligibility for a hunting license for persons convicted of specified hunting violations while possessing a firearm with a suppressor. [S.F. 878, art. 1, § 2]</p>
3	<p>Suppressors. Eliminates the prohibition on the possession of silencers set forth in the fish and game statute (ch. 97B) and establishes that no part of section 97B.031 (Use and Possession of Firearms for Hunting) limits the lawful use of suppressors as provided in section 15.</p>	<p>See, S.F. 878, article 1, section 24, which repeals this provision.</p>
4	<p>Definitions; scrap vehicles. Strikes the definition of “interchange file specification format” (<i>i.e.</i>, APS) from the section on scrap vehicle transactions and reporting. Reporting</p>	<p>No comparable provision.</p>

Sec.	House Article 3: Public Safety	Senate
	through APS will no longer be required, but written or electronic records will still be required (see § 26 – Repealer).	
	No comparable provision.	Bondsman or bail enforcement agent vehicle. Provides that vehicles used by bondsmen or bail enforcement agents may have any colors other than those specified for law enforcement vehicles and may not display markings typically associated with law enforcement vehicles. [S.F. 878, art. 1, § 3]
5	Additional reporting. Conforming change.	No comparable provision.
6	Youth intervention grant applications. Lowers the local matching requirement for a youth intervention grant from a two-to-one to a one-to-one match. Increases the grant per agency limit from \$50,000 to \$75,000.	S.F. 406, 2nd engrossment, article 1, section 8, is identical except that it requires <i>past</i> grant recipients to secure a local match that is at least two times the amount of the state grant being sought.
7	Bureau to broadcast criminal information. Strikes references to outdated broadcast and communication systems and replace with references to updated technology.	S.F. 464, section 1, is identical.
8	Priority of police communications; misdemeanor. Strikes references to outdated broadcast and communication systems and replace with references to updated technology.	S.F. 464, section 2, is identical.
9	Criminal justice agency defined. Strikes a cross-reference to a statute that was repealed in 2014.	S.F. 464, section 3, is identical.
10	Noncriminal justice agency defined. Strikes a cross-reference to a statute that was repealed in 2014.	S.F. 464, section 4, is identical.
12	Definitions; scrap metal. Strikes the definition of “interchange file specification format” (<i>i.e.</i> , APS) from the section on scrap metal transactions and reporting. Reporting through APS will no longer be required but written or electronic records will still be required (see § 26 – Repealer).	No comparable provision.
13	Retention required. Conforming change.	No comparable provision.
14	Member. Clarifies a reference to a repealed law.	S.F. 464, section 5, is identical.
	No comparable provision.	Ammunition. Defines ammunition for purposes of the primary criminal law chapter (609). [S.F. 878, art. 1, § 4]

Sec.	House Article 3: Public Safety	Senate
	No comparable provision.	Applicable offenses. Amends a cross-reference in the mandatory minimum sentencing statute to reflect the expansion of certain firearm offenses to also include ammunition. [S.F. 878, art. 1, § 5]
	No comparable provision.	Restoration of civil rights; possession of firearms and ammunition. Expands the firearms prohibitions placed on certain offenders to also include prohibitions on ammunition. [S.F. 878, art. 1, § 6]
15	<p>Felony crimes; suppressors; reckless discharge. Narrows the crime of possessing suppressors (silencers) from a flat prohibition to one that only applies in cases where the suppressor is NOT lawfully possessed under federal law. The federal National Firearms Act (NFA) requires that all suppressors be registered with the federal government. Federal law also requires the following of persons who wish to possess a suppressor:</p> <ul style="list-style-type: none"> • use a Class 3 firearms dealer to gain possession; • complete required transfer paperwork; • obtain law enforcement signatures and be fingerprinted (certification); • pay a transfer tax; • be cleared to take possession of the suppressor; and • complete a required ATF form. <p>Defines the term “suppressor.”</p>	S.F. 878, article 1, section 7, is identical except for one technical difference.
16	<p>Possession of firearms at Capitol. Minnesota Statutes, section 609.66, subdivision 1g, provides that a person who carries a dangerous weapon in any state building within the Capitol Area is guilty of a felony. This law does not apply to persons with a permit to carry a pistol who provide prior notice to the commissioner of public safety of their intent to carry their firearms in the Capitol Area. This section adds that the issuance of a permit to carry constitutes notification of the commissioner of public safety and satisfies the notification requirement.</p>	S.F. 878, article 1, section 8, is identical.
17	<p>Chief law enforcement officer certification; certain firearms. Adds a new subdivision to 609.66 (Dangerous weapons) that legalizes the possession of suppressors.</p>	No comparable provision.

Sec.	House Article 3: Public Safety	Senate
	<p>Para (a). Defines “chief law enforcement officer,” “certification,” and “firearms” for purposes of this section.</p> <p>Para (b). Imposes requirements for chief law enforcement officers in handling requests for certification required by federal law for citizens to possess suppressors and other restricted firearms and related items. Requires the chief law enforcement officer to certify a person eligible to possess the restricted items if the person is not prohibited from possessing firearms or subject to charges that would make them ineligible.</p> <p>Para (c). Limits what information a chief law enforcement officer can request for purposes of certifying someone under paragraph (b). Creates a presumption that a person who holds a valid permit to carry is qualified to be certified under paragraph (b). Prohibits a chief law enforcement officer from requiring an applicant to grant access to private property to conduct an inspection as a condition of certification.</p> <p>Para (d). Restricts the chief law enforcement officer’s authority to deny certification under this subdivision.</p> <p>Para (e). Grants immunity to chief law enforcement officers and their employees who act in good faith when making a certification.</p> <p>Para (f). Establishes due process rights for those whose request for certification is denied.</p>	
18	Scope. Strikes a cross-reference to a statute that was repealed in 2014.	S.F. 464, section 6, is identical.
19	Duties of commissioner. Strikes a cross-reference to a statute that was repealed in 2014.	S.F. 464, section 7, is identical.
20	Domestic abuse program director. Strikes a cross-reference to a statute that was repealed in 2014.	S.F. 464, section 8, is identical.
21	Gun control; application of federal law. Clarifies that long guns can be purchased and sold to persons in other states. Under current law, a federally licensed firearms dealer from Minnesota is only expressly authorized to sell and deliver long guns to persons who live in states that are contiguous with Minnesota. Similarly, residents of Minnesota are only expressly authorized to purchase firearms from persons and dealers who reside in states	S.F. 878, article 1, section 9, is identical except for the title of subdivision 2.

Sec.	House Article 3: Public Safety	Senate
	that are contiguous with Minnesota. In both situations, this section removes the contiguous state limitation and expressly allows for the sale and purchase of firearms from any state.	
	No comparable provision.	Ammunition. Defines ammunition for purposes of the gun control chapter (624). [S.F. 878, art. 1, §10]
	No comparable provision.	Ineligible person. Extends the firearms prohibitions placed on certain persons to also include ammunition. [S.F. 878, art. 1, § 11]
	No comparable provision.	Ineligible to receive, ship, transport. Extends the firearms prohibition placed on a person charged a felony to also include ammunition. [S.F. 878, art. 1, § 12]
	No comparable provision	Penalties. Establishes penalties for persons who are convicted of being an ineligible person in possession of ammunition. [S.F. 878, art. 1, § 13]
	No comparable provision.	Notice. Requires courts to inform defendants when they are ineligible to possess ammunition. [S.F. 878, art. 1, § 14]
	No comparable provision.	Restoration of firearms and ammunition eligibility to civilly committed person; petition authorized. Establishes the criteria for a civilly committed person to regain the right to possess ammunition. [S.F. 878, art. 1, § 15]
	No comparable provision.	Purchasing firearm on behalf of ineligible person. Prohibits “straw purchases” of firearms by making it a gross misdemeanor for a person to purchase or obtain a firearm on behalf of a person who is ineligible to purchase or possess one. [S.F. 878, art. 1, § 16]
22	Recognition of permits from other states. Amends the Minnesota Personal Protection Act to require the Commissioner to only place states with laws that are not “similar” to Minnesota’s law on the non-reciprocity list. The Minnesota Personal Protection act requires the commissioner of public safety to annually publish a list of states that have laws governing the issuance of permits to carry weapons that are not substantially similar to Minnesota’s laws regarding permits to carry weapons. An individual with a permit from a state that is on this list may not use the license or permit in Minnesota.	S.F. 878, article 1, section 17, is identical.

Sec.	House Article 3: Public Safety	Senate
	No comparable provision.	Exemptions; antiques and ornaments. Clarifies that the prohibitions on possessing ammunition do not apply to ammunition designed for antiques and ornaments. [S.F. 878, art. 1, § 18]
23	<p>Authority to seize and confiscate firearms.</p> <p>Para. (a). Provides that this section applies only during a state of emergency proclaimed by the Governor relating to a public disorder or disaster.</p> <p>Para. (b). Provides that a peace officer may disarm an individual only temporarily and only if the officer believes it is immediately necessary. Before releasing the individual, the peace officer must return any seized weapons, ammunition, or accessories unless the officer takes the individual into custody or seizes the items as evidence.</p> <p>Para. (c). Provides that no government unit or person acting under government authority may, with regard to weapons, ammunition, or accessories: (1) prohibit or regulate the otherwise lawful possession, carrying, transportation, transfer, or use; (2) seize, commandeer, or confiscate; (3) suspend or revoke a valid permit; or (4) close or limit the operating hours of businesses that sell or service these items, unless the limitation applies to all forms of commerce.</p> <p>Para. (d). Provides that no provision of law relating to a public disorder or national emergency proclamation shall be construed as authorizing any government official to act in violation of paragraphs (b), (c), or (d).</p> <p>Para. (e). (1) An individual aggrieved by a violation of this section may seek specified relief in the district court with jurisdiction over the county in which the individual resides or in which the violation occurred.</p> <p>(2) An individual aggrieved by a violation of a paragraph (c) may additionally apply for the immediate return of the items to the office of the clerk for the county in which the items were seized. Except as provided in paragraph (b), the court must order the immediate return of the items.</p> <p>(3) In an action or proceeding to enforce this section, the court must award the prevailing plaintiff reasonable court costs and expenses, including attorney fees.</p>	<p>S.F. 878, article 1, section 19, is identical.</p>

Sec.	House Article 3: Public Safety	Senate
	<p>No comparable provision.</p>	<p>Use of unmanned aerial vehicles. Creates a new section to Minnesota Statutes, chapter 626 (peace officers; searches; pursuit; mandatory reporting) addressing the use of drones by law enforcement.</p> <p>Subdivision 1 defines the terms “adverse result,” “law enforcement agency,” and “unmanned aerial vehicles/UAVs (i.e., drones).”</p> <p>Subdivision 2 prohibits law enforcement agencies from operating drones without a search warrant.</p> <p>Subdivision 3 provides exceptions to the search warrant requirement in subdivision 2. Authorizes law enforcement agencies to use drones: (1) in emergency situations that involve a reasonably likely threat to the life or safety of a person; (2) to temporarily collect information from a public area if a court has determined that there are specific and articulable facts demonstrating reasonable suspicion of criminal activity, that the use of a drone will uncover this activity, and that alternate means of data collection are cost-prohibitive or present a significant risk to a person’s bodily safety; (3) to counter a high risk of a terrorist attack if the agency documents the factual basis for the use to a court within 48 hours of the commencement of use; and (4) to prevent the loss of life and property in natural or man-made disasters if the agency documents the factual basis for the use to a court within 48 hours of the commencement of use.</p> <p>Subdivision 4 provides the following limitations on the use of drones.</p> <ul style="list-style-type: none"> • Law enforcement agencies using drones must comply with all FAA requirements and guidelines. • Drone acquisitions must be approved by the government entity overseeing the law enforcement agency. • Drones must be operated in a manner to collect data only on clearly and narrowly defined targets and to avoid data collection on an individual’s home or areas other than the defined target, unless the warrant or order provides otherwise.

Sec.	House Article 3: Public Safety	Senate
		<ul style="list-style-type: none"> • Law enforcement agencies may not deploy facial recognition or other biometric matching technology via drone use, unless specifically authorized to do so by a court order or warrant. • Drones may not be equipped with weapons. <p>Subdivision 5 provides that law enforcement agencies may disclose or receive information about persons acquired through drone usage if the person has given written consent to the disclosure.</p> <p>Subdivision 6 prohibits data collected on an individual, home, or area, other than the subject identified in the court order or warrant from being used for any purposes except as provided in subdivision 5. Requires the deletion of data collected as soon as possible. Classifies data collected as criminal investigative data.</p> <p>Subdivision 7 provides that evidence obtained or collected by law enforcement agencies in violation of this section is not admissible</p> <p>Subdivision 8 specifies the notice that must be given to the subject of a warrant or court order under this section.</p> <p>Subdivision 9 authorizes an aggrieved party to initiate a civil action against a law enforcement agency for violating this section.</p> <p>Subdivision 10 requires law enforcement agencies that use drones to annually report specified information to the commissioner of public safety, and for the commissioner to submit an annual summary report to the legislature and make this information available to the public via the department’s Web site. Requires annual reports by judges who have issued a search warrant or order under this section to the state court administrator. Requires the state court administrator to report to the legislature and post on the state Supreme Court’s Web site information on drone usage. [S.F. 878, art. 1, § 20]</p>
	<p>No comparable provision.</p>	<p>Uniforms; peace officers, security guards; color. Provides that the uniforms of bail bondsmen or bail enforcement agents or persons acting at the direction of a surety may be any color other than those specified for law enforcement officers. A violation is a petty misdemeanor. Defines “bail bondsman” and “bail enforcement agent.” [S.F. 878, art. 1, § 21]</p>

Sec.	House Article 3: Public Safety	Senate
	<p>No comparable provision.</p>	<p>Peace officer-involved incidents; outside investigation required. Requires the chief law enforcement officer of a law enforcement agency to ensure that when a peace officer employed by the agency is involved in an officer-involved incident, an outside investigation into the incident must be conducted by an agency other than the one that employs the officer. Provides that if the officer is employed by the police department of a city of the first class, the outside investigation must be conducted by the Bureau of Criminal Apprehension (BCA), unless the BCA is unable to conduct the investigation in a timely manner (in which case, another outside agency may conduct the investigation). Requires the results of the outside investigation to be reported to the county attorney of the county in which the incident occurred. Authorizes an internal investigation to be conducted if this does not interfere with the required outside investigation. Provides that if the county attorney determines there is no basis for prosecution, the investigation report must be released to the public. Of note, defines “officer-involved incident” as meaning the use of deadly force by a peace officer that results in great bodily harm or death to another. [S.F. 878, art. 1, § 22]</p>
24	<p>Blue alert system.</p> <p>Subdivision. 1. Establishment. Directs the Commissioner of Public Safety, in coordination with law enforcement agencies and television and radio broadcasters, to establish a Blue Alert system to disseminate urgent information to the public to aid in identifying, locating, and apprehending an individual suspected of killing or injuring a law enforcement officer.</p> <p>Subd. 2. Criteria and procedures. Directs the Commissioner, in consultation with specified agencies, to develop and to adopt criteria and procedures for the system by October 1, 2015.</p> <p>Subd. 3. Oversight. Directs the Commissioner to regularly review the function of the system and make changes as needed.</p> <p>Subd. 4. Scope. Provides that the system will include all public agencies capable of quickly disseminating information to the public and any private entities that volunteer to participate.</p>	<p>No comparable provision, but see S.F. 397 in Senate Finance.</p>

Sec.	House Article 3: Public Safety	Senate
	<p>Subd. 5. Additional notice. Authorizes the Commissioner to notify authorities and entities outside of the state once the system is established.</p> <p>Subd. 6. False reports. Provides that a person who knowingly makes a false report that triggers the system is guilty of a misdemeanor.</p> <p>Subd. 7. Definitions. Defines “law enforcement officer.”</p>	
25	<p>Statewide accounting of untested rape kits. Requires the director of the forensic science division of the Bureau of Criminal Apprehension, each executive director of a publicly funded forensic laboratory, and each sheriff and chief of police to prepare a written report, by August 1, 2015, that identifies the number of untested rape kits in the possession of the official’s agency or department. Defines “untested rape kit” as a rape kit that has not been submitted to the bureau for DNA analysis or a rape kit in the possession of the bureau that has not undergone DNA analysis.</p> <p>Requires the superintendent to prepare a report by December 1, 2015, that identifies each untested rape kit disclosed, provides explanation of why each kit was not tested, and provides a plan to resolve any backlog of untested rape kits.</p>	<p>S.F. 1081, 1st engrossment, section 1, is identical except that the Senate has a different definition of “untested rape kit” and one other technical difference.</p>
26	<p>Repealer. Repeals the following sections:</p> <ul style="list-style-type: none"> • 168A.1501, subds. 5 and 5a – requirement that scrap vehicle operators report all transactions through APS; and authorization for Minneapolis to charge fees for use of APS. • 299C.36 – repeals language requiring telegraph and telephone companies to give priority to messages or calls directed to broadcasting stations. • 325E.21, subds. 1c and 1d – requirement that scrap metal dealers report all transactions through APS; and authorization for Minneapolis to charge fees for use of APS. • Laws 2014, ch. 190, §§ 10 & 11 – grace period for enforcement of APS and local approval requirement for Minneapolis to set APS fee. (These provisions would no longer be needed due to the above sections being repealed.) 	<p>No comparable provision.</p> <p>S.F. 464, section 9, is identical.</p> <p>No comparable provision.</p> <p>No comparable provision.</p>

Sec.	House Article 3: Public Safety	Senate
	<ul style="list-style-type: none"> 609.66, subd. 1h – the current law that provides for limited exceptions to the ban on the possession and use of suppressors in the state. 	S.F. 878, article 1, section 24 , is identical, but also repeals the general prohibition on the possession of silencers in the game and fish chapter (97B).

Sec.	House Article 4: Firefighters	Senate
1	Payroll deduction for volunteer firefighter relief association dues. Allows employer payroll deductions for dues to volunteer firefighter relief associations and the Bloomington fire department relief association. In Minnesota, volunteer firefighters typically have pension coverage as part of their compensation package and that pension coverage is provided by the various local volunteer firefighter relief associations located in the state.	No comparable provision.
2	Volunteer firefighter wages. Allows employers of volunteer firefighters and ambulance drivers or attendants to pay wages at intervals longer than 31 days, provided both the employee and employer agree. Currently, all Minnesota employers must pay employee wages at least once every 31 days.	No comparable provision.
3	Authorized programs within department. Requires that any balance remaining in the fire safety account after the first year of the biennium must be appropriated to the commissioner of public safety for the purposes specified in law.	S.F. 406, the 2nd engrossment, article 2, section 9 , is identical.
4	Terms; chair; compensation. Removes the requirement that the Board of Firefighter Training and Education elect the board's chair each year.	No comparable provision.
	No comparable provision.	Chief firefighting officer. Clarifies the definition of "chief firefighting officer" to include the highest ranking employee or appointed official's designee for the purposes of Minnesota Statutes, chapter 299N. [S.F. 1597, 2nd eng., § 1]
5	Full-time firefighter. Makes technical changes.	S.F. 1597, 2nd engrossment, section 2 , is identical.
6	Licensed firefighter. Makes technical changes.	S.F. 1597, 2nd engrossment, section 3 , is identical.

Sec.	House Article 4: Firefighters	Senate
7	Volunteer firefighter. Makes technical changes.	S.F. 1597, 2nd engrossment, section 4, is identical.
8	Certain baccalaureate or associate degree holders eligible to take certification examination. Makes technical changes.	S.F. 1597, 2nd engrossment, section 5, is identical.
9	Licensure requirement. Removes the grandfather clause established for licensure of full time firefighters.	S.F. 1597, 2nd engrossment, section 6, is identical.
	No comparable provision.	Newly employed firefighters. Strikes obsolete language regarding full-time firefighter licensure. Under current law, all full-time firefighters were required to be licensed by the Board by July 1, 2011. Licenses are valid for three years, so the date of employment in statute is now unnecessary. [S.F. 1597, 2nd eng., § 7]
10	Obtaining a firefighter license. Requires firefighters to complete an application to secure licensure from the board. A license is valid for a three-year period determined by the board.	S.F. 1597, 2nd engrossment, section 8, is identical except for one technical difference.
11	License renewal; expiration and reinstatement. Modifies license renewal and reinstatement requirements and procedures.	S.F. 1597, 2nd engrossment, section 9, is identical.
12	Duties of chief firefighting officer. Modifies duties of chief firefighting officers in regards to ensuring licensure of their firefighters.	S.F. 1597, 2nd engrossment, section 10, is identical.
13	Revocation; suspension; denial. Expands grounds for which the board may revoke, suspend, or deny a license. Requires notice of criminal convictions be provided to the board.	S.F. 1597, 2nd engrossment, section 11, is identical.
14	Eligibility for reciprocity examination based on relevant military experience. Establishes a reciprocity exam based on relevant military experience. Provides that a person is eligible to take the reciprocity examination if he or she has relevant military experience and has been honorably discharged or is currently in active service.	S.F. 1597, 2nd engrossment, section 12, is identical.
15	Repealer. Repeals section 299N.05, subdivision 3, which provides for licensure of firefighters appointed prior to July 1, 2011.	S.F. 1597, 2nd engrossment, section 13, is identical.

Sec.	House Article 5: Corrections	Senate
1	<p>Insurance contributions; former employees. A 2014 law requires the Commissioner of Corrections to continue to make the employer contribution for insurance coverage for any former Department of Corrections employee who was a member of the Minnesota State Retirement System (MSRS) general plan who was assaulted by an inmate at a state correctional institution and was determined to be totally and permanently physically disabled under MSRS laws.</p> <p>This section extends the law to apply to positions covered by either the MSRS correctional plan or the general state employees retirement plan and to former employees assaulted by either patients at institutions under control of the Commissioner of Human Services or inmates at state prisons.</p>	<p>No comparable provision.</p>
2	<p>Restraint. Requires that, if wrist restraints are used on a pregnant, incarcerated woman, they must be applied so the woman may protect herself and her fetus in case of a forward fall.</p>	<p>No comparable provision, but see S.F. 1269, 1st eng., in Senate Finance.</p>
3	<p>Required annual report. Requires an annual legislative report by the commissioner of corrections on the use of restraints on pregnant women, women in labor, and postpartum women incarcerated in state and local correctional facilities. No reporting is required on use of handcuffs on the front of the body of a pregnant woman.</p>	<p>No comparable provision, but see S.F. 1269, 1st eng., in Senate Finance.</p>
4	<p>Applicability. Technical correction.</p>	<p>No comparable provision, but see S.F. 1269, 1st eng., in Senate Finance.</p>
5	<p>Requirements. Amends standard of care provided by correctional facilities relating to incarcerated women: (1) requires current pregnancy testing be taken within 14 days of incarceration (applies to women under age 50 who consent); (2) strikes requirement to test for sexually transmitted diseases and replaces with requirement on providing prevailing medical standard of care; and (8) extends notice on laws and policies to be given to women who have given birth in the past six months (applies currently to pregnant women).</p>	<p>No comparable provision, but see S.F. 1269, 1st eng., in Senate Finance.</p>
6	<p>Supervised release; electronic surveillance. Authorizes the Commissioner of Corrections to keep an inmate in custody or under direct probation supervision until the inmate has electronic surveillance activated. Places the burden of ensuring the inmate's home is properly equipped and the inmate's telecommunications system is properly</p>	<p>S.F. 1244, section 2, is identical.</p>

Sec.	House Article 5: Corrections	Senate
	configured on the inmate. Failure to maintain the proper equipment or configuration is grounds for revocation of supervised release.	
7	Intensive supervised release; electronic surveillance. Requires direct supervision of a state prison inmate designated for intensive community supervision until the offender’s electronic monitoring is activated in cases where the Commissioner of Corrections imposes electronic monitoring as a condition of the offender’s release. Places the burden of ensuring the inmate’s home is properly equipped and the inmate’s telecommunications system is properly configured on the inmate. Failure to maintain the proper equipment or configuration is grounds for revocation of intensive supervised release.	S.F. 1244, section 3 , is identical.
8	Juveniles; electronic surveillance. Authorizes a court to keep a juvenile in custody or under direct probation supervision until the juvenile has electronic surveillance activated. Places the burden of ensuring the juvenile’s home is properly equipped and the juvenile’s telecommunications system is properly configured on the juvenile’s parent or guardian.	S.F. 1244, section 2 , is identical except for a technical difference.
9	<p>Community corrections aid calculation. To determine the community corrections aid amount to be paid to each participating county, the commissioner of corrections must apply a formula provided under Minnesota Statutes 2014, section 401.10, subdivision 1. This section modifies how the base funding amount used in this formula is calculated. Currently, each participating county's base funding amount is the aid amount that the county received under this section for fiscal year 1995 as reported by the commissioner of corrections. This section adds the amount received by a county in caseload or workload reduction, felony caseload reduction, and sex offender supervision grants in fiscal year 2015 to the county’s base funding amount.</p> <p>This section also makes the same change to how the aggregate base funding amount is calculated. The aggregate base funding amount is equal to the sum of the base funding amounts for all participating counties. If a county that did not participate under this section in fiscal year 1995 chooses to participate in any given year, then the aggregate base funding amount must be increased by the amount of aid that the county would have received had it participated in fiscal year 1995 plus the estimated amount it would have</p>	S.F. 406, 2nd engrossment, article 1, section 11 , is identical.

Sec.	House Article 5: Corrections	Senate
	received in caseload or workload reduction, felony caseload reduction, and sex offender supervision grants in fiscal year 2015.	
10	County probation; electronic surveillance. Authorizes the court or sheriff to keep an offender in custody or under direct probation supervision until the offender has electronic surveillance activated. Places the burden of ensuring the offender’s home is properly equipped and the offender’s telecommunications system is properly configured on the offender. Failure to maintain the proper equipment or configuration is grounds for revocation of probation.	S.F. 1244, section 5 , is identical except for two technical differences.
11	Sherburne county community supervision grant. Provides that any state funds appropriated in FY 2015 for community supervision in Sherburne County that are unallocated after specified transfers are made shall be transferred to Sherburne County as a caseload and workload reduction grant to fund community supervision of offenders. The appropriated funds will keep Sherburne County probation funded at the same level it currently is as the county transitions to the Community Corrections Act system.	No comparable provision , but see S.F. 540 in Senate Finance.
12	Colton’s law; title. Identifies sections 6, 7, 8, 10, and 13 dealing with electronic surveillance of offenders as Colton’s law.	S.F. 1244, section 1 , is substantively identical.
13	Electronic surveillance; purpose statement. Establishes a purpose statement of the use of electronic surveillance of offenders.	No comparable provision.

Sec.	House Article 6: General Criminal Provisions	Senate
	No comparable provision.	S.F. 878, 2nd engrossment, article 1, section 1 , amends the Safe At Home chapter of law to provide that when the performance of an act is prohibited under the chapter as of February 1, 2015, but no penalty is provided, the commission of the act is a misdemeanor. This section creates an exception to the change made in section 23.

Sec.	House Article 6: General Criminal Provisions	Senate
1	Protection of identities. Expands data protections by prohibiting public access to law enforcement data that would reveal a sex trafficking victim’s identity.	No comparable provision, but see S.F.1270, 1st eng., on General Orders.
2	Reckless driving. (a) Amends the crime of reckless driving. Strikes the current definition of reckless driving – “willful or ...wanton disregard for the safety of persons or property”, and replaces it with driving “while aware of and consciously disregarding a substantial and justifiable risk” of harm to persons or property. (c) Maintains the misdemeanor penalty for reckless driving, except in cases resulting in great bodily harm or death, the penalty is a gross misdemeanor.	S.F. 986, section 1, is identical.
3	Application. Amends careless and reckless driving statute. Provides that a person may be prosecuted for conduct that constitutes any other crime.	S.F. 986, section 2, is identical.
4	Texting and driving. Establishes a minimum fine of \$150, plus the amount specified in the uniform fine schedule, for second and subsequent violations of the prohibition on using a wireless communications device (such as texting on a cell phone) while driving. Effective Aug. 1, 2015, and applies to offenses committed on or after that date.	S.F. 406, section 1, establishes a minimum fine of \$300 for the same violation. Effective July 1, 2015, and applies to crimes committed on or after that date.
	No comparable provisions.	S.F. 1073, sections 1, 10, and 16, amend the laws specifying the judicial review process for challenging loss of hunting privileges due to hunting while impaired (HWI), loss of driving privileges due to driving while impaired (DWI), and license plate impoundment due to DWI, respectively, to allow persons challenging the loss or impoundment to file a petition within 60 days rather than 30. These changes are effective the day following final enactment.
	No comparable provision.	S.F. 1073, section 2, amends the law related to challenging the loss of hunting privileges due to HWI to expand the affirmative defenses available to include all of the defenses described in the criminal DWI affirmative defense law (see section 9). Requires that advance notice of the defense be provided. This provision also applies to persons who have lost their operating privileges under the motorboat and snowmobile/all-terrain vehicle impaired operation laws. These changes are effective the day following final enactment.
5 - 9	Aggravating factor; DWI. Lower the blood alcohol concentration (BAC) from .20 to .16 for the definition of aggravating factor. Aggravating factors enhance criminal provisions under DWI law, including penalties, assessments, and level of care recommendations.	S.F. 1073, sections 3, 4, 5, 6, and 9, are identical. However, section 9 makes other changes as well (see below).

Sec.	House Article 6: General Criminal Provisions	Senate
	(This would make the BAC threshold for criminal penalties the same as for administrative sanctions.)	
	No comparable provision.	S.F. 1073, section 7 , makes it a misdemeanor to intentionally remove or damage a permanent sticker affixed to and invalidating a registration plate under the DWI license plate impoundment law. (See section 14.)
	No comparable provision.	S.F. 1073, section 8 , amends the preliminary screening test law to require the immediate disclosure of the test results, upon request of the driver or the driver’s counsel. If the peace officer does not comply with the request, the test result may not be used in any license revocation, DWI, or underage drinking and driving proceeding. These changes apply only to persons arrested for DWI offenses.
	Section 9 makes the same change to the alcohol concentration threshold as made in sections 5 to 8, as described above.	S.F. 1073, section 9 , makes an identical change to the alcohol concentration threshold (see above description of sections 3 to 6). Amends the criminal DWI affirmative defense law to specifically add the common law necessity defense. Also provides that it is an affirmative defense to driving while under the influence of alcohol, a controlled substance, or a hazardous substance, or a combination, if the defendant was not under the influence at the time of the violation and proves consumption of a sufficient quantity of alcohol, controlled substances, or hazardous substances, or a combination, after the time of the violation and that this caused the defendant to be under the influence (this is a variation of a similar affirmative defense currently available (see lines 5.32-6.7)). Also adds an affirmative defense for the DWI test refusal crime that the defendant’s refusal to permit the test was based on reasonable grounds (this affirmative defense is currently available in the implied consent law, but not the criminal DWI law). Amends the current prescription drug affirmative defense by adding cross-references that were missed when the DWI law was recodified a few years ago. Provides that an affirmative defense under this section may not be raised unless prior notice is given to the prosecution. These changes are effective the day following final enactment.
10	Judicial hearing; implied consent. Amends the DWI implied consent law to specifically authorize a petitioner to raise the affirmative defense of necessity. Under common law,	S.F. 1073, section 11 , is different. It amends the DWI implied consent law to provide that the affirmative defenses described in the DWI criminal law (including the necessity defense) (see section 9) are also available in the DWI implied consent law. Requires that advance notice of

Sec.	House Article 6: General Criminal Provisions	Senate
	<p>necessity is a defense “in emergency situations where the peril is instant, overwhelming, and leaves no alternative but the conduct in question.”</p> <p>This section is in response to a recent Minnesota Supreme Court ruling (<i>Axelberg v. Commissioner of Public Safety</i>) holding that the common law affirmative defense of necessity is not available in DWI implied consent proceedings.</p>	<p>the defense be provided. Also specifically provides that any constitutional challenges are properly within the scope of an implied consent hearing and expands the scope of the hearing to also include a determination of whether the offender was driving, operating, or in physical control of the motor vehicle. These changes are effective the day following final enactment.</p>
	<p>No comparable provisions.</p>	<p>S.F. 1073, sections 12 and 20, amend the provisions of law that require a person whose driver’s license has been revoked to successfully pass an examination before being issued another license. Exempts DWI offenders from these provisions.</p>
	<p>No comparable provisions.</p>	<p>S.F. 1073, sections 13, 23 to 25, and 27, make technical changes relating to criminal vehicular operation (CVO) offenders in the DWI driver's license revocation law, the limited driver's license law, and the ignition interlock program law.</p>
	<p>No comparable provision.</p>	<p>S.F. 1073, section 14, amends the DWI license plate impoundment law to permit a peace officer, as an alternative to seizing and destroying the plates at the time of the violation, to invalidate the plates by affixing a permanent sticker on them.</p>
	<p>No comparable provision.</p>	<p>S.F. 1073, section 15, amends the DWI license plate impoundment law to provide that when a plate impoundment violation is predicated on the results of a chemical test of the person’s breath, or on a test refusal, the person must be issued a temporary vehicle permit valid for 14 days rather than seven days. Requires a temporary permit valid for 45 days if the person submits to a chemical test of the person’s blood or urine.</p>
	<p>No comparable provision.</p>	<p>S.F. 1073, section 17, amends the DWI license plate impoundment law to require the issuance of new registration plates (i.e., nonwhiskey plates) for vehicles whose plates have been impounded, if the violator becomes a program participant in the ignition interlock program.</p>
	<p>No comparable provision.</p>	<p>S.F. 1073, section 18, amends the DWI forfeiture law to provide that it does not apply to offenders who begin participation in the ignition interlock program within 60 days following the service of a Notice of Seizure and Intent to Forfeit. Provides that the vehicle is summarily forfeited if it is used by the program participant in the commission of another DWI before the</p>

Sec.	House Article 6: General Criminal Provisions	Senate
		participant has been restored to full driving privileges or within three years of the original offense or license revocation, whichever occurs latest.
	No comparable provisions.	S.F. 1073, sections 19 and 29 , provide that the Judicial Council may not make an ignition interlock program crime a payable offense.
	No comparable provision.	S.F. 1073, section 21 , amends the law allowing certain DWI offenders to pay their driver's license reinstatement fee and surcharge in installments. Under current law, this option applies only to persons eligible for a public defender. This section expands this option to all offenders.
	No comparable provision.	S.F. 1073, section 22 , amends the limited driver's license law to provide that certain more serious DWI offenders are not eligible for limited licenses. (See section 27 for further explanation.)
	No comparable provision.	S.F. 1073, section 26 , amends the ignition interlock law to require indigent program participants to submit a sworn statement affirming that the proof supporting indigency is accurate. (See also section 29.) Requires the commissioner of public safety to deny the participant the reduced rate for indigents if the statement contains false material information.
	No comparable provision.	S.F. 1073, section 27 , amends the ignition interlock program law. Under current law, more serious DWI offenders who participate in the program (which they must in order to drive legally) must have a limited license for the first year (in addition to being subject to ignition interlock). Provides that these persons are no longer required to have the limited license (thus, while still subject to the interlock requirement, they are not subject to the restrictions of a limited license for the first year). Also provides that only persons who have a previous driving without insurance offense are required to present proof of current insurance that is non-cancellable for 12 months. Under current law, all program participants are required to prove this. Finally, makes technical changes relating to CVO offenders.
	No comparable provision.	S.F. 1073, section 28 , amends the ignition interlock law to strike a limited license reference made unnecessary by the changes contained in section 27.

Sec.	House Article 6: General Criminal Provisions	Senate
	No comparable provision.	S.F. 1073, section 29 , makes it a misdemeanor for an ignition interlock program participant to knowingly submit false material information related to the participant's eligibility for a reduced rate due to indigency. (See also section 26.)
	No comparable provision.	S.F. 1073, section 30 , makes the same substantive changes to the criminal vehicular operation (CVO) law as are being made in the DWI criminal law regarding affirmative defenses (see section 9). However, the defense relating to test refusal is not included because that is not an offense under the CVO law. These changes are effective the day following final enactment.
	No comparable provision.	S.F. 1073, section 31 , clarifies that the article's affirmative defense changes are limited to DWI and CVO-related proceedings. Prohibits a court from construing them as addressing or limiting the applicability of affirmative defenses in other criminal or civil proceedings. These changes are effective the day following final enactment.
	No comparable provision.	S.F. 1073, section 32 , repeals affirmative defense provisions in the CVO law that are superseded by the changes made in section 30. These changes are effective the day following final enactment.
11	Registration required. Amends the predatory offender registration statute. Requires offenders convicted of committing felony violations of the new crime created in section 29 ("nonconsensual photographs and videos") to register as predatory offenders. Expands registration to all sex trafficking offenses (not just those involving a minor) and to all prostitution offenses involving minors (not just those involving a minor under 13).	No comparable provision.
12	Definitions. Adds sex trafficking to the definition of "violent crime" under section 609.1095. A person who commits dangerous or repeat "violent crimes" is subject to increased and mandatory sentences.	No comparable provision.
13	Definitions; CVO. Defines "qualified prior driving offense" as a prior conviction for: (1) first, second, or third-degree DWI; (2) fourth-degree DWI involving damage to property; (3) careless/reckless driving involving harm to or death of another, or damage to property;	No comparable provision.

Sec.	House Article 6: General Criminal Provisions	Senate
	(4), (5), & (6) Criminal vehicular homicide or injury involving impairment. See sections 14 and 15.	
14 - 15	Criminal vehicle homicide. Create a 15-year felony for a person convicted of criminal vehicular homicide involving impairment, occurring within ten years of a prior “qualified driving offense.” (The current penalty is a ten-year felony.)	No comparable provision.
16	Secure treatment facility personnel. Expands the fourth-degree assault protections to employees supervising and working directly with mentally ill and dangerous patients at the Minnesota Security Hospital. Currently, this subdivision covers only employees working in the sex offender programs at Moose Lake and the Minnesota Security Hospital (ch. 253D). The penalty for fourth-degree assault under this subdivision is a two-year felony. Paragraph (a) expands the definition of “secure treatment facility” to include the entire Minnesota Security Hospital. Paragraph (c) amends the crime to include assaults by persons committed as mentally ill and dangerous (§ 253B.18) and patients admitted from jail or prison who are ordered confined for a competency examination (§ 253B.10, cl. (1)). Paragraphs (d)-(e) apply the current mandatory sentencing and conditional release provisions to the new crime defined in paragraph (c).	S.F. 1120, section 1, is similar but has two differences noted below. Identical. The House language defines one element of assault as intentionally throwing or transferring “bodily fluids or feces” at an employee; the Senate language refers to “urine, blood, semen, or feces.” The Senate language does not extend these provisions to the new crime.
17	Consecutive sentences; assaults committed by inmates. Amends provision requiring consecutive (vs. concurrent) sentencing for assaults committed by inmates while confined in a state correctional facility. Requires consecutive sentencing for assaults committed by an inmate receiving medical assistance services while in a medical institution.	No comparable provision.
18	Hiring minor to engage in prostitution. Creates a five-year felony for hiring or agreeing to hire an individual the actor reasonably believes to be under the age of 18 to engage in prostitution.	No comparable provision, but see S.F.1270, 1st eng., on General Orders.
19	No defense; undercover operative. Provides that the use of an undercover operative is not a defense to a charge under section 609.324 (patrons/prostitution).	No comparable provision, but see S.F.1270, 1st eng., on General Orders.

Sec.	House Article 6: General Criminal Provisions	Senate
20	<p>Affirmative defense.</p> <ul style="list-style-type: none"> • Updates a cross-reference to reflect re-structuring of section 609.324 (prostitution) in the 2011 session. • Amends the burden to establish an affirmative defense to a prostitution charge by a trafficking victim. Requires defendant to prove that the acts were the result of being a trafficking victim. Currently, the defendant must prove the acts were committed under compulsion by another through threat of bodily harm. 	<p>No comparable provision, but see S.F.1270, 1st eng., on General Orders.</p>
21	<p>Fifth degree criminal sexual conduct. Extends the offense of fifth-degree criminal sexual conduct to cover cases where the criminal sexual contact is made through the offender’s seminal fluid.</p>	<p>No comparable provision, but see S.F.1293, 1st eng., on General Orders.</p>
22	<p>Records pertaining to victim identity confidential. Expands data protections by prohibiting public access to charging documents that would reveal a sex trafficking victim’s identity. (Current law protects sexual assault victims.)</p>	<p>No comparable provision, but see S.F.1270, 1st eng., on General Orders.</p>
23	<p>Impersonating officer. Expands the misdemeanor offense of impersonating a peace or military officer to cover the impersonation of any member of the military or a veteran.</p>	<p>No comparable provision.</p>
24	<p>Definitions; forfeiture. Adds the crime of financial exploitation of a vulnerable adult to the list of felony-level, designated offenses in the forfeiture laws. (A felony-level crime under Minnesota Statutes, section 609.2335, involves more than \$1,000 in stolen property.)</p>	<p>No comparable provision, but see S.F.239, on General Orders.</p>
25	<p>Real or personal property arson resulting in bodily harm.</p> <p>Subd. 1. Penalty; felony. Creates a new offense for intentionally setting fire to property which proximately causes bodily harm to any person, including a public safety officer. Provides graduated penalties based on the resulting harm:</p> <ul style="list-style-type: none"> ▸ Great bodily harm – 20-year felony ▸ Substantial bodily harm – 10-year felony ▸ Demonstrable bodily harm – 5-year felony 	<p>No comparable provision, but see S.F.1032, 1st eng., in Finance.</p>

Sec.	House Article 6: General Criminal Provisions	Senate
	<p>Subd. 2. Definitions. Provides that “personal property” does <u>not</u> include items where fire is involved in the normal intended use of the property (e.g., candle wick, campfire logs).</p> <p>Defines “public safety officer” under § 299A.41, subd. 4, which includes peace officers (local, state, reserve, DOT), correctional officers, volunteer and full-time firefighters, arson investigators, EMS personnel, hazardous material responders, good Samaritans, ambulance drivers, and certified first responders.</p>	
26	<p>Excluded fires. Provides that a violation under section 25 does not occur if the person sets the fire with a permit or permission from the fire department.</p>	<p>No comparable provision, but see S.F.1032, 1st eng., in Finance.</p>
27	<p>Wildfire; penalty. Strikes the current 10-year felony for intentionally setting a wildfire that causes bodily harm to another. Cross-references the graduated penalties created in section 25.</p>	<p>No comparable provision, but see S.F.1032, 1st eng., in Finance.</p>
28	<p>Adulteration by bodily fluid.</p> <p>Subd. 1. Definition. Defines “adulteration” and “bodily fluid” for purposes of this section. “Bodily fluid” means human blood, seminal fluid, vaginal fluid, urine, or feces.</p> <p>Subd. 2. Crime. Creates the new crime of adulteration by bodily fluid.</p> <p>Para. (a). Establishes a misdemeanor penalty for adding saliva to a substance that is intended for human consumption and another person ingests the substance.</p> <p>Para. (b). Establishes a misdemeanor penalty for adulterating a substance that is intended for human consumption.</p> <p>Para. (c). Establishes a gross misdemeanor penalty where an offender violates paragraph (b) and a person ingests the adulterated substance.</p>	<p>No comparable provision, but see S.F.1293, 1st eng., on General Orders.</p>
29	<p>Nonconsensual photographs and videos.</p>	<p>No comparable provision.</p>

Sec.	House Article 6: General Criminal Provisions	Senate
	<p>Para. (a). Establishes criminal liability for a person who knowingly takes a photograph, records a digital image, makes a video record, or transmits live video of another person, without that person’s consent, in a restroom, locker room, or changing room.</p> <p>Para. (b). Establishes criminal liability for a person who knowingly disseminates, or permits to be disseminated, an image or recording made in violation of paragraph (a) or subdivision 1. (Subdivision 1 prohibits a variety of other acts of surreptitious recording in places where the victims would have a reasonable expectation of privacy.)</p> <p>Para. (c). Establishes a gross misdemeanor penalty for violations of Paragraph (a) that do not involve aggravating factors.</p> <p>Para. (d). Establishes a three-year felony for violations of Paragraph (a) when the victim is a minor under the age of 18.</p> <p>Para. (e). Establishes a three-year felony for violations of Paragraph (a) when the perpetrator is a registered predatory offender.</p> <p>Para. (f). Establishes a three-year felony for violations of Paragraph (b) that do not involve aggravating factors.</p> <p>Para. (g). Establishes a five-year felony for violations of Paragraph (b) when the victim is a minor under the age of 18.</p> <p>Para. (h). Establishes a five-year felony for violations of Paragraph (b) when the perpetrator is a registered predatory offender.</p> <p>Para. (i). Creates exceptions to the prohibitions contained in Paragraphs (a) and (b) for: (1) law enforcement officers; and (2) commercial establishments that post signs warning visitors that they are subject to surveillance.</p>	
30	<p>Criminal defamation. Amends the criminal act of defamation to punish only statements made that were knowingly <u>false</u>. It also strikes a current defense that allows a defendant to argue the act was justified because the defamatory matter was true and was communicated based on good motives and for justifiable ends.</p>	<p>No comparable provision.</p>

Sec.	House Article 6: General Criminal Provisions	Senate
31 – 32	Polygraph prohibition. Prohibit law enforcement or prosecutors from requiring a sex trafficking victim to submit to a polygraph as a condition of charging the case. (Current law protects sexual assault victims.)	No comparable provision, but see S.F.1270, 1st eng. , on General Orders.
33	Restriction on ownership; adult business establishment. Adds sex trafficking to the list of offenses that disqualify a person from operating an adult business establishment until three years after discharge of the sentence.	No comparable provision, but see S.F.1270, 1st eng. , on General Orders.
34	<p>Limitations. Increases the criminal limitations period for filing sex trafficking charges. The current limitations period is three years from commission of the offense. This section provides that the limitations period for sex trafficking would be the same as for criminal sexual conduct:</p> <ul style="list-style-type: none"> • If physical evidence is collected and preserved that is capable of DNA testing, there is no limitations period. <p>Otherwise,</p> <ul style="list-style-type: none"> • If the victim was under age 18 at the time of the offense, limitations period is nine years after the offense or three years after reporting offense to law enforcement, whichever is later. • If the victim was 18 or older at the time of the offense, limitations period is nine years after the commission of the offense. 	No comparable provision, but see S.F.1270, 1st eng. , on General Orders.
	No comparable provision.	S.F. 878, 2nd engrossment, article 1, section 23, provides that the commission of any act prohibited by statute for which no penalty is imposed is a petty misdemeanor. Under current law, the commission of these acts are misdemeanors unless the prohibition is in a statute enacted or amended after September 1, 2014, in which case it is a petty misdemeanor. Thus, this section broadens the petty misdemeanor default to include the commission of all statutorily prohibited acts for which no penalty is imposed.
35	Jacquelyn Devney and Thomas Considine Roadway Safety Act. Identified as sections 2 and 3 (Reckless driving; enhanced penalties).	No comparable provision, but see S.F. 986.

Sec.	House Article 6: General Criminal Provisions	Senate
36	Revisor instruction. Directs Revisor to update cross-references consistent with changes in sections 14 and 15 (CVH; enhanced penalties).	No comparable provision.

Sec.	House Article 7: Disaster Assistance	Senate
1	Disaster assistance contingency account. Authorizes the use of money from the disaster assistance account to provide matching funds received from the Federal Highway Administration emergency relief program and the United States Department of Agriculture emergency watershed protection program.	S.F. 406, 2nd engrossment, article 2, section 1, is identical.
2	Cost-share for federal assistance. Authorizes state grants to utility cooperatives to compensate utility cooperatives for their non-federally reimbursed share of disaster response costs.	No comparable provision.
3	Applicant. Authorizes state government agencies to apply for disaster assistance matching grants from the disaster assistance contingency account.	S.F. 406, 2nd engrossment, article 2, section 2, is identical.
4	County. Adds a definition of “county” to the public disaster assistance chapter (12B).	S.F. 406, 2nd engrossment, article 2, section 3, is identical.
5	Payment required; eligibility criteria. Replaces a reference to “local” government with a reference to “county” government clarifying that the criteria for disaster assistance includes a declaration of a disaster or emergency by the state or county government.	S.F. 406, 2nd engrossment, article 2, section 4, is identical.
6	Application process. Establishes timelines for counties to request that the governor declare a state disaster and specifies what a county’s request for declaration of a state disaster must include.	S.F. 406, 2nd engrossment, article 2, section 5, is identical.

Sec.	House Article 8: Controlled Substances	Senate
	<p>This article amends the state’s controlled substance schedules. Many of the proposed changes will align Minnesota’s controlled substance schedules II through V with federal schedules II through V. The U.S. Drug Enforcement Administration has amended the federal schedules, but the state has not made corresponding changes to the state’s controlled substance schedules. Of the federal changes, the addition of tramadol to Schedule IV and the movement of hydrocodone-containing products (e.g., Vicodin) from Schedule III to Schedule II are the two most noteworthy.</p> <p>Healthcare practitioners will not be impacted by the federal rescheduling of prescription drugs such as Vicodin because the practitioners will continue to be authorized to prescribe and dispense the drugs. The changes will, however, strengthen the tools available to law enforcement agencies and prosecutors in holding persons who are found in possession of, selling or abusing these drugs without a valid prescription accountable.</p> <p>This article also adds certain synthetic cannabinoid, stimulant, and hallucinogenic drugs to Minnesota’s controlled substance schedule I. Most offenses involving schedule I drugs are felonies. An important exception is the penalties for the sale and possession of synthetic cannabinoids. Although some synthetic cannabinoid sale offenses are felonies, others are gross misdemeanors and the possession of synthetic cannabinoids is a misdemeanor.</p>	<p>S.F. 1219 is identical.</p>

House	Senate Article 2: Juvenile Justice
<p>No comparable provisions.</p>	<p>Sections 1 and 2, provide that inmates serving mandatory life sentences under sections 8 to 10 may be released after having served a minimum term of imprisonment of 20 years. Under current law, absent the changes made in these sections and sections 8 to 10, these offenders would serve life without release sentences. In addition, provide that juvenile offenders serving life sentences for crimes not involving life without release are eligible for release after serving a minimum term of imprisonment of 20 years, rather than 30 years.</p>

House	Senate Article 2: Juvenile Justice
No comparable provision.	Section 3 amends the juvenile delinquency code’s purpose provision. Under current law, the purpose is to promote the public safety and reduce juvenile delinquency. This section changes that to “to promote the public safety <i>by reducing</i> juvenile delinquency.”
No comparable provision.	Section 4 addresses the use of restraints in juvenile delinquency proceedings. Defines “restraints.” Prohibits restraints from being used on a child appearing in court, unless the judge makes specified findings. Requires the judge to provide the child an opportunity to be heard before ordering the use of restraints. Requires the judge to make findings of fact in support of an order.
No comparable provisions.	Sections 5 and 6 , amend the juvenile code’s adult certification law and extended jurisdiction juvenile law to provide that when a court is imposing an adult sentence under either of those sections, the court is not required to sentence the child under the terms of a mandatory minimum sentence that would otherwise be applicable to the offense.
No comparable provision.	Section 7 authorizes peace officers to refer a child who is arrested or subject to arrest to a diversion program. Applies only to nonviolent offenses, and those for which the officer is not acting pursuant to a warrant or court order to take the child into custody.
No comparable provisions.	Sections 8 and 9 , amend the heinous crimes sentencing provision to require a court to sentence an offender who was a child at the time of commission of the offense to life with the possibility of release rather than life without release. (Under sections 1 and 2, the offender must serve a minimum of 20 years in prison before being eligible for release.)
No comparable provision.	Section 10 makes the same changes described in sections 8 and 9 to the sex offender life without release sentencing provision.
No comparable provision.	Section 11 supersedes, to the extent it conflicts with section 4, a Minnesota Rule of Juvenile Procedure that, in part, addresses the use of restraints on children in juvenile delinquency proceedings.
No comparable provision.	Section 12 requires judicial districts to develop protocols to address how to implement and comply with section 4.

House	Senate Article 2: Juvenile Justice
No comparable provision.	<p>Section 13 states the legislative findings and intent related to minimum sentences for juvenile offenders.</p> <p>Of note, sections 1, 2, and 8 to 10 are effective immediately and also apply retroactively to offenders sentenced to life without release before the effective date.</p>

House	Senate Article 3: Forfeiture
	<p>Overview: This article shifts the burden of proof from the claimant to the prosecutor in innocent owner cases involving the following forfeiture actions: DWI, designated offenses, controlled substance offenses, and fleeing, drive-by shooting, and prostitution offenses. It also provides for the return of a vehicle in DWI forfeiture to an owner who is not the offender, if the vehicle is needed for employment or dependent care purposes or the owner took reasonable steps to prevent the use of the vehicle by the offender. The article establishes procedures to divide joint property, conduct commercially reasonable sales, and pay off security interests. It outlines responsibility for towing, storage, and court fees if property is returned. It also codifies the homestead exemption found in case law.</p> <p>Finally, the article limits the uses for the proceeds from the sale of forfeited property and addresses forfeiture reporting requirements.</p>
No comparable provisions.	<p>Sections 1 and 19, address forfeiture reporting requirements. Requires law enforcement and prosecutors to annually report to the state auditor the total dollar amount of expenditures made using forfeiture funds in each of four specified categories.</p>
No comparable provisions.	<p>Sections 2, 7, and 18, prohibit law enforcement or prosecuting agencies from using the proceeds from the sale of forfeited property to pay base salaries, benefits, overtime, bonuses, or litigation costs of a private attorney. Applies to forfeiture involving DNR, DWI, and criminal offenses.</p>

House	Senate Article 3: Forfeiture
No comparable provisions.	Sections 3 and 4 , are technical. They move the existing definition of "family or household member" from the DWI forfeiture law where it is no longer used due to the striking in section 5 to the DWI license plate impoundment law where it is still used.
No comparable provisions.	Sections 5, 6, 15 to 17, and 20 , strike language regarding innocent owner and security interest provisions found in the following forfeiture statutes: DWI, designated offenses, controlled substance offenses, and fleeing, drive-by shooting, and prostitution offenses. Cross-references new provisions that are consolidated in sections 10 and 11.
No comparable provision.	Section 8 defines “actual knowledge” and “constructive knowledge,” the latter meaning knowledge imputed to family or household members of an owner who has been adjudicated guilty three or more times for a same or similar violation in the past ten years.
No comparable provision.	Section 9 strikes obsolete language from 2010 requiring law enforcement and prosecutorial agencies to develop a model forfeiture policy. Requires agencies to maintain written forfeiture policies consistent with the 2010 model policy.
No comparable provision.	<p>Section 10 provides limitations and defenses to forfeiture; relating to ownership <i>at the time</i> of the crime.</p> <p>Filing a Claim</p> <p>Paragraph (a) establishes a process by which an innocent owner may file a claim for return of property seized for forfeiture. Cross-references offenses listed in sections 5, 6, 15 to 17, and 20.</p> <p>Paragraph (b) allows prosecutor to request a five-day postponement of a hearing to complete an investigation.</p> <p>Paragraph (c) preserves defendant’s right against self-incrimination in the civil forfeiture trial.</p> <p>Burden of Production and Proof</p> <p>Paragraph (d) places the burden of production on the innocent owner claimant to show: (1) full or joint ownership or security interest in the property; and (2) claimant is not the offender.</p>

House	Senate Article 3: Forfeiture
	<p>Paragraph (e) places the burden of proof on the prosecutor to then show that the property is subject to forfeiture because the claimant: (1) had actual or constructive knowledge of the crime; or (2) consented to the act or omission of the underlying offense.</p> <p><i>The burden of proof required is the preponderance of the evidence.</i></p> <p>Return of Property; Jointly Owned Property</p> <p>Paragraph (f) requires law enforcement to return property within a reasonable time if innocent owner claim prevails. Relinquishes the state’s rights in the property.</p> <p>Paragraphs (g) and (h) establish a process by which jointly owned property may be divided and allocated to an innocent owner, including sale of the property, buy-out of the offender’s portion, or other equitable means.</p> <p>Hardship Exception</p> <p>Paragraph (i) provides an exception to paragraphs (e) to (h) - division of the property and innocent ownership requirements. Allows the court to return the undivided vehicle for DWI forfeitures if the claimant shows that failing to return the vehicle deprives the claimant of reasonable means to employment or to provide dependent care, or that the innocent owner claimant took reasonable steps to prevent the use of the vehicle by the offender.</p> <p>Fees; Security Interests</p> <p>Paragraph (j) places responsibility for towing and storage fees on the claimant if the vehicle is returned within 60 days of seizure. If the innocent owner claims are valid, the law enforcement agency must pay for fees accruing after the 60-day period.</p> <p>Paragraphs (k) and (l) require any proceeds of a seized motor vehicle to be applied to a perfected security interest after deducting the agency costs. Exempts agency from liability to secured party for any amount still owing on loan if sale is conducted in a commercially reasonable manner.</p>

House	Senate Article 3: Forfeiture
No comparable provision.	Section 11 provides limitations and defenses to forfeiture; relating to ownership <i>acquired after</i> the crime. Creates new standards similar to those in section 10 for property acquired after the crime for a bona fide purchaser who paid valuable consideration and did not have notice of a title defect.
No comparable provision.	Section 12 requires the law enforcement and prosecuting agencies to reimburse a prevailing claimant for any court filing fees.
No comparable provisions.	Sections 13 and 14 , codify the <i>Torgelson</i> case exemption for homestead property in criminal code forfeitures. Section 14 also makes the same changes made in sections 5, 6, 15 to 17, and 20.

House	Senate Article 4: Restoration of Right to Vote
No comparable provision.	Section 1 provides that an individual convicted of a felony is eligible to vote upon completion of any incarceration imposed and executed by the court. If the person is later incarcerated for the same offense, the individual's right to vote is lost only during the period of incarceration. Clarifies that a person on work release is not eligible to vote.
No comparable provisions.	Sections 2 to 7, 9, 10, and 12 , are conforming changes related to section 1.
No comparable provision.	Section 8 requires the secretary of state to develop accurate and complete information about the voting rights of people who have charged with or convicted of a crime. Requires the secretary of state to make this information available electronically to specified criminal justice personnel and the public.
No comparable provision.	Section 11 requires the chief executive officer of each state and local correctional facility to designate an official within the facility to provide specified notice to inmates who have had their civil right to vote restored.
No comparable provision.	Section 13 repeals Minnesota Statutes 2014, section 201.155, requiring the state court administrator to report to the secretary of state certain information about persons convicted of a felony for the purpose of determining the restoration of their right to vote. It also repeals

House	Senate Article 4: Restoration of Right to Vote
	Minnesota Statutes 2014, section 201.275, regarding the investigation and prosecution of voter registration violations.
No comparable provision.	Section 14 provides that the article is effective August 1, 2015, and applies to elections held on or after that date. Notices required by this article must be provided to individuals released from incarceration on or after August 1, 2015.