

Subject Judiciary Finance and Civil Law Policy

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Overview

The is the Judiciary Finance and Civil Law Committee policy bill.

Article 1: Data

This article contains data-related policy provisions that protect the personal information of judges and judicial employees.

Section Description - Article 1: Data

- 1 Judicial official data; personal information.**

Creates a new section in the Government Data Practices Act classifying the personal information of judicial officials as private data. Civil remedies are only available for a violation of this section if the judicial official previously notified the government entity that he or she was a judicial official eligible for protection under this section. A notification form is classified as private data.
- 2 Personal information; dissemination.**

This creates a new law prohibiting the dissemination of personal information about judicial officials.

 - Subd. 1. Definitions.** Defines “judicial official” and “personal information.”
 - Subd. 2. Dissemination of personal information.** Prohibits any person, business, association, or government entity from disseminating personal information of judicial officials. Allows dissemination pursuant to specific authorization in law or with written consent of the official.
 - Subd. 3. Exceptions.** Creates exceptions for: speech on matters of public concerns (i.e. news articles where the personal information is relevant); personal

Section Description - Article 1: Data

information a judicial official voluntarily disseminates after enactment of the law; and dissemination which is necessary to effectuate a request of a judicial official.

3 Removal of personal information.

Provides a mechanism for judicial officials to seek deletion of personal information published online.

Subd. 1. Internet dissemination. Provides that, if a judicial official's personal information is made available online, the official can notify the person responsible by sworn affidavit that the person is a judicial official.

Subd. 2. Removal of personal information. Requires removal of the personal information within 30 days and allows a judicial official to seek a court order compelling compliance.

4 Publishing personal information of judicial officials.

Creates a misdemeanor penalty for knowingly publishing the personal information of a judicial official with the intent to threaten, intimidate, harass, or physically injure. It is a felony penalty if the violation also results in bodily harm.

Article 2: Family Law

Section Description - Article 2: Family Law

1 Antenuptial contracts.

Changes the terms related to antenuptial contracts (also called prenuptial contracts), making it so the terms are gender neutral. The bill provides that contracts signed at any time between two people are valid, regardless of the existing statutory language on gender.

2 Existing antenuptial agreements; retroactivity.

Provides that contracts signed before the law goes into effect are still valid, regardless of the gender of the participants of the contract.

3 Revisor instruction.

Directs the revisor of statutes to change terms including "husband," "wife," and similar terms in statute so that they are gender neutral.

Article 3: Judiciary Policy

This article contains policy provisions related to the Judicial Branch.

Section Description - Article 3: Judiciary Policy

- 1 Possession.**
Provides that when a petitioner files a portion of an award to secure the right to title in an eminent domain action, the amount must be deposited with the court administrator. The amount must only be deposited in an interest bearing account if it exceeds \$10,000. Currently, there is no minimum. The deposit must take place within five business days. Currently, deposit must be made by the following business day.
- 2 Copy of judgment to commissioner.**
Requires the court administrator to notify the commissioner of public safety that a judgment arising out of a case involving a motor vehicle has not been satisfied and directs the commissioner to provide notice to the official in charge of drivers' licenses in another state if the person is licensed in a different state. This replaces the requirement to send a certified copy of the judgment.
- 3 Conditions.**
Establishes that the commissioner of public safety must suspend the license of certain persons when there is a judgment arising out of a case involving a motor vehicle and the driver was either not insured or had failed to pay the judgment. Currently, suspension must take place upon receipt of a certified copy of the judgment.
- 4 Court examiner.**
Amends the definition of "court examiner" in the chapter on civil commitment to include psychologists who are either licensed in Minnesota or hold authority to practice in Minnesota under an approved interstate compact instead of limiting the definition to those who are licensed.
- 5 District court.**
Establishes that the district court may publish its own notices, orders, and process for judicial proceedings on the judicial branch website.
- 6 Service; alternate service; publication; notice.**
Establishes that, when a respondent appears remotely for a hearing on an order for protection and the court notifies the person that an order will issue, service of the order can be made through the mail or by electronic means instead of by personal service.
- 7 Juror protection.**
Requires employers to release an employee from that person's regular work schedule to permit the employee to attend court for prospective jury service and cannot require the employee to work an alternative shift or threaten the person's employment status.

Section Description - Article 3: Judiciary Policy

- 8 **Court examiner.**
Amends the definition of “court examiner” in the chapter on competency attainment to include psychologists who are either licensed in Minnesota or hold authority to practice in Minnesota under an approved interstate compact instead of limiting the definition to those who are licensed.
- 9 **Published notice.**
Establishes that, when a statute requires “published notice” of a district court action, the notice may be by publication on the judicial branch website.

Article 4: Guardianships

Section Description - Article 4: Guardianships

- 1 **Powers and duties of guardian.**
Removes a provision that provides immunity from personal liability for private guardians who fail to provide for a person subject to guardianship.
- 2 **Rights and immunities of guardian; limitations.**
Provides that guardians who fail to provide for a person subject to a guardianship can be removed and are not held personally liable for their actions except when (1) the person subject to guardianship was harmed, and (2) the guardian acted in a reckless or intentional way to cause harm, or was grossly negligent.
- 3 **Termination or modification of guardianship.**
Allows the court to grant a request for a guardian to resign even when they have not been able to locate a new guardian, so long as the resignation will not cause substantial harm to the person subject to the guardianship.

Article 5: Public Defense Policy

This article contains policy provisions related to public defenders.

Section Description - Article 5: Public Defense Policy

- 1 **Structure; membership.**
Eliminates the requirement that the State Board of Public Defense establish an ad hoc Board of Public Defense to appoint district public defenders.

Section Description - Article 5: Public Defense Policy

- 2 Duties and responsibilities.**
Removes references to the “appointed counsel system.”
- 3 State public defender; appointment; salary.**
Establishes that the state public defender may be removed before the end of a term by a majority vote of board members.
- 4 Chief appellate public defender; office; assistants.**
Establishes that the chief appellate public defender may be removed before the end of a term by a majority vote of the members present at a meeting of the State Board of Public Defense. Removes references to the employment status of assistant state appellate public defenders. Removes language referencing dates that have passed.
- 5 Appointment; terms.**
Removes the requirements that the State Board of Public Defense must convene an ad hoc board to appoint a district public defender. Establishes that the chief district public defenders may be removed before the end of a term by a majority vote of the members present at a meeting of the State Board of Public Defense.
- 6 Compensation.**
Removes the requirement that the Board of Public Defense review information on the compensation of county attorneys when establishing the compensation of the chief district public defenders.
- 7 Budget; compensation.**
Eliminates the authority for the budgets for the district public defender services in the Second District (Ramsey County) and Fourth District (Hennepin County).
- 8 Assistant public defenders.**
Removes the requirement that assistant district public defenders be appointed by the board and be appointed to ensure broad geographic representation and caseload distribution within the district.
- 9 Employees.**
Removes the statement that the district public defenders in Ramsey and Hennepin Counties are county employees.
- 10 Transition.**
Removes references to public defenders who transitioned from being county employees to state employees in 1993 and their ability to retain insurance through the county.
- 11 Budget.**
Eliminates the requirement that a chief district public defender submit a comprehensive budget to the State Board of Public Defense. Eliminates the requirement that the board

Section Description - Article 5: Public Defense Policy

- consider the distribution of public defenders and the equity of compensation among the judicial districts when distributing funds to district public defenders.
- 12 **Adequate representation; review.**
Provides that the chief district public defender may request that the state public defender authorize appointment of counsel other than the district public defender when the chief district public defender does not believe that the office can provide adequate representation.
- 13 **Addition of permanent staff.**
Makes a conforming change.
- 14 **Appointment of counsel.**
Makes a conforming change and provides that all billings for services performed by attorneys other than public defenders who are state employees must be approved by the district public defender before being forwarded to the state public defender for payment.
- 15 **Correctional facility inmates.**
Removes references to billing for services related to correctional facility inmates.
- 16 **Appeal by prosecuting attorney; attorney fees.**
Removes references to situations when a prosecuting attorney appeals to the court of appeals. Makes conforming changes. Increases the maximum amount that can be paid for services rendered under this section from \$5,000 to \$10,000.
- 17 **Revisor instruction.**
Directs the revisor to move subdivisions of law from section 611.27 to section 611.24 and renumber the subdivisions.
- 18 **Repealer.**
Repeals sections of law related to the duties of the state public defender concerning statistical data, budget information, and other cost factors (section 611.25, subdivision 3); and the reporting of certain information and appointment of counsel other than the district public defenders (section 611.27, subdivisions 6, 9, and 12).

Article 6: Civil Law

This article contains policy provisions related to civil liability and civil procedure.

Section Description - Article 6: Civil Law

1 Motion.

For calculating offsets to the reduction in a plaintiff's damage award due to payments from collateral sources, clarifies that the time period for calculating the offsets extends until judgment is entered in the case.

2 Apportionment of damages: reallocation of uncollectible amounts generally.

Changes "a" to "any" with reference to parties who owe money towards a damage award. This is intended to specify that a court may—upon motion—reallocate an uncollectable share of a damage award for any party, regardless of whether the party is severally liable or jointly-and-severally liable for the damage award.



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