

STATE OF MINNESOTA

NINETY-SECOND SESSION — 2022

 NINETY-NINTH DAY

SAINT PAUL, MINNESOTA, FRIDAY, APRIL 29, 2022

The House of Representatives convened at 9:00 a.m. and was called to order by Dan Wolgamott, Speaker pro tempore.

The members of the House paused for a brief meditation or moment of reflection.

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

The roll was called and the following members were present:

Acomb	Davnie	Hansen, R.	Kresha	Nelson, N.	Sandstede
Agbaje	Dettmer	Hanson, J.	Lee	Neu Brindley	Schomacker
Akland	Drazkowski	Hassan	Liebling	Noor	Schultz
Albright	Ecklund	Hausman	Lillie	Novotny	Scott
Anderson	Edelson	Heinrich	Lippert	O'Driscoll	Stephenson
Backer	Elkins	Heintzeman	Lislegard	Olson, B.	Sundin
Bahner	Erickson	Her	Long	Olson, L.	Swedzinski
Bahr	Feist	Hertaus	Lucero	O'Neill	Theis
Baker	Fischer	Hollins	Lueck	Pelowski	Thompson
Becker-Finn	Franke	Hornstein	Mariani	Petersburg	Torkelson
Bennett	Franson	Howard	Marquart	Pfarr	Urdahl
Berg	Frazier	Huot	McDonald	Pierson	Vang
Bernardy	Frederick	Igo	Mekeland	Pinto	Wazlawik
Bierman	Freiberg	Johnson	Moller	Poston	West
Bliss	Garofalo	Jordan	Moran	Pryor	Winkler
Boe	Gomez	Jurgens	Morrison	Quam	Wolgamott
Burkel	Green	Keeler	Mortensen	Raleigh	Xiong, J.
Carlson	Greenman	Kiel	Mueller	Rasmusson	Xiong, T.
Christensen	Grossell	Klevorn	Munson	Reyer	Youakim
Daniels	Gruenhagen	Koegel	Murphy	Richardson	Spk. Hortman
Daudt	Haley	Kotyza-Witthuhn	Nash	Robbins	
Dauids	Hamilton	Koznick	Nelson, M.	Sandell	

A quorum was present.

Miller was excused.

Masin was excused until 11:20 a.m. Demuth was excused until 2:50 p.m. Boldon was excused until 11:15 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. There being no objection, further reading of the Journal was dispensed with and the Journal was approved as corrected by the Chief Clerk.

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Moran from the Committee on Ways and Means to which was referred:

H. F. No. 778, A bill for an act relating to gambling; authorizing and providing for sports betting; establishing licenses; prohibiting local restrictions; providing for taxation of sports betting; providing civil and criminal penalties; providing for amateur sports grants; requiring reports; appropriating money; amending Minnesota Statutes 2020, sections 260B.007, subdivision 16; 609.75, subdivisions 3, 4, 7, by adding a subdivision; 609.755; 609.76, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 240A; 299L; 609; proposing coding for new law as Minnesota Statutes, chapter 297J.

Reported the same back with the following amendments:

Page 16, delete lines 2 to 4 and insert:

"Application, license, and renewal fees shall be deposited in the sports betting revenue account in the special revenue fund."

Page 26, delete lines 1 to 21 and insert:

"Subd. 7. **Distribution of funds.** (a) The sports betting revenue account is established in the special revenue fund. All amounts collected by the commissioner under this chapter must be deposited in the account and distributed as provided in this subdivision. Any money remaining in the account at the end of each fiscal year does not cancel. Interest and income earned on money in the account, after deducting any applicable charges, shall be credited to the account. After deducting any amounts necessary to pay the refunds under subdivision 5, the money shall be distributed as provided in paragraphs (b) to (d).

(b) \$2,700,000 is appropriated from the sports betting revenue account to the commissioner of public safety to regulate mobile sports betting under sections 299L.10 to 299L.80.

(c) \$1,353,000 is appropriated from the sports betting revenue account to the commissioner of revenue to administer the tax established in this chapter.

(d) Of the amount remaining in the sports betting revenue account after the appropriations in paragraphs (b) and (c) have been made:

(1) 50 percent is appropriated to the commissioner of human services of which half is for the compulsive gambling treatment program established under section 245.98, and half is for a grant to the state affiliate recognized by the National Council on Problem Gambling to be used to increase public awareness of problem gambling, provide education and training for individuals and organizations providing effective treatment services to problem gamblers and their families, and research relating to problem gambling. Money appropriated by this clause must supplement and must not replace existing state funding for these programs; and

(2) 50 percent shall be transferred to the amateur sports integrity and participation account established pursuant to section 240A.15, subdivision 1."

Page 26, line 23, before the period, insert "except that subdivision 7 is effective July 1, 2022, and applies to license and renewal fees received after June 30, 2022, and sports betting net revenue received after June 30, 2023"

Page 27, line 12, delete "....." and insert "June 30, 2023."

Page 37, delete lines 5 to 7 and insert:

"Subdivision 1. **Appropriation.** Notwithstanding any law to the contrary, before the distribution required under Minnesota Statutes, section 297J.02, subdivision 7, paragraph (d), \$150,000 in fiscal year 2023 is appropriated from the sports betting revenue account in the special revenue fund to the commissioner of public safety for a grant to a nonprofit organization to conduct a study on the gambling motivations and beliefs of young adult gamblers. The commissioner may not use any amount of this appropriation to administer the grant. This is a onetime appropriation."

Page 38, line 2, delete "\$....." and insert "\$1,301,000" and delete "general" and insert "sports betting revenue account in the special revenue"

Page 38, line 4, delete everything after the period and insert "Notwithstanding any law to the contrary, this appropriation must be made before the distribution required under Minnesota Statutes, section 297J.02, subdivision 7, paragraph (d). This is a onetime appropriation."

Page 38, delete line 5

Page 38, line 7, delete "\$....." and insert "\$328,000" and delete "general" and insert "sports betting revenue account in the special revenue"

Page 38, line 9, delete everything after the first period and insert "Notwithstanding any law to the contrary, this appropriation must be made before the distribution required under Minnesota Statutes, section 297J.02, subdivision 7, paragraph (d). This is a onetime appropriation."

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Moran from the Committee on Ways and Means to which was referred:

H. F. No. 2767, A bill for an act relating to liquor; modifying various provisions regulating the sale and production of intoxicating liquor; modifying various licensing provisions; establishing a liquor regulation advisory council; providing for tax on certain malt beverages; providing for direct shipments of wine; authorizing local licenses; appropriating money; amending Minnesota Statutes 2020, sections 13.6905, by adding a subdivision; 295.75, subdivision 4; 297A.83, subdivision 1; 297G.07, subdivision 1; 299A.706; 340A.101, subdivision 16; 340A.22, subdivisions 1, 2, 4; 340A.28, subdivision 2; 340A.301, subdivision 8; 340A.304; 340A.307, subdivisions 1, 2, 4; 340A.404, subdivisions 1, 1a, 6, 10; 340A.410, subdivision 10; 340A.412, subdivision 14; 340A.417; 340A.504, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 340A.

Reported the same back with the following amendments:

Page 1, after line 15, insert:

"Section 1. Minnesota Statutes 2020, section 340A.101, is amended by adding a subdivision to read:

Subd. 9a. **Distilled spirits manufacturer.** "Distilled spirits manufacturer" means a distillery operated within the state producing distilled spirits in a total quantity exceeding the proof gallons limit for a microdistillery in a calendar year.

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

Page 1, line 20, delete "carbohydrate" and insert "malt substitute"

Page 2, delete sections 2 and 3

Page 3, delete section 4 and insert:

"Sec. 3. Minnesota Statutes 2020, section 340A.22, is amended to read:

340A.22 MICRODISTILLERIES; DISTILLED SPIRIT MANUFACTURERS.

Subdivision 1. **Activities.** (a) A microdistillery licensed under this chapter may provide on its premises samples of distilled spirits manufactured on its premises, in an amount not to exceed 15 milliliters per variety per person. No more than 45 milliliters may be sampled under this paragraph by any person on any day.

(b) A microdistillery or distilled spirits manufacturer can sell cocktails to the public, pursuant to subdivision 2.

(c) A microdistillery or distilled spirits manufacturer may not operate a cocktail room under subdivision 2 or conduct sales at off-sale under subdivision 4 unless at least 50 percent of the annual production of the licensee is processed and distilled on premises.

(d) For purposes of calculating annual production under paragraph (c), distilled spirits that are bottled by the licensee under a contract bottling agreement with a third party are excluded from the licensee's annual production if the:

(1) third-party contractor is an independent entity that is not owned or controlled by the licensee;

(2) distilled spirits bottled under a third-party contract are not available for sale or marketed by the licensee or the third party at any location licensed under subdivision 2 or 4; and

(3) distilled spirits bottled under a third-party contract are available for distribution by wholesalers.

~~(d)~~ (e) Distilled spirits produced or in production prior to July 1, 2017, are not counted as part of the calculations under paragraph (c).

Subd. 2. **Cocktail room license.** (a) A municipality, including a city with a municipal liquor store, may issue the holder of a microdistillery license or distilled spirits manufacturer license under this chapter a microdistillery or distilled spirits manufacturer cocktail room license. A microdistillery cocktail room license authorizes on-sale of distilled liquor produced by the distiller for consumption on the premises of or adjacent to one distillery location owned by the distiller. Notwithstanding section 340A.504, subdivision 3, a cocktail room may be open and may conduct on-sale business on Sundays if authorized by the municipality. Nothing in this subdivision precludes the holder of a microdistillery or distilled spirits manufacturer cocktail room license from also holding a license to operate a restaurant at the distillery. Section 340A.409 shall apply to a license issued under this subdivision. All provisions of this chapter that apply to a retail liquor license shall apply to a license issued under this subdivision unless the provision is explicitly inconsistent with this subdivision.

(b) A distiller may only have one cocktail room license under this subdivision, ~~and may not have an ownership interest in a distillery licensed under section 340A.301, subdivision 6, clause (a).~~

(c) The municipality shall impose a licensing fee on a distiller holding a microdistillery or distilled spirits manufacturer cocktail room license under this subdivision, subject to limitations applicable to license fees under section 340A.408, subdivision 2, paragraph (a).

(d) A municipality shall, within ten days of the issuance of a license under this subdivision, inform the commissioner of the licensee's name and address and trade name, and the effective date and expiration date of the license. The municipality shall also inform the commissioner of a license transfer, cancellation, suspension, or revocation during the license period.

(e) No single entity may hold both a cocktail room and taproom license, and a cocktail room and taproom may not be colocated.

Subd. 3. **License; fee.** The commissioner shall establish a fee for licensing microdistilleries that adequately covers the cost of issuing the license and other inspection requirements. The fees shall be deposited in an account in the special revenue fund and are appropriated to the commissioner for the purposes of this subdivision. All other requirements of section 340A.301 apply to a license under this section.

Subd. 4. **Off-sale license.** (a) A microdistillery may be issued a license by the local licensing authority for off-sale of distilled spirits, with the approval of the commissioner. The license may allow ~~the sale of one 375 milliliter bottle per customer per day of product manufactured on site~~ sales as provided in paragraph (b), subject to the following requirements:

- (1) off-sale hours of sale must conform to hours of sale for retail off-sale licensees in the licensing municipality; and
- (2) no brand may be sold at the microdistillery unless it is also available for distribution by wholesalers.

(b) The license allows a microdistillery to sell product manufactured on site to each customer per day under either one of the following amount and container size limitations:

- (1) up to a total of 750 milliliters, in any size container approved under paragraph (c); or
- (2) up to a total of 1.125 liters, in any size container approved under paragraph (c) that does not exceed 375 milliliters.

(c) The commissioner may approve any standard fill as approved by the Alcohol and Tobacco Tax and Trade Bureau.

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

Page 10, strike lines 7 to 11

Page 10, line 12, strike the old language and delete the new language

Page 10, strike line 13

Page 10, line 14, strike "(c)" and insert "(b)"

Page 10, line 15, strike "paragraphs" and insert "paragraph" and strike "and (b)"

Page 10, line 17, delete "(d)" and insert "(c)"

Page 12, line 9, delete "nine" and insert "12"

Page 12, line 11, delete "three" and insert "four"

Page 12, line 14, delete "and"

Page 12, line 17, after the semicolon, insert "and"

Page 12, after line 17, insert:

"(iv) one member must represent or be employed by a food retailer or convenience store;"

Page 12, line 18, delete "three" and insert "four"

Page 12, line 21, delete "and"

Page 12, after line 23, insert:

"(iv) one member must represent or be employed by any wholesaler of alcoholic beverages; and"

Page 12, line 24, delete "three" and insert "four"

Page 12, delete line 29 and insert:

"(iii) one member must represent or be employed by a farm winery licensed under section 340A.315; and"

Page 12, line 30, delete "(iii)" and insert "(iv)"

Page 12, line 31, delete "item" and insert "items" and delete "or (ii)" and insert "to (iii)"

Page 21, after line 17, insert:

"Sec. 10. **APPROPRIATIONS.**

(a) \$568,000 in fiscal year 2023 is appropriated from the general fund to the commissioner of public safety for the Division of Alcohol and Gambling Enforcement to implement and administer this article. The base for this appropriation is \$441,000 in fiscal year 2024 and \$441,000 in fiscal year 2025.

(b) \$166,000 in fiscal year 2023 is appropriated from the general fund to the commissioner of revenue to administer the tax provisions of this article. The base for this appropriation is \$130,000 in fiscal year 2024 and \$130,000 in fiscal year 2025."

Page 23, after line 6, insert:

"Sec. 5. **CITY OF ANOKA; SPECIAL LICENSE.**

Subdivision 1. **Social district; consumption allowed.** The city of Anoka may issue a social district license to any holder of an on-sale license whose on-sale premises is contiguous with the premises of the social district designated in subdivision 2. The license authorizes consumption, but not sales or service, of alcoholic beverages sold by the on-sale licensee within the social district.

Subd. 2. **Designation of social district.** (a) Prior to issuing the license in subdivision 1, the city of Anoka must designate and describe the premises of the social district. The district may not include any area under the ownership or control of a person that objects to the extension of the social district to that area.

(b) The designation must include the specific premises where consumption of alcoholic beverages is allowed and also include the proposed hours and days in which consumption of alcoholic beverages is allowed in the social district. The city of Anoka must adopt the designation by ordinance prior to issuing the license in subdivision 1.

Subd. 3. **Boundaries clearly defined.** The social district must be clearly defined with signs posted in a conspicuous location indicating the area included in the social district and the days and hours during which alcoholic beverages may be consumed in the district. In addition, signs must include:

(1) the local law enforcement agency with jurisdiction over the area comprising the social district; and

(2) a clear statement that an alcoholic beverage purchased for consumption in the social district shall:

(i) only be consumed in the social district; and

(ii) be disposed of before the person in possession of the alcoholic beverage exits the social district unless the person is reentering the licensed premises where the alcoholic beverage was purchased.

Subd. 4. **Management and maintenance.** The city of Anoka must establish management and maintenance plans for the social district and post these plans, along with a rendering of the boundaries of the social district and days and hours during which alcoholic beverages may be consumed in the district, on the website for the city of Anoka. The social district must be maintained in a manner that protects the health and safety of the general public.

Subd. 5. **Requirements for on-sale licensees.** An on-sale licensee holding a social district license may only sell and serve alcoholic beverages on the premises specified in the licensee's on-sale license. The licensee must not allow a person to enter or reenter its on-sale licensed premises with an alcoholic beverage not sold by the on-sale licensee. Sales for consumption in the social district must meet the following container requirements:

(1) the container clearly identifies the on-sale licensee from which the alcoholic beverage was purchased;

(2) the container clearly displays a logo or some other mark that is unique to the social district in which it will be consumed;

(3) the container is not comprised of glass;

(4) the container displays, in no less than 12-point font, the statement, "Drink Responsibly – Be 21."; and

(5) the container shall not hold more than 16 fluid ounces.

Subd. 6. **Additional social district requirements.** The possession and consumption of an alcoholic beverage in a social district is subject to all of the following requirements:

(1) only alcoholic beverages purchased from an on sale-licensee holding a social district license located in or contiguous to the social district may be possessed and consumed in the district;

(2) alcoholic beverages shall only be in containers meeting the requirements set forth in subdivision 5;

(3) alcoholic beverages shall only be possessed and consumed during the days and hours set by the city of Anoka as specified in subdivision 2; and

(4) a person shall dispose of any alcoholic beverage in the person's possession prior to exiting the social district unless the person is reentering the on-sale licensed premises where the alcoholic beverage was purchased.

EFFECTIVE DATE. This section is effective upon approval by the Anoka City Council and compliance with Minnesota Statutes, section 645.021.

Sec. 6. **CITY OF ROCHESTER; ON-SALE LICENSE.**

Notwithstanding any law or ordinance to the contrary, in addition to the number of licenses authorized, the city of Rochester may issue an on-sale wine license and an on-sale malt liquor license to a nonprofit association comprised of members participating in adult athletic competitions and related events at the McQuillan Park Softball Complex. The licenses must authorize the dispensing of wine or malt liquor only to persons attending events at the complex for consumption on the premises. A license issued under this section authorizes sales on all days of the week to persons attending adult events at the complex.

EFFECTIVE DATE. This section is effective upon approval by the Rochester City Council and compliance with Minnesota Statutes, section 645.021."

Renumber the sections in sequence

Correct the title numbers accordingly

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Moran from the Committee on Ways and Means to which was referred:

H. F. No. 3768, A bill for an act relating to civil law; amending process for and approval of transfer of structured settlement; providing for enforcement of violations of prohibited practices; amending Minnesota Statutes 2020, sections 549.30, subdivisions 3, 6, 15, 19, by adding subdivisions; 549.31; 549.32; 549.34; proposing coding for new law in Minnesota Statutes, chapter 549.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2020, section 549.30, subdivision 1, is amended to read:

Subdivision 1. **Application.** For purposes of sections 549.30 to ~~549.34~~ 549.41, the terms defined in this section have the meanings given them.

Sec. 2. Minnesota Statutes 2020, section 549.30, is amended by adding a subdivision to read:

Subd. 3a. **Assignee.** "Assignee" means a person acquiring or proposing to acquire structured settlement payments from a structured settlement purchase company or transferee after, or concurrently with, the transfer of the structured settlement payment rights by the payee to the structured settlement purchase company or transferee.

Sec. 3. Minnesota Statutes 2020, section 549.30, is amended by adding a subdivision to read:

Subd. 3b. **Secretary.** "Secretary" means the secretary of state.

Sec. 4. Minnesota Statutes 2020, section 549.30, subdivision 5, is amended to read:

Subd. 5. **Discounted present value.** "Discounted present value" means, ~~with respect to a proposed transfer of structured settlement payment rights,~~ the fair present value of future payments, as determined by discounting the payments to the present using the most recently published applicable federal rate for determining the present value of an annuity, as issued by the United States Internal Revenue Service.

Sec. 5. Minnesota Statutes 2020, section 549.30, is amended by adding a subdivision to read:

Subd. 5a. **Effective annual interest rate.** "Effective annual interest rate" means the effective rate of interest per year the payee will be paying the transferee based on the net advance amount that a payee will receive from the transferee and the amounts and timing of the structured settlement payments that the payee is transferring to the transferee.

Sec. 6. Minnesota Statutes 2020, section 549.30, is amended by adding a subdivision to read:

Subd. 5b. **Gross advance amount.** "Gross advance amount" means the sum payable to the payee or for the payee's account as consideration for a transfer of structured settlement payment rights before any reductions for transfer expenses or other deductions to be made from such consideration.

Sec. 7. Minnesota Statutes 2020, section 549.30, subdivision 6, is amended to read:

Subd. 6. **Independent professional advice.** "Independent professional advice" means advice of an attorney, certified public accountant, actuary, or other licensed professional adviser: ~~(1) who is engaged by a payee to render advice concerning the legal, tax, and financial implications of a transfer of structured settlement payment rights; (2) who is not in any manner affiliated with or compensated by the transferee of the transfer; and (3) whose compensation for providing the advice is not affected by whether a transfer occurs or does not occur.~~

Sec. 8. Minnesota Statutes 2020, section 549.30, subdivision 7, is amended to read:

Subd. 7. **Interested parties.** "Interested parties" means the payee, a beneficiary irrevocably designated under the annuity contract to receive payments following the payee's death or, if the designated beneficiary is a minor, the designated beneficiary's parent or guardian, the annuity issuer, the structured settlement obligor, and any other party to the structured settlement that has continuing rights or obligations to receive or make payments under the structured settlement.

Sec. 9. Minnesota Statutes 2020, section 549.30, is amended by adding a subdivision to read:

Subd. 7a. **Net advance amount.** "Net advance amount" means the gross advance amount, less the aggregate amount of the actual and estimated transfer expenses.

Sec. 10. Minnesota Statutes 2020, section 549.30, is amended by adding a subdivision to read:

Subd. 8a. **Periodic payments.** "Periodic payments" includes both recurring payments and scheduled future lump-sum payments.

Sec. 11. Minnesota Statutes 2020, section 549.30, is amended by adding a subdivision to read:

Subd. 8b. **Prospective payee.** "Prospective payee" means an individual who is receiving tax-free payments under a structured settlement pursuant to United States Code, title 26, section 130, and who has been personally and individually solicited by and has not yet proposed to transfer all or a portion of the structured settlement payment rights to a structured settlement purchase company.

Sec. 12. Minnesota Statutes 2020, section 549.30, subdivision 9, is amended to read:

Subd. 9. **Qualified assignment agreement.** "Qualified assignment agreement" means an agreement providing for a qualified assignment as provided by the United States Internal Revenue Code, title 26, section 130, as amended through December 31, 1998.

Sec. 13. Minnesota Statutes 2020, section 549.30, subdivision 13, is amended to read:

Subd. 13. **Structured settlement agreement.** "Structured settlement agreement" means the agreement, judgment, stipulation, or release embodying the terms of a structured settlement, ~~including the rights of the payee to receive periodic payments.~~

Sec. 14. Minnesota Statutes 2020, section 549.30, subdivision 15, is amended to read:

Subd. 15. **Structured settlement payment rights.** "Structured settlement payment rights" means rights to receive periodic payments, ~~including lump sum payments,~~ under a structured settlement, whether from the settlement obligor or the annuity issuer, where: (1) the payee or any other interested party is domiciled in the state; or (2) the structured settlement agreement was approved by a court or responsible administrative authority in the state; or (3) the settled claim was pending before the courts of this state when the parties entered into the structured settlement agreement.

Sec. 15. Minnesota Statutes 2020, section 549.30, is amended by adding a subdivision to read:

Subd. 15a. **Structured settlement purchase company.** "Structured settlement purchase company" means a person that acts as a transferee in the state and who is registered with the secretary pursuant to section 549.35.

Sec. 16. Minnesota Statutes 2020, section 549.30, is amended by adding a subdivision to read:

Subd. 15b. **Structured settlement transfer proceeding.** "Structured settlement transfer proceeding" means a court proceeding initiated by the filing of an application by a structured settlement purchase company seeking court approval of a transfer in accordance with sections 549.30 to 549.41.

Sec. 17. Minnesota Statutes 2020, section 549.30, subdivision 17, is amended to read:

Subd. 17. **Transfer.** "Transfer" means a sale, assignment, pledge, hypothecation, or other form of alienation or encumbrance made by a payee for consideration. A transfer does not include the creation or perfection of a security interest in structured settlement payment rights under a blanket security agreement entered into with an insured depository institution, in the absence of any action to redirect the structured settlement payments to such insured depository institution, or an agent or successor in interest thereof, or otherwise to enforce such blanket security interest against the structured settlement payment rights.

Sec. 18. Minnesota Statutes 2020, section 549.30, is amended by adding a subdivision to read:

Subd. 18a. **Transfer expense.** "Transfer expense" means all expenses of a transfer that are required under the transfer agreement to be paid by the payee or deducted from the gross advance amount, including, without limitation, court filing fees, attorney fees, escrow fees, lien recordation fees, and judgment and lien search fees. Transfer expense does not include preexisting obligations of the payee payable for the payee's account from the proceeds of the transfer.

Sec. 19. Minnesota Statutes 2020, section 549.30, is amended by adding a subdivision to read:

Subd. 18b. **Transfer order.** "Transfer order" means an order approving a transfer in accordance with sections 549.30 to 549.41.

Sec. 20. Minnesota Statutes 2020, section 549.30, subdivision 19, is amended to read:

Subd. 19. **Transferee.** "Transferee" means a person ~~who is receiving or will receive structured settlement payment rights resulting from a transfer~~ acquiring or proposing to acquire structured settlement payment rights through a transfer.

Sec. 21. **[549.35] REGISTRATION; SURETY BOND.**

Subdivision 1. **Registration required.** A person shall not act as a transferee, attempt to acquire structured settlement payment rights through a transfer from a payee who resides in this state, or file a structured settlement transfer proceeding unless the person is registered with the secretary to do business in this state as a structured settlement purchase company.

Subd. 2. **Forms; process.** A person may apply pursuant to this section with the secretary for a registration to do business in this state as a structured settlement purchase company. An application for an initial or renewed registration must be submitted on a form prescribed by the secretary. An initial or renewed registration is valid for one year from the date it is issued, expires one year after it is issued, and may be renewed annually by the registrant on or before the expiration date.

Subd. 3. **Application; surety bond.** (a) Each initial or renewal application must contain a sworn certification by an owner; officer; director or manager of the applicant, if the applicant is not a natural person; or by the applicant if the applicant is a natural person, certifying that:

(1) the applicant has secured a surety bond payable to the state, has been issued a letter of credit, or has posted a cash bond in the amount of \$50,000. The security device must be in a form satisfactory to the secretary and must run to the state for the benefit of any payee claimant to secure the faithful performance of the obligation of the structured settlement purchase company under the law, and the secretary shall have no other duty than to receive the sworn certification of surety bond; and

(2) the applicant shall comply with sections 549.30 to 549.41 when acting as a structured settlement purchase company and filing structured settlement transfer proceedings.

(b) A surety bond, letter of credit, or cash bond obtained under this section must be effective concurrently with the registration of the applicant and must remain in effect for not less than three years after the expiration or termination of the registration. The surety bond, letter of credit, or cash bond must be renewed each year as needed to keep it continuously in effect when the registration of the applicant is renewed.

Subd. 4. **Postjudgment notice.** No later than ten days after a judgment is obtained against a structured settlement purchase company by a payee, the structured settlement purchase company shall file a notice with the secretary and, if applicable, the surety which issued the surety bond used by the structured settlement purchase company to satisfy the requirements under subdivision 3. The notice must contain:

(1) a copy of the judgment;

(2) the name and address of the judgment creditor; and

(3) the status of the matter, including whether the judgment will be appealed or has been paid or satisfied.

Subd. 5. Effect on liability and transfer orders. (a) The liability of the surety which issued a surety bond used by a structured settlement purchase company to satisfy the requirements under subdivision 3 must not be affected by a:

(1) breach of contract, breach of warranty, failure to pay a premium, or other act or omission of the structured settlement purchase company; or

(2) insolvency or bankruptcy of the structured settlement purchase company.

(b) Except as otherwise provided in section 549.36, a transfer order signed by a court of competent jurisdiction pursuant to section 549.40 constitutes a qualified order under United States Code, title 26, section 5891. If a transferee to which the transfer order applies is not registered as a structured settlement purchase company pursuant to this section at the time the transfer order is signed, the transfer order does not constitute a qualified order under United States Code, title 26, section 5891.

Subd. 6. Cancellation or modification. (a) A surety which issued a surety bond used by a structured settlement purchase company to satisfy the requirements under subdivision 3 and the structured settlement purchase company which obtained the surety bond shall not cancel or modify the surety bond during the term for which it is issued unless the surety or the structured settlement purchase company provides written notice to the secretary at least 20 days before the effective date of the cancellation or modification.

(b) If a surety bond used by a structured settlement purchase company to satisfy the requirements of subdivision 3 is modified so as to make the surety bond not comply with any provision of sections 549.30 to 549.41, or the surety bond is canceled, the registration of the structured settlement purchase company expires on the effective date of the modification or cancellation unless a new surety bond, letter of credit, or cash bond which complies with sections 549.30 to 549.41, is filed with the secretary on or before the effective date of the modification or cancellation.

(c) A modification or cancellation of a surety bond used by a structured settlement purchase company to satisfy the requirements of subdivision 3 does not affect any liability of the bonded surety company incurred before the modification or cancellation of the surety bond.

Subd. 7. Exemptions. (a) An assignee is not required to register as a structured settlement purchase company to acquire structured settlement payment rights or to take security interest in structured settlement payment rights that were transferred by the payee to a structured settlement purchase company.

(b) An employee of a structured settlement purchase company, if acting on behalf of the structured settlement purchase company in connection with a transfer, is not required to be registered.

Subd. 8. Fee. \$700 shall be paid to the secretary of state at the time of making an initial registration application and \$200 shall be paid for a renewal under this section.

EFFECTIVE DATE. This section is effective January 1, 2023.

Sec. 22. **[549.36] PROHIBITED PRACTICES; PENALTIES.**

Subdivision 1. Prohibited practices. A transferee or structured settlement purchase company and an employee or other representative of a transferee or structured settlement purchase company shall not engage in the following actions:

(1) pursue or complete a transfer with a payee without complying with all applicable provisions of sections 549.30 to 549.41;

(2) refuse or fail to fund a transfer after court approval of the transfer;

(3) acquire structured settlement payment rights from a payee without complying with all applicable provisions of sections 549.30 to 549.41, including obtaining court approval of the transfer;

(4) intentionally file a structured settlement transfer proceeding in any court other than the court specified in section 549.40, unless the transferee is required to file in a different court by applicable law;

(5) except as otherwise provided in this clause, pay a commission or finder's fee to any person for facilitating or arranging a structured settlement transfer with a payee. The provisions of this clause do not prevent a structured settlement purchase company from paying;

(i) a salary, commission, or other compensation to a person who is an employee of a structured settlement purchase company; or

(ii) routine transfer expenses to third parties, including, without limitation, court filing fees, escrow fees, lien recordation fees, judgment and lien search fees, attorney fees, and other similar fees relating to a transfer;

(6) attempt to coerce, bribe, or intimidate a payee seeking to transfer structured settlement payment rights, including providing any gift, loan, extension of credit, advance, or other forms of consideration paid to or given to the payee as an inducement to enter a transfer agreement;

(7) attempt to defraud a payee or any party to a structured settlement transfer or any interested party in a structured settlement transfer proceeding by any means, including but not limited to forgery or false identification;

(8) except as otherwise provided in this clause, intervene in a pending structured settlement transfer proceeding if the transferee or structured settlement purchase company is not a party to the proceeding or an interested party relative to the proposed transfer which is the subject of the pending structured settlement transfer proceeding. The provisions of this clause do not prevent a structured settlement purchase company from intervening in a pending structured settlement transfer proceeding if the payee has signed a transfer agreement with the structured settlement purchase company within 60 days before the filing of the pending structured settlement transfer proceeding and the structured settlement purchase company which filed the pending structured settlement transfer proceeding violated any provision in sections 549.30 to 549.41 in connection with the proposed transfer that is the subject of the pending structured settlement transfer proceeding;

(9) except as otherwise provided in this clause, knowingly contact a payee who has signed a transfer agreement and is pursuing a proposed transfer with another structured settlement purchase company for the purpose of inducing the payee into canceling the proposed transfer or transfer agreement with the other structured settlement purchase company if a structured settlement transfer proceeding has been filed by the other structured settlement purchase company and is pending. The provisions of this clause do not apply if no hearing has been held in the pending structured settlement transfer proceeding within 90 days after the filing of the pending structured settlement transfer proceeding;

(10) fail to dismiss a pending structured settlement transfer proceeding at the request of the payee. A dismissal of a structured settlement proceeding after a structured settlement purchase company has violated the provisions of this clause does not exempt the structured settlement purchase company from any liability under this section;

(11) solicit a payee or prospective payee through the conveyance of a document that resembles a check or other form of payment;

(12) provide a transfer agreement or related document that purports to give the transferee the first choice or option to purchase any remaining structured settlement payment rights belonging to the payee that are not subject to the structured settlement transfer proceeding; or

(13) communicate with a payee, a prospective payee, or a person associated with the payee:

(i) after the payee, prospective payee, or person associated with the payee has informed the structured settlement purchase company to cease further communication;

(ii) at any unusual time or at a time that the structured settlement purchase company knows is inconvenient to the consumer. In the absence of the structured settlement purchase company's knowledge of circumstances to the contrary, a time at the consumer's location before 8:00 a.m. and after 9:00 p.m. is inconvenient. This clause shall not apply to a payee, prospective payee, or person associated with the payee who has opted in and agreed to allow the structured settlement purchase company to contact the person when necessary; or

(iii) repeatedly or continuously with intent to annoy, abuse, or harass a payee, prospective payee, or person associated with the payee.

Subd. 2. Prohibitions regarding provision of independent professional advice. (a) A transferee or structured settlement purchase company and an employee or other representative of a transferee or structured settlement purchase company shall not instruct a payee to hire or directly refer a payee or prospective payee to seek independent professional advice from a specific person, except that a structured settlement purchase company may refer a payee to a state or local referral service, bar association, legal aid, or any other entity unrelated to the structured settlement purchase company.

(b) A person rendering independent professional advice to a payee or prospective payee is not to be affected by whether a transfer occurs or does not occur and must not in any manner be affiliated with or compensated by the transferee or a structured settlement purchase company unless ordered by the court.

Subd. 3. Enforcement; remedies. (a) A violation of this section is a deceptive practice in violation of section 325F.69.

(b) A payee may file a motion in the district court in which the structured settlement transfer proceeding was pending alleging a violation of subdivision 1 and may pursue all rights and remedies to which the payee may be entitled pursuant to sections 549.30 to 549.41, or any other applicable law.

(c) A structured settlement purchase company may file a motion in district court in which the structured settlement transfer proceeding was pending to enforce subdivision 1, clauses (4), (7), and (9) to (11), and may pursue all remedies to which the structured settlement purchase company may be entitled pursuant to sections 549.30 to 549.41, or any other applicable law.

(d) If a court finds that a structured settlement purchase company or transferee is in violation of subdivision 1, the court may:

(1) revoke the registration of the structured settlement purchase company;

(2) suspend the registration of the structured settlement purchase company for a period to be determined at the discretion of the court;

(3) enjoin the structured settlement purchase company or transferee from filing new structured settlement transfer proceedings in this state or otherwise pursuing transfers in this state; and

(4) order other equitable relief as determined by the court.

Sec. 23. **[549.37] REQUIRED DISCLOSURES TO PAYEE.**

Not less than ten days before the date on which a payee signs a transfer agreement, the transferee shall provide to the payee a separate disclosure statement, in bold type no smaller than 14-point font, setting forth the following:

(1) the amounts and due dates of the structured settlement payments to be transferred;

(2) the aggregate amount of such payments;

(3) the discounted present value of the payments to be transferred, which must be identified as the "calculation of current value of the transferred structured settlement payments under federal standards for valuing annuities," and the amount of the applicable federal rate used in calculating such discounted present value;

(4) the gross advance amount;

(5) an itemized list of all applicable transfer expenses, other than attorney fees and related disbursements, payable in connection with the transferee's application for approval of the transfer, and the transferee's best estimate of the amount of any such attorney fees and related disbursements;

(6) the effective annual interest rate, which must be disclosed in a statement in the following form: "On the basis of the net amount that you will receive from us and the amounts and timing of the structured settlement payments that you are transferring to us, you will, in effect be paying interest to us at a rate of percent per year.";

(7) the net advance amount;

(8) the quotient, expressed as a percentage, obtained by dividing the net payment amount by the discounted present value of the payments;

(9) the amount of any penalties or liquidated damages payable by the payee in the event of any breach of the transfer agreement by the payee;

(10) that the payee has the right to cancel the transfer agreement, without penalty or further obligation, until the transfer is approved by the court;

(11) that the payee has the right to seek and receive independent professional advice from an attorney, certified public accountant, actuary, or other licensed professional adviser regarding the proposed transfer and should consider doing so before agreeing to the transfer of any structured settlement payment rights. It is prohibited for us to refer you to a specific independent professional adviser. We may refer you to a state or local referral service, bar association, legal aid, or any other entity unrelated to us which assists people with locating independent professional advice, if requested; and

(12) that the payee has the right to seek out and consider additional offers for transferring the structured settlement payment rights and should do so.

Sec. 24. **[549.38] CONDITIONS AND APPROVAL OF TRANSFERS OF STRUCTURED SETTLEMENT PAYMENT RIGHTS AND STRUCTURED SETTLEMENT AGREEMENTS.**

Subdivision 1. **Conditions; approval.** (a) No direct or indirect transfer of structured settlement payment rights shall be effective and no structured settlement obligor or annuity issuer shall be required to make any payment directly or indirectly to a transferee or assignee of structured settlement payment rights unless the transfer has been approved in advance in a final court order based on express findings by the court that:

(1) the transfer is in the best interests of the payee, taking into account the welfare and support of the payee's dependents, if any;

(2) the payee has been advised in writing by the transferee to seek independent professional advice regarding the legal, tax, and financial implications of the transfer and if the payee has knowingly declined advice; and

(3) the transfer does not contravene an applicable statute or order of a court or other governmental authority.

(b) In determining whether a proposed transfer is in the best interests of the payee, taking into consideration the payee's dependents, if any, the court shall, among other things, consider the following:

(1) the reasonable preference of the payee, in light of the payee's age, mental capacity, maturity level, understanding of the terms of the agreement, and stated purpose for the transfer;

(2) if the periodic payments were intended to cover future income or losses or future medical expenses, whether the payee has means of support aside from the structured settlement to meet those obligations;

(3) whether the payee can meet the financial needs of, and obligations to, the payee's dependents if the transfer is allowed to proceed, including child support and spousal maintenance;

(4) whether the payee completed previous transactions involving the payee's structured settlement payment rights and the timing, size, stated purpose, and actual use of the proceeds;

(5) the impact of the proposed transfer on current or future eligibility of the payee or the payee's dependents for public benefits; and

(6) any other factors or facts the court determines are relevant and should be considered.

Subd. 2. Additional conditions for transfer of minor's structured settlement payment rights. No direct or indirect transfer of a minor's structured settlement payment rights by a parent, conservator, or guardian shall be effective and no structured settlement obligor or annuity issuer shall be required to make a payment directly or indirectly to a transferee or assignee of structured settlement payment rights unless, in addition to the findings required under subdivision 1, the court also finds that:

(1) the proceeds of the proposed transfer would be applied solely for support, care, education, health, and welfare of the minor payee; and

(2) any excess proceeds would be preserved for the future support, care, education, health, and welfare of the minor payee and transferred to the minor payee upon emancipation.

Sec. 25. [549.39] EFFECTS OF TRANSFER OF STRUCTURED SETTLEMENT PAYMENT RIGHTS.

Following a transfer of structured settlement payment rights:

(1) the structured settlement obligor and the annuity issuer may rely on the court order approving the transfer in redirecting periodic payments to an assignee or transferee in accordance with the order approving the transfer and shall, as to all parties except the transferee or an assignee designated by the transferee, be discharged and released from any and all liability for the redirected payments and such discharge and release shall not be affected by the failure of any party to the transfer to comply with this chapter or with the court order approving the transfer;

(2) the transferee is liable to the structured settlement obligor and the annuity issuer:

(i) if the transfer contravenes the terms of the structured settlement, for any taxes incurred by the structured settlement obligor or annuity issuer as a consequence of the transfer; and

(ii) for any other liabilities or costs, including reasonable costs and attorney fees, arising from compliance by the structured settlement obligor or annuity issuer with the court order or order of the responsible administrative authority approving the transfer or from the failure of any party to the transfer to comply with sections 549.30 to 549.41;

(3) neither the annuity issuer nor the structured settlement obligor may be required to divide any periodic payment between the payee and any transferee or assignee or between two or more transferees or assignees; and

(4) any further transfer of structured settlement payment rights by the payee may be made only after compliance with all of the requirements of sections 549.30 to 549.41.

Sec. 26. **[549.40] PROCEDURE FOR APPROVAL OF TRANSFERS.**

Subdivision 1. **Application; proof of registration.** An application under sections 549.30 to 549.41 for approval of a transfer of structured settlement payment rights must be made by the transferee. The application must be brought in the district court of the county in which the payee is domiciled, except that the application may be brought in the court in the state that approved the structured settlement agreement if the structured settlement agreement requires the application be brought in that court. For applications made under this section on or after January 1, 2023, the application of the transferee must include evidence that the transferee is registered to do business in this state as a structured settlement purchase company pursuant to section 549.35.

Subd. 2. **Hearing.** A timely hearing must be held on an application for approval of a transfer of structured settlement payment rights. The payee must appear in person at the hearing, unless the court determines that good cause exists to excuse the payee from appearing in person.

Subd. 3. **Notice.** Not less than 20 days before the scheduled hearing on any application for approval of a transfer of structured settlement payment rights pursuant to sections 549.30 to 549.41, the transferee shall file with the court and serve on all interested parties a notice of the proposed transfer and application for authorization, including with such notice:

(1) a copy of the transferee's application;

(2) a copy of the transfer agreement;

(3) a copy of the disclosure statement required by section 549.37;

(4) the payee's name, age, county of domicile, and the number and ages of each of the payee's dependents;

(5) a summary of:

(i) any prior transfers by the payee to the transferee or an affiliate, or through the transferee or an affiliate to an assignee, and any proposed transfers by the payee to the transferee or an affiliate, or through the transferee or an affiliate, applications for approval of which were denied; and

(ii) any prior transfers by the payee to any person or entity other than the transferee or an affiliate or an assignee of the transferee or an affiliate and any prior proposed transfers by the payee to any person or entity other than the transferee or an affiliate or an assignee of a transferee or affiliate, applications for approval of which were denied, following a reasonable search including the measures taken to identify all prior transfers to the extent that the transfers or proposed transfers have been disclosed to the transferee by the payee in a sworn affidavit or otherwise are actually known to the transferee;

(6) notification that any interested party is entitled to support, oppose, or otherwise respond to the transferee's application, either in person or by counsel, by submitting written comments to the court or by participating in the hearing; and

(7) notification of the time and place of the hearing and notification of the manner in which and the date by which written responses to the application must be filed to be considered by the court, which must not be less than five days before the hearing.

Subd. 4. **Dismissal.** If the payee cancels a transfer agreement or if the transfer agreement otherwise terminates, after an application for approval of a transfer of structured settlement payment rights has been filed and before it has been granted or denied, the transferee must promptly request the dismissal of the application.

Sec. 27. **[549.405] APPOINTMENT OF ATTORNEY ADVISER.**

Subdivision 1. **Discretionary appointment.** The court is authorized and may, in its discretion, appoint an attorney to make an independent assessment and advise the court whether the proposed transfer is in the best interest of the payee, taking into consideration the payee's dependents, if any. The attorney may consult with a certified public accountant, actuary, or other licensed professional adviser, if necessary. All costs and reasonable fees for the appointed attorney shall be borne by the transferee, not to exceed \$2,000. The fee shall be deposited with and disbursed by the court to the attorney adviser.

Subd. 2. **Mandatory appointment.** The court shall appoint an attorney in any case involving:

(1) a proposed transfer of a minor's structured settlement payment rights by a parent or guardian where the attorney must advise the court on whether the proposed transfer is of direct benefit to the minor; or

(2) a proposed transfer of structured settlement payment rights involving a payee if it appears to the court that the payee may suffer from a mental or cognitive impairment.

Subd. 3. **Required motion; mental or cognitive impairment of payee.** (a) The transferee shall file a motion for the appointment of an attorney prior to a hearing on the proposed transfer if the transferee:

(1) is aware that the underlying structured settlement arose from a case in which a finding was made in a court record of a mental or cognitive impairment on the part of the payee; or

(2) is aware of any other case in which a finding was made in a court record of a mental or cognitive impairment on the part of the payee.

(b) In conjunction with the motion, the transferee shall provide to the court, either in camera or as directed by the court in a way to protect the privacy of the payee, any such findings known to the transferee that describe the nature, extent, or consequences of the payee's mental or cognitive impairment.

Subd. 4. **Attorney adviser report.** The attorney appointed by the court must report to the court the attorney's assessment and advice at the hearing required under section 549.40, subdivision 2, or at another time as directed by the court.

Subd. 5. **Applicability of other law.** Nothing in sections 549.30 to 549.41 affects the applicability of sections 524.5-101 to 524.5-903 or the rights and protections of persons subject to guardianship or conservatorship under those sections.

Sec. 28. **[549.41] GENERAL PROVISIONS; CONSTRUCTION.**

Subdivision 1. **Waiver prohibited.** The provisions of sections 549.30 to 549.41 may not be waived by a payee.

Subd. 2. **Choice of law; venue.** Any transfer agreement entered into by a payee who is domiciled in this state must provide that dispute under the transfer agreement, including any claims that the payee has breached the agreement, and must be determined in and under the laws of this state. No such transfer agreement shall authorize the transferee or any other party to confess judgment or consent to entry of judgment against the payee.

Subd. 3. **Life-contingent payments.** No transfer of structured settlement payment rights shall extend to any payments that are life contingent unless, prior to the date on which the payee signs the transfer agreement, the transferee has established and has agreed to maintain procedures reasonably satisfactory to the annuity issuer and the structured settlement obligor (1) periodically confirms the payee's survival, and (2) gives the annuity issuer and the structured settlement obligor prompt written notice in the event of the payee's death.

Subd. 4. **Liability.** (a) No payee who proposes to make a transfer of structured settlement payment rights shall incur any penalty, forfeit any application fee or other payment, or otherwise incur any liability to the proposed transferee or any assignee based on any failure of such transfer to satisfy the conditions of sections 549.30 to 549.41.

(b) Compliance with the requirements set forth in sections 549.30 to 549.41 are solely the responsibility of the transferee in any transfer of structured settlement payment rights and neither the structured settlement obligor nor the annuity issuer, if any, has any responsibility for, or any liability arising from, noncompliance with such requirements or failure to fulfill such conditions.

Subd. 5. **Construction.** (a) Nothing contained in sections 549.30 to 549.41 shall be construed to authorize the transfer of workers' compensation payment rights in contravention of applicable law or to give effect to the transfer of workers' compensation payment rights that is invalid under applicable law.

(b) Nothing contained in sections 549.30 to 549.41 shall:

(1) be construed to authorize any transfer of structured settlement payment rights in contravention of any applicable law or to imply that any transfer under a transfer agreement entered into before August 1, 2022, is valid or invalid; or

(2) affect the validity of any transfer of structured settlement payment rights, whether under a transfer agreement entered into or filed before August 1, 2022, in which the structured settlement obligor and annuity issuer waived or has not asserted their rights under terms of the structured settlement prohibiting or restricting the sale, assignment, or encumbrance of the structured settlement payment rights.

Subd. 6. **Application.** Sections 549.30 to 549.41 apply to any transfer of structured settlement payment rights filed on or after August 1, 2022.

Sec. 29. **APPROPRIATION.**

\$19,000 in fiscal year 2023 is appropriated from the general fund to the secretary of state for the purposes outlined in section 549.35. The base in fiscal years 2024 and 2025 is \$3,000.

Sec. 30. **REPEALER.**

Minnesota Statutes 2020, sections 549.30, subdivision 3; 549.31; 549.32; 549.33; and 549.34, are repealed.

Sec. 31. **EFFECTIVE DATE.**

Sections 1 to 20 and 22 to 30 are effective August 1, 2022, and apply to transfers of structured settlement payment rights filed on or after that date."

Amend the title accordingly

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Moran from the Committee on Ways and Means to which was referred:

H. F. No. 3845, A bill for an act relating to children and families; establishing the Office of the Foster Youth Ombudsperson and Board of the Foster Youth Ombudsperson; appropriating money for the Office of the Foster Youth Ombudsperson and Board of the Foster Youth Ombudsperson; proposing coding for new law in Minnesota Statutes, chapters 13; 260C.

Reported the same back with the following amendments:

Page 1, line 15, after "proceedings" insert "that do not pertain to juveniles certified as adults, that are"

Page 1, line 16, delete "and"

Page 1, line 17, delete the period and insert "; and"

Page 1, after line 17, insert:

"(5) data on individuals who are juveniles that are contained within an inactive investigative file maintained by the ombudsperson."

Page 1, line 18, delete "The written summary of the investigation maintained by" and insert "Data contained within an active investigative file maintained by the ombudsperson are"

Page 1, line 19, delete everything before "classified"

Page 2, after line 21, insert:

"(4) one guardian ad litem who is currently appointed to protect the interests of minors in cases in the juvenile court system;"

Page 2, line 22, delete "(4)" and insert "(5)"

Page 2, line 23, delete "(5)" and insert "(6)"

Page 3, lines 5, 19, and 21, delete "administrative"

Page 3, line 8, after the period, insert "The Office of the Foster Youth Ombudsperson shall receive administrative support from the commissioner of administration under section 16B.371."

Page 3, after line 32, insert:

"(c) For purposes of this section, "agency" means the divisions, officials, or employees of the Department of Human Services, the responsible social services agency, or a licensed child-placing agency."

Page 4, lines 8, 14, and 26, delete "administrative"

Page 5, line 12, after "courts" insert "may"

Page 5, after line 16, insert:

"Sec. 5. [260C.83] FOSTER YOUTH OMBUDSPERSON; RECOMMENDATIONS AND REPORTS TO GOVERNOR."

Subdivision 1. **Specific reports.** The ombudsperson may send conclusions and suggestions concerning any matter reviewed to the governor. Before finalizing a conclusion or recommendation that expressly or implicitly criticizes an agency, facility, program, or any person, the ombudsperson shall consult with the governor and the agency, facility, program, or person concerning the conclusion or recommendation. When sending a conclusion or recommendation to the governor that is adverse to an agency, facility, program, or any person, the ombudsperson shall include any statement of reasonable length made by that agency, facility, program, or person in defense or mitigation of the office's conclusion or recommendation.

Subd. 2. **General reports.** In addition to whatever conclusions or recommendations the ombudsperson may make to the governor on an ad hoc basis, the ombudsperson shall, at the end of each biennium, report to the governor concerning the exercise of the ombudsperson's functions during the preceding biennium."

Page 5, line 18, delete "\$650,000" and insert "\$775,000" and delete "governor's" and insert "Office of the Foster Youth Ombudsperson"

Page 5, line 19, delete "office"

Page 5, line 20, after the period, insert "The base for this appropriation is \$726,000 in fiscal year 2024 and \$726,000 in fiscal year 2025."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "requiring a report;"

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 778, 2767, 3768 and 3845 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Agbaje introduced:

H. F. No. 4849, A bill for an act relating to civil law; requiring landlords to provide just cause for terminating tenancy; proposing coding for new law in Minnesota Statutes, chapter 504B.

The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law.

Hansen, R., introduced:

H. F. No. 4850, A bill for an act relating to natural resources; modifying the Legislative-Citizen Commission on Minnesota Resources membership and terms; modifying availability of fund disbursements; providing appointments; amending Minnesota Statutes 2020, sections 116P.05, subdivisions 1, 1a, 2; 116P.09, subdivision 6; 116P.11.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy.

Edelson introduced:

H. F. No. 4851, A bill for an act relating to public safety; appropriating money for fire department personal protective equipment grants.

The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy.

Swedzinski introduced:

H. F. No. 4852, A bill for an act relating to capital investment; appropriating money for improvements at Southwest Minnesota State University; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Capital Investment.

Winkler moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by Speaker pro tempore Vang.

REPORTS FROM THE COMMITTEE ON RULES
AND LEGISLATIVE ADMINISTRATION

Winkler from the Committee on Rules and Legislative Administration, pursuant to rules 1.21 and 3.33, designated the following bill to be placed on the Calendar for the Day for Tuesday, May 3, 2022 and established a prefiling requirement for amendments offered to the following bill:

S. F. No. 4410.

Winkler from the Committee on Rules and Legislative Administration, pursuant to rules 1.21 and 3.33, designated the following bills to be placed on the Calendar for the Day for Wednesday, May 4, 2022 and established a prefiling requirement for amendments offered to the following bills:

S. F. No. 4091; and H. F. No. 3669.

Poston was excused between the hours of 11:05 a.m. and 2:50 p.m.

CALENDAR FOR THE DAY

H. F. No. 3872 was reported to the House.

Keeler moved to amend H. F. No. 3872, the second engrossment, as follows:

Page 2, after line 28, insert:

"(c) By September 30, 2023, each Tribal college receiving a transfer under this subdivision must submit a report to the commissioner of the Office of Higher Education and to the chairs and ranking minority members of the legislative committees with jurisdiction over higher education finance and policy. The report must include an accurate and detailed account of how the transferred funds were spent, and a copy of the college's most recent audit report."

The motion prevailed and the amendment was adopted.

Kresha was excused between the hours of 12:35 p.m. and 4:40 p.m.

H. F. No. 3872, A bill for an act relating to higher education; providing for funding and policy changes for the Office of Higher Education, the University of Minnesota, and the Minnesota State Colleges and Universities system; creating and modifying certain student aid programs; creating and modifying certain grants to institutions; modifying certain institutional licensure provisions; creating the Inclusive Higher Education Technical Assistance Center; modifying Board of Regents provisions; requiring reports; appropriating money; amending Minnesota

Statutes 2020, sections 135A.15, subdivision 8, by adding a subdivision; 136A.121, subdivisions 5, 18; 136A.1701, subdivision 11; 136A.833; 137.023; 137.024; 137.0245, subdivisions 2, 3; 137.0246; Minnesota Statutes 2021 Supplement, sections 135A.137, subdivision 3; 136A.126, subdivisions 1, 4; 136A.1791, subdivision 5; 136A.91, subdivisions 1, 2; 136F.20, subdivision 4; 136F.202, subdivision 1; Laws 2021, First Special Session chapter 2, article 1, section 2, subdivisions 35, 36; article 2, section 45, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 135A; 136A; 137; repealing Minnesota Rules, part 4880.2500.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 69 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Acomb	Elkins	Her	Lillie	Noor	Thompson
Agbaje	Feist	Hollins	Lippert	Olson, L.	Vang
Bahner	Fischer	Hornstein	Lislegard	Pelowski	Wazlawik
Becker-Finn	Frazier	Howard	Long	Pinto	Winkler
Berg	Frederick	Huot	Mariani	Pryor	Wolgamott
Bernardy	Freiberg	Jordan	Marquart	Reyer	Xiong, J.
Bierman	Gomez	Keeler	Masin	Richardson	Xiong, T.
Carlson	Greenman	Klevorn	Moller	Sandell	Youakim
Christensen	Hansen, R.	Koegel	Moran	Sandstede	Spk. Hortman
Davnie	Hanson, J.	Kotyza-Witthuhn	Morrison	Schultz	
Ecklund	Hassan	Lee	Murphy	Stephenson	
Edelson	Hausman	Liebling	Nelson, M.	Sundin	

Those who voted in the negative were:

Akland	Daniels	Grossell	Kiel	Neu Brindley	Rasmusson
Albright	Daudt	Gruenhagen	Koznick	Novotny	Robbins
Anderson	Davids	Haley	Lucero	O'Driscoll	Schomacker
Backer	Dettmer	Hamilton	McDonald	Olson, B.	Scott
Bahr	Drazkowski	Heinrich	Mekeland	O'Neill	Swedzinski
Baker	Erickson	Heintzeman	Mortensen	Petersburg	Theis
Bennett	Franke	Hertaus	Mueller	Pfarr	Torkelson
Bliss	Franson	Igo	Munson	Pierson	Urdahl
Boe	Garofalo	Johnson	Nash	Quam	West
Burkel	Green	Jurgens	Nelson, N.	Raleigh	

The bill was passed, as amended, and its title agreed to.

Her moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

There being no objection, the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Madam Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 2746, A bill for an act relating to public safety; clarifying eligibility for participation in the Hometown Heroes Act; transferring money; amending Laws 2021, First Special Session chapter 11, article 2, section 12.

CAL R. LUDEMAN, Secretary of the Senate

Madam Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 2677.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

CAL R. LUDEMAN, Secretary of the Senate

SUSPENSION OF RULES

Winkler moved that Joint Rule 2.06, relating to Conference Committees, be suspended as it relates to S. F. No. 2677. The motion prevailed.

CONFERENCE COMMITTEE REPORT ON S. F. No. 2677

A bill for an act relating to unemployment insurance; repaying unemployment insurance trust fund loans; replenishing the unemployment insurance trust fund; freezing the base tax rate for employers; eliminating the additional assessment for calendar years 2022 and 2023; establishing a zero percent special assessment rate for calendar year 2022; eliminating a revenue replacement transfer; appropriating money; repealing Laws 2021, First Special Session chapter 12, article 5, section 3.

April 28, 2022

The Honorable David J. Osmek
President of the Senate

The Honorable Melissa Hortman
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 2677 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 2677 be further amended as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1
UNEMPLOYMENT INSURANCE TRUST FUND

Section 1. **APPROPRIATION; UNEMPLOYMENT INSURANCE TRUST FUND LOAN REPAYMENT AND REPLENISHMENT.**

Subdivision 1. **Appropriation.** \$2,324,175,000 from the state fiscal recovery federal fund and \$405,825,000 from the general fund in fiscal year 2022 are appropriated to the commissioner of employment and economic development for the purposes of this section.

Subd. 2. **Repayment.** Within ten days following enactment of this section, the commissioner must determine the sum of any outstanding loans and any interest accrued on the loans from the federal unemployment insurance trust fund, and issue payments to the federal unemployment trust fund equal to that sum.

Subd. 3. **Replenishment.** Following the full repayment of outstanding loans from the federal unemployment insurance trust fund, the commissioner must deposit into the unemployment insurance trust fund all the remaining money appropriated in this section.

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

Sec. 2. **UNEMPLOYMENT BASE TAX RATE AND ASSESSMENT FOR CALENDAR YEARS 2022 AND 2023.**

Subdivision 1. **Tax rate.** Notwithstanding Minnesota Statutes, section 268.051, subdivision 2, in calendar years 2022 and 2023, the base tax rate under Minnesota Statutes, section 268.051, subdivision 2, paragraph (b), is one-tenth of one percent.

Subd. 2. **Additional assessment.** Notwithstanding Minnesota Statutes, section 268.051, subdivision 2, in calendar years 2022 and 2023, the additional assessment under Minnesota Statutes, section 268.051, subdivision 2, paragraph (c), is zero percent.

Subd. 3. **Special assessment.** Notwithstanding Minnesota Statutes, sections 268.051, subdivision 8, and 268.194, subdivision 6, paragraph (c), in calendar year 2022, the special assessment under Minnesota Statutes, section 268.051, subdivision 8, is zero percent.

Subd. 4. **Employer credits, refunds.** Notwithstanding any law to the contrary, the commissioner of employment and economic development must credit or refund each taxpaying employer for:

(1) any base tax rate amount assessed and paid for calendar year 2022 under Minnesota Statutes, section 268.051, subdivision 2, paragraph (b), that is greater than one-tenth of one percent;

(2) any additional assessment amount assessed and paid for calendar year 2022 under Minnesota Statutes, section 268.051, subdivision 2, paragraph (c); and

(3) any special assessment amount assessed and paid for calendar year 2022 under Minnesota Statutes, section 268.051, subdivision 8.

Subd. 5. **Waiving of penalties and interest.** Notwithstanding any law to the contrary, the commissioner must waive any interest or penalties accrued on first quarter 2022 taxes due on April 30, 2022, but not paid on or before May 31, 2022.

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

Sec. 3. **REPEALER.**

Laws 2021, First Special Session chapter 12, article 5, section 3, is repealed.

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

ARTICLE 2
FRONTLINE WORKER PAYMENTS

Section 1. **FRONTLINE WORKER PAYMENTS; PUBLIC PURPOSE.**

This article is intended to provide payments to frontline workers whose work put them at risk of contracting COVID-19 during the peacetime emergency declared by the governor in Executive Order 20-01. The legislature finds that payments under this section specifically, and under the premium pay provisions of the American Rescue Plan Act of 2021 generally, have a public purpose and benefit the people of Minnesota by:

(1) responding to the extraordinary circumstances of the COVID-19 pandemic which resulted in the peacetime emergency; and

(2) compensating workers for working in conditions that, in many cases, exceeded what was originally contemplated in their employment agreement to ensure our state was able to continue functioning during the pandemic.

Sec. 2. **FRONTLINE WORKER PAYMENTS.**

Subdivision 1. **Program established; payments authorized.** To the extent feasible, the commissioner of revenue, in coordination with the commissioners of labor and industry and employment and economic development, must make payments to eligible frontline workers as provided in this section.

Subd. 2. **Frontline sector defined.** "Frontline sector" means the following sectors:

(1) long-term care and home care;

(2) health care;

(3) emergency responders;

(4) public health, social service, and regulatory service;

(5) courts and corrections;

(6) child care;

(7) schools, including charter schools, state schools, and higher education;

(8) food service, including production, processing, preparation, sale, and delivery;

(9) retail, including sales, fulfillment, distribution, and delivery;

(10) temporary shelters and hotels;

(11) building services, including maintenance, janitorial, and security;

(12) public transit;

(13) ground and air transportation services;

(14) manufacturing; and

(15) vocational rehabilitation.

Subd. 3. Eligible frontline workers. (a) An individual is eligible to receive a payment under this section if the individual:

(1) was employed for at least 120 hours in Minnesota in one or more frontline sectors during the time period beginning March 15, 2020, and ending June 30, 2021;

(2) for the hours worked under clause (1), was not able to telework due to the nature of the individual's work and worked in close proximity to individuals outside of the individual's household;

(3) meets the income requirement in paragraph (b); and

(4) did not receive an unemployment insurance benefit payment or serve a nonpayable week under Minnesota Statutes, section 268.085, subdivision 1, clause (6), for more than 20 weeks on a cumulative basis for weeks between March 15, 2020, and June 26, 2021. An unemployment insurance benefit payment shall include payments made by the state of Minnesota under Minnesota Statutes, sections 268.001 to 268.23, pandemic emergency unemployment compensation, extended benefits, pandemic unemployment assistance, federal pandemic unemployment compensation, lost wages assistance, mixed earnings unemployment compensation, and trade readjustment allowance. Unemployment insurance benefit payments shall include the amounts withheld from an unemployment insurance benefit payment for income tax, deducted for a child support obligation or an offset from unemployment benefits under Minnesota Statutes, section 268.18, subdivision 3a. Unemployment insurance benefit payments shall include amounts found to be overpaid under Minnesota Statutes, section 268.18. The calculations under this clause shall be made based exclusively on data held by DEED as of the effective date of this act.

(b) To qualify for a payment, an individual's adjusted gross income, as defined in Minnesota Statutes, section 290.01, subdivision 21a, as amended to April 1, 2022, must be less than the following amounts for at least one of the taxable years beginning after December 31, 2019, and before January 1, 2022:

(1) for an individual who was employed in an occupation with direct COVID-19 patient care responsibilities, \$350,000 for a married taxpayer filing a joint return and \$175,000 for all other filers; or

(2) for all other individuals, \$185,000 for a married taxpayer filing a joint return and \$85,000 for all other filers.

Subd. 4. Application; verification of eligibility. (a) To qualify for a payment under this section, an individual must apply to the commissioner of labor and industry in the form and manner specified by the commissioner. As part of the application, an individual must certify to the commissioner of labor and industry that the individual meets the eligibility requirements in subdivision 3.

(b) As soon as practicable after final enactment of this act, the commissioner of labor and industry must establish a process for accepting applications for payments under this section and begin accepting applications. The commissioner must not accept an application submitted more than 45 days after opening the application period.

(c) The commissioner of labor and industry must assist applicants in submitting an application under this section, including but not limited to:

(1) establishing a multilingual temporary help line for applicants; and

(2) offering multilingual applications and multilingual instructions.

(d) To the extent possible, the commissioners of revenue, employment and economic development, and labor and industry must verify applicant eligibility for a payment under this section.

(e) An applicant for a payment under this section may appeal a denial of eligibility under this subdivision to the commissioner of labor and industry within 15 days of notice of denial. The commissioner of labor and industry's decision on an appeal is final.

(f) The commissioner of labor and industry may contract with a third party to implement part or all of the application process and assistance required under this subdivision.

Subd. 5. **Eligibility; payments.** (a) After the deadline for applications under subdivision 4 has elapsed, the commissioner of revenue must determine the payment amount based on available appropriations and the number of applications received from eligible frontline workers. The payment amount must be the same for each eligible frontline worker and must not exceed \$1,500.

(b) As soon as practicable, the commissioner of revenue must make payments of the amount determined under paragraph (a) to all eligible frontline workers who applied in accordance with subdivision 4.

(c) The commissioner of revenue may contract with a third party to implement part or all of the payment process required under this subdivision.

(d) If the commissioner of revenue determines that a payment was made under this section to an ineligible individual, the commissioner may issue an order of assessment to the individual receiving the payment for the amount of the payment. The order must be made within two years after the date of the payment or six years after the date of the payment in the case of fraud. The audit, assessment, appeal, collection, enforcement, and administrative provisions of Minnesota Statutes, chapters 270C and 289A, apply to the orders issued under this section.

Subd. 6. **Data practices.** (a) Data collected or created by the commissioners of revenue, labor and industry, and employment and economic development because an individual has sought information about, applied for, been denied, or received a payment under this section are classified as nonpublic data or private data on individuals, as defined in Minnesota Statutes, section 13.02, subdivisions 9 and 12.

(b) Data classified as nonpublic data or private data on individuals, including return information, as defined in Minnesota Statutes, section 270B.01, subdivision 3, may be shared or disclosed between the commissioners of revenue, employment and economic development, and labor and industry, and any third-party vendor contracted with under subdivision 4, to the extent necessary to verify eligibility and administer payments under this section.

Subd. 7. **Notice requirement.** (a) No later than 15 days after the application period is opened under subdivision 4, employers in a frontline sector must provide notice, in a form approved by the commissioner of labor and industry, advising all current workers who may be eligible for payments under this section of the assistance potentially available to them and how to apply for benefits. An employer must provide notice using the same means the employer uses to provide other work-related notices to employees.

(b) Notice provided under paragraph (a) must be at least as conspicuous as:

(1) posting a copy of the notice at each work site where workers work and where the notice may be readily observed and reviewed by all workers working at the site; or

(2) providing a paper or electronic copy of the notice to all workers.

Subd. 8. Payments not to be considered income. (a) For the purposes of this subdivision, "subtraction" has the meaning given in Minnesota Statutes, section 290.0132, subdivision 1, and the rules in that subdivision apply for this subdivision. The definitions in Minnesota Statutes, section 290.01, apply to this subdivision.

(b) The amount of frontline worker payments received under this section is a subtraction.

(c) Frontline worker payments under this section are excluded from income, as defined in Minnesota Statutes, sections 290.0674, subdivision 2a, and 290A.03, subdivision 3.

(d) Notwithstanding any law to the contrary, payments under this section must not be considered income, assets, or personal property for purposes of determining eligibility or recertifying eligibility for:

(1) child care assistance programs under Minnesota Statutes, chapter 119B;

(2) general assistance, Minnesota supplemental aid, and food support under Minnesota Statutes, chapter 256D;

(3) housing support under Minnesota Statutes, chapter 256I;

(4) Minnesota family investment program and diversionary work program under Minnesota Statutes, chapter 256J; and

(5) economic assistance programs under Minnesota Statutes, chapter 256P.

(e) The commissioner of human services must not consider frontline worker payments under this section as income or assets under Minnesota Statutes, section 256B.056, subdivision 1a, paragraph (a); 3; or 3c, or for persons with eligibility determined under Minnesota Statutes, section 256B.057, subdivision 3, 3a, or 3b.

Subd. 9. Report. No later than 90 days following the end of the payments to eligible frontline workers under subdivision 5, the commissioners of revenue and labor and industry shall report to the legislative committees with jurisdiction over economic development policy and finance about the program established under this section. The report must include:

(1) the number of eligible frontline workers who applied, including the number in each sector and county, and the payment each worker received;

(2) if the initial payment to frontline workers under subdivision 5 was less than \$1,500, the additional appropriation needed to provide an additional payment equal to the difference between \$1,500 and the payment amount under subdivision 5; and

(3) the number of applications that were denied and the reason for denial.

Subd. 10. Procurement. The commissioners of labor and industry and revenue are exempt from the requirements of Minnesota Statutes, sections 16A.15, subdivision 3; 16B.97; and 16B.98, subdivisions 5, 7, and 8; and chapter 16C, and any other state procurement laws and procedures in administering the program under this section.

Subd. 11. **Appropriations.** (a) \$500,000,000 in fiscal year 2022 is appropriated from the general fund to the commissioner of revenue for payments under this section. This is a onetime appropriation.

(b) \$11,650,000 in fiscal year 2022 is appropriated from the general fund to the commissioner of labor and industry for administrative costs to implement the payments under this section.

(c) The commissioner of labor and industry may transfer money from this appropriation to the commissioner of revenue or the commissioner of employment and economic development for administrative costs to implement the program and payments under this section.

(d) The appropriations in this subdivision are available until June 30, 2023.

Subd. 12. **Audit.** The Office of the Legislative Auditor is encouraged to begin work on an audit of the use of all funds appropriated under subdivision 11 no later than February 1, 2023.

EFFECTIVE DATE. (a) Unless otherwise specified, this section is effective the day following final enactment.

(b) Subdivision 8, paragraphs (a), (b), and (c), are effective for taxable years beginning after December 31, 2021, and before January 1, 2024, for property tax refunds based on rent paid in 2021 or 2022, and for property tax refunds based on property taxes payable in 2022 or 2023. Subdivision 8, paragraphs (d) and (e), are effective the day following final enactment, except for a program for which federal approval is required, changes affecting the program are effective upon federal approval.

Sec. 3. **APPROPRIATIONS GIVEN EFFECT ONCE.**

If an appropriation in this act is enacted more than once during the 2022 regular session, the appropriation is to be given effect only once.

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

ARTICLE 3 COVID-19 MANAGEMENT

Section 1. **APPROPRIATION; COVID-19 MANAGEMENT.**

(a) \$190,000,000 in fiscal year 2022 is appropriated from the general fund to the commissioner of management and budget to pay for COVID-19 management costs incurred between May 23, 2022, and February 15, 2023, for testing, vaccinations, COVID-19 outbreak management, local and Tribal health, public education, and health system supports. The commissioner may transfer funds appropriated in this section to state agencies as necessary. This is a onetime appropriation and is available until March 31, 2023.

(b) The Legislative COVID-19 Response Commission, established under Laws 2020, chapter 71, article 1, section 7, must review a proposed allocation of the appropriation in this section as provided in paragraphs (c), (d), and (e), before the commissioner may expend the appropriation.

(c) The commissioner of management and budget must submit proposed single expenditures of the appropriation in this section that exceed \$2,500,000 to the Legislative COVID-19 Response Commission for its review and recommendations. The submission must include the total amount of the proposed expenditure, the purpose of the proposed expenditure, the time period of the proposed expenditure, and any additional information the commissioner of management and budget determines necessary to properly document the proposed expenditure. Upon receiving a submission, the commission has three days after the request is submitted to review the proposed expenditures.

(d) Commission members may make a positive recommendation, a negative recommendation, or no recommendation on a proposed expenditure. If a majority of the commission members from the senate or a majority

of the commission members from the house of representatives make a negative recommendation on a proposed expenditure, the commissioner is prohibited from expending the money. If a majority of the commission members from the senate or a majority of the commission members from the house of representatives do not make a negative recommendation, or if the commission makes no recommendation, the commissioner may expend the money.

(e) The commission may hold a public meeting to approve or disapprove a proposed expenditure from the appropriation in this section. Notwithstanding Minnesota Statutes, section 3.055, the commission may conduct a public meeting remotely. The commission may approve or disapprove proposed expenditures without a public meeting. The commission members may approve or disapprove proposed expenditures via written communication sent to the commissioner of management and budget. Notwithstanding Laws 2020, chapter 71, article 1, section 7, if a commission member is unable to review a particular expenditure, a designee from the commission member's legislative body may serve as a designee on behalf of the absent member.

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

Sec. 2. **LEGISLATIVE COVID-19 RESPONSE COMMISSION.**

Laws 2020, chapter 71, article 1, section 7, as amended by Laws 2020, chapter 81, sections 1 and 2, is revived and reenacted as of December 30, 2020.

EFFECTIVE DATE. This section is effective retroactively from December 30, 2020, and applies to duties required under this article."

Delete the title and insert:

"A bill for an act relating to state government; repaying federal unemployment insurance trust fund loans; replenishing the unemployment insurance trust fund; freezing the base tax rate for employers; eliminating the additional assessment for calendar years 2022 and 2023; establishing a zero percent special assessment rate for calendar year 2022; authorizing frontline worker payments; managing use of COVID-19 funds; appropriating money; repealing Laws 2021, First Special Session chapter 12, article 5, section 3."

We request the adoption of this report and repassage of the bill.

Senate Conferees: ERIC PRATT, JASON RARICK, MARY KIFFMEYER, SUSAN KENT and ARIC PUTNAM.

House Conferees: GENE PELOWSKI, JR.; MOHAMUD NOOR and DAVE BAKER.

Pelowski moved that the report of the Conference Committee on S. F. No. 2677 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

Hertaus was excused for the remainder of today's session.

Lucero was excused between the hours of 3:50 p.m. and 4:05 p.m.

S. F. No. 2677, A bill for an act relating to unemployment insurance; repaying unemployment insurance trust fund loans; replenishing the unemployment insurance trust fund; freezing the base tax rate for employers; eliminating the additional assessment for calendar years 2022 and 2023; establishing a zero percent special assessment rate for calendar year 2022; eliminating a revenue replacement transfer; appropriating money; repealing Laws 2021, First Special Session chapter 12, article 5, section 3.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 124 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Acomb	Davids	Haley	Lee	Neu Brindley	Sandstede
Agbaje	Davnie	Hamilton	Liebling	Noor	Schomacker
Akland	Demuth	Hansen, R.	Lillie	Novotny	Schultz
Albright	Dettmer	Hanson, J.	Lippert	O'Driscoll	Scott
Anderson	Drazkowski	Hausman	Lislegard	Olson, B.	Stephenson
Backer	Ecklund	Heinrich	Long	Olson, L.	Sundin
Bahner	Edelson	Heintzeman	Lueck	O'Neill	Swedzinski
Bahr	Elkins	Her	Mariani	Pelowski	Theis
Baker	Erickson	Hollins	Marquart	Petersburg	Thompson
Becker-Finn	Feist	Hornstein	Masin	Pfarr	Torkelson
Bennett	Fischer	Howard	McDonald	Pierson	Urdahl
Berg	Franke	Huot	Mekeland	Pinto	Vang
Bernardy	Franson	Igo	Moller	Poston	Wazlawik
Bierman	Frazier	Johnson	Moran	Pryor	West
Bliss	Frederick	Jordan	Morrison	Quam	Winkler
Boe	Freiberg	Jurgens	Mueller	Raleigh	Wolgamott
Burkel	Garofalo	Keeler	Munson	Rasmusson	Xiong, T.
Carlson	Green	Kiel	Murphy	Reyer	Youakim
Christensen	Greenman	Klevorn	Nash	Richardson	Spk. Hortman
Daniels	Grossell	Koegel	Nelson, M.	Robbins	
Daudt	Gruenhagen	Kotzyza-Witthuhn	Nelson, N.	Sandell	

Those who voted in the negative were:

Gomez	Hassan	Koznick	Mortensen	Xiong, J.
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The bill was repassed, as amended by Conference, and its title agreed to.

There being no objection, the order of business reverted to Calendar for the Day.

CALENDAR FOR THE DAY

S. F. No. 2673 was reported to the House.

Mariani moved to amend S. F. No. 2673, the third engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 4608, the second engrossment:

"ARTICLE 1 APPROPRIATIONS

Section 1. APPROPRIATIONS.

The sums shown in the columns marked "Appropriations" are added to or, if shown in parentheses, subtracted from the appropriations in Laws 2021, First Special Session chapter 11, article 1, to the agencies and for the

purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2022" and "2023" used in this article mean that the addition to or subtraction from the appropriation listed under them is available for the fiscal year ending June 30, 2022, or June 30, 2023, respectively. "The first year" is fiscal year 2022. "The second year" is fiscal year 2023. Supplemental appropriations and reductions to appropriations for the fiscal year ending June 30, 2022, are effective the day following final enactment.

			<u>APPROPRIATIONS</u>	
			<u>Available for the Year</u>	
			<u>Ending June 30</u>	
			<u>2022</u>	<u>2023</u>
Sec. 2. <u>PUBLIC SAFETY</u>				
Subdivision 1. <u>Total Appropriation</u>			<u>\$15,000,000</u>	<u>\$148,543,000</u>
<u>Appropriations by Fund</u>				
	<u>2022</u>	<u>2023</u>		
Trunk Highway	-0-	252,000		
Special Revenue	-0-	4,050,000		
General	15,000,000	144,241,000		

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

Subd. 2. <u>Emergency Management</u>	-0-	<u>4,225,000</u>
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(a) Local Government Emergency Management

\$1,500,000 in fiscal year 2023 is for grants in equal amounts to the emergency management organizations of the 87 counties, 11 federally recognized Tribes, and four cities of the first class for planning and preparedness activities, including capital purchases. Local emergency management organizations must make a request to the Homeland Security and Emergency Management Division for these grants. Current local funding for emergency management and preparedness activities may not be supplanted by these additional state funds. The commissioner may use up to one percent of the appropriation received under this paragraph to pay costs incurred by the department in administering the local government emergency management grant program.

By March 15, 2023, the commissioner of public safety must submit a report on the grant awards to the chairs and ranking minority members of the legislative committees with jurisdiction over emergency management and preparedness activities. At a minimum, the report must identify grant recipients and summarize grantee activities.

(b) First Responder Wellness Office

\$2,000,000 in fiscal year 2023 is to establish an office that will provide leadership and resources for improving the mental health of first responders statewide. The base is \$1,000,000 in fiscal year 2024 and thereafter.

(c) Mutual Aid Response Training

\$500,000 in fiscal year 2023 is for mutual aid response training. This appropriation is onetime.

(d) Supplemental Nonprofit Security Grants

\$225,000 in fiscal year 2023 is for supplemental nonprofit security grants under this paragraph.

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

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

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

Subd. 3. Criminal Apprehension

-0-

5,664,000**(a) Violent Crime Reduction Support**

\$1,779,000 in fiscal year 2023 is to support violent crime reduction strategies. This includes funding for staff and supplies to enhance forensic and analytical capacity.

(b) BCA Accreditation

\$186,000 in fiscal year 2023 is to support the Bureau of Criminal Apprehension to achieve and maintain law enforcement accreditation from an accreditation body. This includes funding for staff, accreditation costs, and supplies. The base is \$170,000 in fiscal year 2024 and thereafter.

(c) Cybersecurity Upgrades

\$2,391,000 in fiscal year 2023 is for identity and access management, critical infrastructure upgrades, and Federal Bureau of Investigation audit compliance. This appropriation is available through June 30, 2024. The base is \$900,000 in fiscal year 2024 and thereafter.

(d) Marijuana Penalties Modified

\$208,000 in fiscal year 2023 is for computer programming, forensic testing, and supplies related to changes in criminal penalties for marijuana. The base is \$191,000 in fiscal year 2024 and thereafter.

(e) Expungements

\$1,100,000 in fiscal year 2023 is for costs related to expungements of criminal records. The base is \$520,000 in fiscal year 2024 and \$0 for fiscal year 2025.

Subd. 4. Office of Justice Programs; Total Appropriation15,000,000119,936,000Appropriations by Fund

<u>Special Revenue</u>	<u>-0-</u>	<u>2,600,000</u>
<u>General</u>	<u>15,000,000</u>	<u>117,336,000</u>

(a) Minnesota Heals

\$1,000,000 in fiscal year 2023 is for a statewide community healing program; for statewide critical incident stress management services for first responders; and grants for trauma services and burial costs following officer-involved deaths. This appropriation may be used for new staff to support these programs. From this amount, the director may award a grant to a nonprofit that provides equine experiential mental health therapy to first responders suffering from job-related trauma and post-traumatic stress disorder. For purposes of this paragraph, "first responder" means a peace officer as defined in Minnesota Statutes, section 626.84, subdivision 1, paragraph (c); a full-time firefighter as defined in Minnesota Statutes, section 299N.03, subdivision 5; or a volunteer firefighter as defined in Minnesota Statutes, section 299N.03,

subdivision 7. If the commissioner issues a grant for equine experiential mental health therapy, the grant recipient must report to the commissioner of public safety and the chairs and ranking minority members of the legislative committees with jurisdiction over public safety policy and finance on the therapy provided to first responders. The report must include an overview of the program's budget, a detailed explanation of program expenditures, the number of first responders served by the program, and a list and explanation of the services provided to, and benefits received by, program participants. An initial report is due by January 15, 2023, and a final report is due by January 15, 2024.

(b) General Crime and Trauma Recovery Grants Funding

\$1,000,000 in fiscal year 2023 is for programs supporting victims of general crime. These funds may also be used to establish trauma recovery centers in the state to support victims of violent crime who experience trauma and are in need of services and provide new staff to support these programs.

(c) Youth Development Grants

\$500,000 in fiscal year 2023 is to provide grants to programs serving youth and for youth violence intervention and prevention programs. Priority for these funds must be given to programs that employ or utilize trauma-informed therapists to support the youth the programs serve. These funds may be used to administer these grants.

(d) Crossover and Dual-Status Youth Model Grants

\$1,000,000 in fiscal year 2023 from the prevention services account in the special revenue fund is to provide grants to local units of government and federally recognized Indian Tribes to initiate or expand crossover youth practice model and dual-status youth programs that provide services for youth who are in both the child welfare and juvenile justice systems, in accordance with the Robert F. Kennedy National Resource Center for Juvenile Justice model.

(e) Staffing and Board Expenses

\$3,639,000 in fiscal year 2023 is to increase staffing in the Office of Justice Programs for grant management and compliance; build capacity and provide technical assistance to applicants; provide training to individuals and entities seeking to become applicants; perform community outreach and engagement to improve the experiences and outcomes of applicants, grant recipients, and crime victims throughout Minnesota; establish and support a final review panel; and maintain a Minnesota Statistical Analysis Center

to create ongoing grant evaluation programs and other research and data analysis. These funds may also be used for the per diem and other costs necessary to establish and support the Public Safety Innovation Board.

(f) Community-Based Public Safety Grants

\$1,968,000 in fiscal year 2023 is for community-based public safety grants. The base is \$75,000 in fiscal year 2024 and thereafter.

(g) Prosecutor Training

\$25,000 in fiscal year 2023 is for prosecutor training.

(h) Alternatives to Juvenile Detention - Youth Conflict Resolution Centers Grants

\$1,400,000 in fiscal year 2023 is to establish and maintain youth conflict resolution centers as alternatives to juvenile detention.

(i) Direct Assistance to Crime Victim Survivors

\$4,000,000 in fiscal year 2023 is for an increase in base funding for crime victim services for the Office of Justice Programs to provide grants for direct services and advocacy for victims of sexual assault, general crime, domestic violence, and child abuse. Funding must support the direct needs of organizations serving victims of crime by providing: direct client assistance to crime victims; competitive wages for direct service staff; hotel stays and other housing-related supports and services; culturally responsive programming; prevention programming, including domestic abuse transformation and restorative justice programming; and other needs of organizations and crime victim survivors. Services funded must include services for victims of crime in underserved communities most impacted by violence and reflect the ethnic, racial, economic, cultural, and geographic diversity of the state. The Office of Justice Programs shall prioritize culturally specific programs, or organizations led and staffed by persons of color that primarily serve communities of color, in funding allocation. The base is \$2,000,000 in fiscal year 2024 and thereafter.

(j) Combatting Sex Trafficking

\$1,500,000 in fiscal year 2023 is for grants to state and local units of government for the following purposes:

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

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

(k) Epinephrine Auto-Injector Reimbursement Grants

\$1,000,000 in fiscal year 2023 is for grants to local law enforcement agencies to reimburse the costs of obtaining epinephrine auto-injectors and replacing epinephrine auto-injectors that have expired.

(l) Office of Missing and Murdered Black Women and Girls

\$500,000 in fiscal year 2023 is to establish and operate the Office of Missing and Murdered Black Women and Girls.

(m) Reward Fund for Missing and Murdered Indigenous Relatives

\$110,000 in fiscal year 2023 is to pay rewards for information related to investigations of missing and murdered Indigenous relatives under Minnesota Statutes, section 299A.86.

(n) Youth Intervention Program

\$1,000,000 in fiscal year 2023 is for the youth intervention grants program under Minnesota statutes, section 299A.73. Money appropriated under this section is available to programs that are currently supported by youth intervention program grants. This is a onetime appropriation.

(o) Task Force on the Statewide Response to Substance Abuse

\$144,000 in fiscal year 2023 is to implement the Task Force on the Statewide Response to Substance Abuse. The base is \$154,000 in fiscal year 2024 and \$66,000 in fiscal year 2025. The base is \$0 in fiscal year 2026 and thereafter.

(p) Task Force on a Coordinated Approach to Juvenile Wellness and Justice

\$150,000 in fiscal year 2023 is to implement the Task Force on a Coordinated Approach to Juvenile Wellness and Justice. This is a onetime appropriation.

(q) Juvenile Prevention Services

In fiscal year 2023, \$150,000 from the general fund and \$1,600,000 from the prevention services account in the special revenue fund are appropriated for grants to provide prevention services. Grant recipients may be local units of government.

federally recognized Indian Tribes, or nonprofit organizations. Recipients must use funds to establish or support programs designed to prevent juveniles from entering the criminal or juvenile justice systems through approaches that encourage a youth's involvement in the community, provide wrap-around services for at-risk youth, or include culturally appropriate behavioral health interventions for youth. Specific programs may include but are not limited to after-school programs, mentorship programs, tutoring programs, programs that employ restorative justice techniques such as peacemaking circles, or programs based on the Developmental Assets Framework of the Search Institute.

(r) Juvenile Intervention Services

\$2,500,000 in fiscal year 2023 is to provide intervention and healing services. Grant recipients may be local units of government, federally recognized Indian Tribes, or nonprofit organizations. Recipients must use funds to provide intervention services to youth involved in the juvenile or criminal justice systems. Intervention services must engage youth who have been involved in the justice system with the aim to create community connections between the youth and their community, promote community healing, and employ restorative justice techniques such as circles, panels, or victim-offender mediation.

(s) Mental Health Services and Wellness Support for Juveniles and Families

\$1,750,000 in fiscal year 2023 is for grants to organizations to provide mental health and wellness support services for youth involved in the juvenile justice system and their families. Funding for mental health services is for individuals or organizations that provide mental health services for youth involved in the juvenile justice system, including residential settings or community-based treatment. Funds must be used to support programs designed with input from youth with lived experience, as well as individuals with professional expertise. Wellness support services for families of young people placed out of home following a juvenile delinquency adjudication must create family support groups, provide resources to support families during out-of-home placements, or support the family through the period of post-placement reentry.

(t) Local Community Innovation Grants

\$55,000,000 in fiscal year 2023 is for local community innovation grants. The base is \$30,000,000 in fiscal year 2024 and beyond. Any unencumbered grant balances at the end of the fiscal year do not cancel but are available for grants in the following year.

(u) Emergency Community Safety Grants

\$15,000,000 in fiscal year 2022 is for grants to crime prevention programs for the purpose of providing public safety. Any unencumbered balance at the end of fiscal year 2023 does not cancel but is available for the purposes of this section until spent. This is a onetime appropriation.

(v) Local Co-Responder Grants

\$10,000,000 in fiscal year 2023 is for grants to establish, maintain, or expand the use of co-responder programs that work with law enforcement agencies. Any unencumbered balance at the end of the fiscal year does not cancel but is available for the purposes of this section until spent.

(w) Local Community Policing Grants

\$15,000,000 in fiscal year 2023 is for local community policing grants. The base is \$10,000,000 in each of fiscal years 2024 and 2025. The base is \$0 in fiscal year 2026 and thereafter. Any unencumbered grant balances at the end of the fiscal year do not cancel but are available for grants in the following year.

(x) Local Investigation Grants

\$15,000,000 in fiscal year 2023 is for local investigation grants. The base is \$10,000,000 in each of fiscal years 2024 and 2025. The base is \$0 in fiscal year 2026 and thereafter. Any unencumbered grant balances at the end of the fiscal year do not cancel but are available for grants in the following year.

Subd. 5. State Patrol

-0-

252,000**(a) Criminal Record Expungement**

\$84,000 in fiscal year 2023 from the trunk highway fund is for costs related to criminal record expungement. The base is \$168,000 in fiscal year 2024 and thereafter.

(b) Marijuana Penalties Modified

\$168,000 in fiscal year 2023 from the trunk highway fund is for costs related to changes in marijuana criminal penalties.

Subd. 6. Administrative Services

-0-

16,016,000**(a) Public Safety Officer Soft Body Armor**

\$1,000,000 in fiscal year 2023 is for public safety officer soft body armor reimbursements under Minnesota Statutes, section 299A.381. Of this amount, the commissioner may use up to \$60,000 to staff and administer the program.

(b) Body Camera Grants

\$9,000,000 in fiscal year 2023 is for grants to local law enforcement agencies for portable recording systems. The commissioner shall award grants to local law enforcement agencies for the purchase and maintenance of portable recording systems and portable recording system data. The base is \$4,500,000 in fiscal year 2024 and thereafter.

(c) Body Camera Data Storage

\$6,016,000 in fiscal year 2023 is to develop and administer a statewide cloud-based body camera data storage program. Of this amount, the commissioner may use up to \$1,000,000 for staff and operating costs to administer this program and the body camera grants program in the preceding section. The base is \$6,036,000 in fiscal year 2024 and \$6,057,000 in fiscal year 2025.

Subd. 7. Emergency Communication Networks

-0-

2,450,000

Appropriations by Fund

<u>Special Revenue</u>	<u>-0-</u>	<u>1,450,000</u>
<u>General</u>	<u>-0-</u>	<u>1,000,000</u>

(a) Local Grants

\$1,000,000 in fiscal year 2023 is for grants to local government units participating in the statewide public safety radio communication system established under Minnesota Statutes, section 403.36. The grants must be used to purchase portable radios and related equipment that is interoperable with the Allied Radio Matrix for Emergency Response (ARMER) system. Each local government unit may receive only one grant. The grant is contingent upon a match of at least five percent from nonstate funds. The director of the Emergency Communication Networks division, in consultation with the Statewide Emergency Communications Board, must administer the grant program. This is a onetime appropriation.

(b) Public Safety Telecommunicator Certification and Training Reimbursement Grants

\$1,450,000 in fiscal year 2023 is appropriated from the nondedicated 911 emergency special revenue account for administrative and software costs and rulemaking to establish and review 911 public safety telecommunicator certification and continuing education standards as described in Minnesota Statutes, section 403.051. The base is \$1,000,000 in each of fiscal years 2024 and 2025.

Sec. 3. **PEACE OFFICER STANDARDS AND TRAINING
(POST) BOARD**

\$165,000**\$1,550,000**

(a) **Database for Public Records**

\$165,000 in fiscal year 2023 is for a database for public records. This is a onetime appropriation.

(b) **Task Force on Alternative Courses to Peace Officer Licensure**

\$50,000 in fiscal year 2023 is for a task force on alternative courses to peace officer licensure. This is a onetime appropriation.

(c) **Investigators**

\$1,250,000 in fiscal year 2023 is to hire investigators and additional staff to perform compliance reviews and investigate alleged code of conduct violations and to obtain or improve equipment for that purpose.

(d) **Strength and Agility Testing**

\$250,000 in fiscal year 2023 is to reimburse law enforcement agencies for funding scientifically content-validated and job-related physical strength and agility examinations to screen applicants as required under Minnesota Statutes, section 626.843, subdivision 1c. The board must establish guidelines for the administration of reimbursement payments under this section.

Sec. 4. **PRIVATE DETECTIVE BOARD**

\$80,000**\$518,000**

(a) **Record Management System and Background Checks**

\$80,000 in fiscal year 2022 and \$18,000 in fiscal year 2023 are to purchase and implement a record management system.

(b) **Investigations and Field Audits**

\$430,000 is for additional staffing to conduct investigations and field audits.

(c) **Review Training Curriculum**

\$70,000 in fiscal year 2023 is for an annual review of training curriculum.

Sec. 5. **CORRECTIONS**

Subdivision 1. **Total Appropriation**

\$1,000,000**\$29,272,000**

Subd. 2. **Incarceration and Prerelease Services**

-0-**5,252,000**

(a) Base Adjustment

The general fund base, as a result of new appropriations and bed impact changes, shall result in a net increase of \$6,204,000 in fiscal year 2024 and \$6,186,000 in fiscal year 2025 for all provisions in this subdivision.

(b) Body-Worn Camera Program

\$1,500,000 in fiscal year 2023 is to implement a body-worn camera program for uniformed correctional security personnel and community-based supervision agents. The base is \$1,000,000 in fiscal year 2024 and thereafter.

(c) Family Support Unit

\$280,000 in fiscal year 2023 is to create a family support unit that focuses on family support and engagement for incarcerated individuals and their families.

(d) Higher Education

\$2,000,000 in fiscal year 2023 is to contract with Minnesota's institutions of higher education to provide instruction to incarcerated individuals in state correctional facilities and to support partnerships with public and private employers, trades programs, and community colleges in providing employment opportunities for individuals after their term of incarceration. Funding must be used for contracts with institutions of higher education and other training providers, and associated reentry and operational support services provided by the agency. The base is \$3,500,000 in fiscal year 2024 and thereafter.

(e) Family Communication and Support Services

\$1,500,000 in fiscal year 2023 is to provide communications and related supportive services for incarcerated individuals to connect with family members and other approved support persons or service providers through video visits and phone calls during an individual's incarceration.

Subd. 3. Community Supervision and Postrelease Services

-0-

12,050,000**(a) Grants Management System**

\$450,000 in fiscal year 2023 is for a grants management system and to increase capacity for grants management, including compliance and internal controls. The base is \$489,000 in fiscal year 2024 and thereafter.

(b) Supervision Services

\$10,450,000 in fiscal year 2023 is for services provided by the Department of Corrections Field Services, County Probation Officers, and Community Corrections Act counties. The base is \$25,750,000 in fiscal year 2024 and \$38,300,000 in fiscal year 2025 and shall be distributed based on the formula established in article 7, section 16, subdivision 3.

(c) Work Release Program

\$1,000,000 in fiscal year 2023 is to expand the use of the existing Department of Corrections work release program to increase the availability of educational programming for incarcerated individuals who are eligible and approved for work release.

(d) Healing House

\$150,000 in fiscal year 2023 is to provide project management services in support of the Healing House model. The Healing House provides support and assistance to Native American women who have been victims of trauma. The base is \$0 in fiscal year 2026 and thereafter.

Subd. 4. Organizational, Regulatory, and Administrative Services1,000,00011,970,000**(a) Technology**

\$1,000,000 in fiscal year 2022 and \$11,000,000 in fiscal year 2023 are to replace or improve existing corrections data management systems that have significant deficiencies, create a statewide public safety information sharing infrastructure, and improve data collection and reportability. The base is \$17,500,000 in fiscal year 2024 and thereafter.

In the development, design, and implementation of the statewide public safety data information sharing infrastructure, the department shall, at a minimum, consult with county correctional supervision providers, the judicial branch, the Minnesota Sheriffs' Association, the Minnesota Chiefs of Police Association, and the Bureau of Criminal Apprehension.

(b) Property Insurance Premiums

\$650,000 in fiscal year 2023 is to fund cost increases for property insurance premiums at state correctional facilities.

(c) Project Management Office

\$230,000 in fiscal year 2023 is to expand the Department of Corrections project management office, including the addition of two project manager full-time-equivalent positions.

(d) Indeterminate Sentence Release Board

\$40,000 in fiscal year 2023 is to fund the establishment of an Indeterminate Sentence Release Board (ISRB) to review eligible cases and make release decisions for persons serving indeterminate sentences under the authority of the commissioner of corrections. The ISRB must consist of five members, including four persons appointed by the governor from two recommendations of each of the majority and minority leaders of the house of representatives and the senate and the commissioner of corrections who shall serve as chair.

(e) Task Force on Felony Murder

\$50,000 in fiscal year 2023 is to implement the Task Force on Felony Murder. This is a onetime appropriation.

Sec. 6. <u>OMBUDSPERSON FOR CORRECTIONS</u>	<u>\$21,000</u>	<u>\$12,000</u>
Sec. 7. <u>OFFICE OF HIGHER EDUCATION</u>	<u>\$-0-</u>	<u>\$2,500,000</u>

\$2,500,000 in fiscal year 2023 is to provide reimbursement grants to postsecondary schools certified to provide programs of professional peace officer education for providing in-service training programs for peace officers on the proper use of force, including deadly force, the duty to intercede, and conflict de-escalation. Of this amount, up to 2.5 percent is for administration and monitoring of the program.

To be eligible for reimbursement, training offered by a postsecondary school must consist of no less than eight hours of instruction and:

(1) satisfy the requirements of Minnesota Statutes, section 626.8452, and be approved by the Peace Officer Standards and Training Board, for use of force training;

(2) utilize scenario-based training that simulates real-world situations and involves the use of real firearms that fire nonlethal ammunition when appropriate;

(3) include a block of instruction on the physical and psychological effects of stress before, during, and after a high risk or traumatic incident and the cumulative impact of stress on the health of officers;

(4) include blocks of instruction on de-escalation methods and tactics, bias motivation, unknown risk training, defensive tactics, and force-on-force training; and

(5) be offered to peace officers at no charge to the peace officer or an officer's law enforcement agency.

A postsecondary school that offers training consistent with the above requirements may apply for reimbursement for the costs of offering the training. Reimbursement shall be made at a rate of \$450 for each officer who participates in the training. The postsecondary school must submit the name and peace officer license number of the peace officer who received the training.

As used in this section, "law enforcement agency" has the meaning given in Minnesota Statutes, section 626.84, subdivision 1, paragraph (f), and "peace officer" has the meaning given in Minnesota Statutes, section 626.84, subdivision 1, paragraph (c).

Sec. 8. <u>CLEMENCY REVIEW COMMISSION</u>	<u>\$-0-</u>	<u>\$705,000</u>
Sec. 9. <u>OFFICE OF THE ATTORNEY GENERAL</u>	<u>\$-0-</u>	<u>\$1,821,000</u>

\$1,821,000 in fiscal year 2023 is for enhanced criminal enforcement.

Sec. 10. <u>SENTENCING GUIDELINES COMMISSION</u>	<u>\$-0-</u>	<u>\$117,000</u>
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\$117,000 in fiscal year 2023 is for providing meeting space and administrative assistance for the Task Force on Collection of Charging and Related Data. The base is \$121,000 in fiscal year 2024 and \$0 for fiscal year 2025.

Sec. 11. **TRANSFERS; MINNCOR.**

\$7,000,000 in fiscal year 2023 is transferred from the MINNCOR fund to the general fund.

Sec. 12. **TRANSFER; OPIATE EPIDEMIC RESPONSE.**

\$10,000,000 in fiscal year 2023 is transferred from the general fund to the opiate epidemic response fund established pursuant to Minnesota Statutes, section 256.043. Grants issued from this amount are for prevention and education as described in Minnesota Statutes, section 256.042, subdivision 1, paragraph (a), clause (1). Grant recipients must be located outside the seven-county metropolitan area.

Sec. 13. **FUND TRANSFER; HOMETOWN HEROES ASSISTANCE PROGRAM.**

The commissioner of public safety shall transfer any amounts remaining in the appropriation under Laws 2021, First Special Session chapter 11, article 1, section 14, subdivision 7, paragraph (k), from the Office of Justice Programs to the state fire marshal for grants to the Minnesota Firefighter Initiative to fund the hometown heroes assistance program under Minnesota Statutes, section 299A.477.

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

ARTICLE 2
GENERAL CRIMES AND PUBLIC SAFETY POLICY

Section 1. Minnesota Statutes 2020, section 13.6905, is amended by adding a subdivision to read:

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

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

Sec. 2. Minnesota Statutes 2020, section 13.825, subdivision 2, is amended to read:

Subd. 2. **Data classification; court-authorized disclosure.** (a) Data collected by a portable recording system are private data on individuals or nonpublic data, subject to the following:

(1) data that document the discharge of a firearm by a peace officer in the course of duty, if a notice is required under section 626.553, subdivision 2, or the use of force by a peace officer that results in substantial bodily harm, as defined in section 609.02, subdivision 7a, are public;

(2) data are public if a subject of the data requests it be made accessible to the public, except that, if practicable, (i) data on a subject who is not a peace officer and who does not consent to the release must be redacted, and (ii) data on a peace officer whose identity is protected under section 13.82, subdivision 17, clause (a), must be redacted;

(3) portable recording system data that are active criminal investigative data are governed by section 13.82, subdivision 7, and portable recording system data that are inactive criminal investigative data are governed by this section;

(4) portable recording system data that are public personnel data under section 13.43, subdivision 2, clause (5), are public; and

(5) data that are not public data under other provisions of this chapter retain that classification.

(b) Notwithstanding section 13.82, subdivision 7, a deceased individual's next of kin, legal representative of the next of kin, or other parent of the deceased individual's children is entitled to view any and all recordings from a peace officer's portable recording system, redacted no more than what is required by law, of an officer's use of deadly force no later than five business days following an incident where deadly force used by a peace officer results in the death of an individual, except that a chief law enforcement officer may deny a request if the investigating agency requests and can articulate a compelling reason as to why allowing the deceased individual's next of kin, legal representative of next of kin, or other parent of the deceased individual's children to review the recordings would interfere with a thorough investigation. If the chief law enforcement officer denies a request under this paragraph, the involved officer's agency must issue a prompt, written denial and provide notice to the deceased individual's next of kin, legal representative of the next of kin, or other parent of the deceased individual's children that relief may be sought from the district court.

(c) Notwithstanding section 13.82, subdivision 7, an involved officer's agency shall release to the public no later than 14 business days after an incident all body-worn camera recordings of the incident where a peace officer used deadly force and an individual died, except that a chief law enforcement officer shall not release the video if the investigating agency asserts in writing that allowing the public to view the recordings would interfere with the ongoing investigation.

~~(b)~~ (d) A law enforcement agency may redact or withhold access to portions of data that are public under this subdivision if those portions of data are clearly offensive to common sensibilities.

~~(e)~~ (e) Section 13.04, subdivision 2, does not apply to collection of data classified by this subdivision.

~~(d)~~ (f) Any person may bring an action in the district court located in the county where portable recording system data are being maintained to authorize disclosure of data that are private or nonpublic under this section or to challenge a determination under paragraph (b) to redact or withhold access to portions of data because the data are clearly offensive to common sensibilities. The person bringing the action must give notice of the action to the law enforcement agency and subjects of the data, if known. The law enforcement agency must give notice to other subjects of the data, if known, who did not receive the notice from the person bringing the action. The court may order that all or part of the data be released to the public or to the person bringing the action. In making this determination, the court shall consider whether the benefit to the person bringing the action or to the public outweighs any harm to the public, to the law enforcement agency, or to a subject of the data and, if the action is challenging a determination under paragraph (b), whether the data are clearly offensive to common sensibilities. The data in dispute must be examined by the court in camera. This paragraph does not affect the right of a defendant in a criminal proceeding to obtain access to portable recording system data under the Rules of Criminal Procedure.

Sec. 3. Minnesota Statutes 2020, section 241.01, subdivision 3a, is amended to read:

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

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

(b) To determine the place of confinement of committed persons in a correctional facility or other facility of the Department of Corrections and to prescribe reasonable conditions and rules for their employment, conduct, instruction, and discipline within or outside the facility. Inmates shall not exercise custodial functions or have authority over other inmates.

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

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

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

(f) To utilize state correctional facilities in the manner deemed to be most efficient and beneficial to accomplish the purposes of this section, but not to close the Minnesota Correctional Facility-Stillwater or the Minnesota Correctional Facility-St. Cloud without legislative approval. The commissioner may place juveniles and adults at the same state minimum security correctional facilities, if there is total separation of and no regular contact between juveniles and adults, except contact incidental to admission, classification, and mental and physical health care.

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

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

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

(j) To perform these duties with the goal of promoting public safety. Promoting public safety includes the promotion of human rights. "Public safety" means reducing or preventing crime while maintaining the basic rights, freedoms, and privileges that belong to every person, including the right to dignity, fairness, equality, respect, and freedom from discrimination, and is achieved by diverting people away from the criminal justice system whenever possible, imposing sanctions that are the least restrictive necessary to achieve accountability for the offense, preferring the use of community services to imprisonment or other confinement unless confinement is necessary to protect the public, and promoting the rehabilitation of those convicted through the provision of evidence-based programming and services.

Sec. 4. Minnesota Statutes 2020, section 244.09, subdivision 5, is amended to read:

Subd. 5. **Promulgation of Sentencing Guidelines.** The commission shall promulgate Sentencing Guidelines for the district court. The guidelines shall be based on reasonable offense and offender characteristics. The guidelines promulgated by the commission shall be advisory to the district court and shall establish:

(1) the circumstances under which imprisonment of an offender is proper; and

(2) a presumptive, fixed sentence for offenders for whom imprisonment is proper, based on each appropriate combination of reasonable offense and offender characteristics. The guidelines shall provide for an increase of 20 percent and a decrease of 15 percent in the presumptive, fixed sentence.

The Sentencing Guidelines promulgated by the commission may also establish appropriate sanctions for offenders for whom imprisonment is not proper. Any guidelines promulgated by the commission establishing sanctions for offenders for whom imprisonment is not proper shall make specific reference to noninstitutional sanctions, including but not limited to the following: payment of fines, day fines, restitution, community work orders, work release programs in local facilities, community based residential and nonresidential programs, incarceration in a local correctional facility, and probation and the conditions thereof.

Although the Sentencing Guidelines are advisory to the district court, the court shall follow the procedures of the guidelines when it pronounces sentence in a proceeding to which the guidelines apply by operation of statute. Sentencing pursuant to the Sentencing Guidelines is not a right that accrues to a person convicted of a felony; it is a procedure based on state public policy to maintain uniformity, proportionality, rationality, and predictability in sentencing.

In establishing and modifying the Sentencing Guidelines, the primary consideration of the commission shall be public safety. "Public safety" means reducing or preventing crime while maintaining the basic rights, freedoms, and privileges that belong to every person, including the right to dignity, fairness, equality, respect, and freedom from discrimination, and is achieved by diverting people away from the criminal justice system whenever possible, imposing sanctions that are the least restrictive necessary to achieve accountability for the offense, preferring the use of community services to imprisonment or other confinement unless confinement is necessary to protect the public, and promoting the rehabilitation of those convicted through the provision of evidence-based programming and services. Promoting public safety includes the promotion of human rights. The commission shall also consider current sentencing and release practices; correctional resources, including but not limited to the capacities of local and state correctional facilities; and the long-term negative impact of the crime on the community.

The provisions of sections 14.001 to 14.69 do not apply to the promulgation of the Sentencing Guidelines, and the Sentencing Guidelines, including severity levels and criminal history scores, are not subject to review by the legislative commission to review administrative rules. However, the commission shall adopt rules pursuant to sections 14.001 to 14.69 which establish procedures for the promulgation of the Sentencing Guidelines, including procedures for the promulgation of severity levels and criminal history scores, and these rules shall be subject to review by the Legislative Coordinating Commission.

Sec. 5. Minnesota Statutes 2021 Supplement, section 253B.18, subdivision 5a, is amended to read:

Subd. 5a. **Victim notification of petition and release; right to submit statement.** (a) As used in this subdivision:

(1) "crime" has the meaning given to "violent crime" in section 609.1095, and includes criminal sexual conduct in the fifth degree and offenses within the definition of "crime against the person" in section 253B.02, subdivision 4e, and also includes offenses listed in section 253D.02, subdivision 8, paragraph (b), regardless of whether they are sexually motivated;

(2) "victim" means a person who has incurred loss or harm as a result of a crime the behavior for which forms the basis for a commitment under this section or chapter 253D; and

(3) "convicted" and "conviction" have the meanings given in section 609.02, subdivision 5, and also include juvenile court adjudications, findings under Minnesota Rules of Criminal Procedure, rule 20.02, that the elements of a crime have been proved, and findings in commitment cases under this section or chapter 253D that an act or acts constituting a crime occurred or were part of their course of harmful sexual conduct.

(b) A county attorney who files a petition to commit a person under this section or chapter 253D shall make a reasonable effort to provide prompt notice of filing the petition to any victim of a crime for which the person was convicted. In addition, the county attorney shall make a reasonable effort to promptly notify the victim of the resolution of the petition and the process for requesting notification of an individual's change in status as provided in paragraph (c). A notice shall only be provided to a victim who has submitted a written request for notification to the prosecutor.

(c) A victim may request notification of an individual's discharge or release as provided in paragraph (d) by submitting a written request for notification to the executive director of the facility in which the individual is confined. The Department of Corrections or a county attorney who receives a request for notification from a victim under this section shall promptly forward the request to the executive director of the treatment facility in which the individual is confined.

(d) Before provisionally discharging, discharging, granting pass-eligible status, approving a pass plan, or otherwise permanently or temporarily releasing a person committed under this section from a state-operated treatment program or treatment facility, the head of the state-operated treatment program or head of the treatment facility shall make a reasonable effort to notify any victim of a crime for which the person was convicted that the person may be discharged or released and that the victim has a right to submit a written statement regarding decisions of the medical director, special review board, or commissioner with respect to the person. To the extent possible, the notice must be provided at least 14 days before any special review board hearing or before a determination on a pass plan. Notwithstanding section 611A.06, subdivision 4, the commissioner shall provide the judicial appeal panel with victim information in order to comply with the provisions of this section. The judicial appeal panel shall ensure that the data on victims remains private as provided for in section 611A.06, subdivision 4. These notices shall only be provided to victims who have submitted a written request for notification as provided in paragraph (c).

(e) The rights under this subdivision are in addition to rights available to a victim under chapter 611A. This provision does not give a victim all the rights of a "notified person" or a person "entitled to statutory notice" under subdivision 4a, 4b, or 5 or section 253D.14.

Sec. 6. Minnesota Statutes 2021 Supplement, section 253D.14, subdivision 2, is amended to read:

Subd. 2. **Notice of filing petition.** A county attorney who files a petition to commit a person under this chapter shall make a reasonable effort to provide prompt notice of filing the petition to any victim of a crime for which the person was convicted or was listed as a victim in the petition of commitment. In addition, the county attorney shall make a reasonable and good faith effort to promptly notify the victim of the resolution of the process for requesting the notification of an individual's change in status as provided in section 253D.14, subdivision 3. A notice shall only be provided to a victim who has submitted a written request for notification to the prosecutor.

Sec. 7. Minnesota Statutes 2020, section 256I.04, subdivision 2g, is amended to read:

Subd. 2g. ~~Crisis shelters~~ **Domestic abuse programs.** ~~Secure crisis shelters for battered women and their children designated by the Minnesota Department of Corrections~~ Programs that provide services to victims of domestic abuse designated by the Office of Justice Programs in the Department of Public Safety are not eligible for housing support under this chapter.

Sec. 8. Minnesota Statutes 2020, section 299A.01, is amended by adding a subdivision to read:

Subd. 1d. **Mandated reports; annual audit.** (a) Beginning February 15, 2023, and each year thereafter, the commissioner, as part of the department's mission and within the department's resources, shall report to the chairs and ranking minority members of the legislative committees having jurisdiction over public safety policy and finance a list of reports that the commissioner is obligated to submit to the legislature. For each reporting requirement listed, the commissioner must include a description of the applicable program, information required to be included in the report, the frequency that the report must be completed, and the statutory authority for the report.

(b) If the legislature does not repeal or otherwise modify by law a reporting requirement, the commissioner must continue to provide each mandated report as required by law.

Sec. 9. Minnesota Statutes 2020, section 299A.01, subdivision 2, is amended to read:

Subd. 2. **Duties of commissioner.** (a) The duties of the commissioner shall include the following:

(1) the coordination, development and maintenance of services contracts with existing state departments and agencies assuring the efficient and economic use of advanced business machinery including computers;

(2) the execution of contracts and agreements with existing state departments for the maintenance and servicing of vehicles and communications equipment, and the use of related buildings and grounds;

(3) the development of integrated fiscal services for all divisions, and the preparation of an integrated budget for the department;

(4) the publication and award of grant contracts with state agencies, local units of government, and other entities for programs that will benefit the safety of the public; and

(5) the establishment of a planning bureau within the department.

(b) The commissioner shall exercise the duties under paragraph (a) with the goal of promoting public safety. Promoting public safety includes the promotion of human rights. "Public safety" means reducing or preventing crime by diverting people away from the criminal justice system whenever possible, effecting arrest or detention practices that are the least restrictive necessary to protect the public, and promoting the rehabilitation of those who engage in criminal activity by providing evidence-based programming and services, while still maintaining the basic rights, freedoms, and privileges that belong to every person, including the right to dignity, fairness, equality, respect, and freedom from discrimination.

Sec. 10. **299A.381 PUBLIC SAFETY OFFICER SOFT BODY ARMOR REIMBURSEMENT.**

Subdivision 1. **Definitions.** As used in this section:

(1) "commissioner" means the commissioner of public safety;

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

(3) "public safety officer" means a firefighter or qualified emergency medical service provider;

(4) "qualified emergency medical service provider" means a person certified under section 144E.101 who is actively employed by a Minnesota licensed ambulance service; and

(5) "vest" has the meaning given in section 299A.38, subdivision 1, paragraph (c).

Subd. 2. **State and local reimbursement.** Public safety officers and heads of agencies and entities that buy vests for the use of public safety officer employees may apply to the commissioner for reimbursement of funds spent to buy vests. On approving an application for reimbursement, the commissioner shall pay the applicant an amount equal to the lesser of one-half of the vest's purchase price or the reimbursement amount set by the commissioner in section 299A.38, subdivision 2a. The political subdivision or entity that employs a public safety officer shall pay at least the lesser of one-half of the vest's purchase price or the reimbursement amount set by the commissioner in section 299A.38, subdivision 2a. The employer may not deduct or pay its share of the vest's cost from any clothing, maintenance, or similar allowance otherwise provided to the public safety officer by the employer.

Subd. 3. **Eligibility requirements.** The eligibility requirements in section 299A.38, subdivision 3, apply to applications for reimbursement under this section.

Subd. 4. **Rules.** The commissioner shall amend the rules adopted pursuant to section 299A.38, subdivision 4, to administer this section, as needed.

Subd. 5. **Limitation of liability.** A state agency, political subdivision of the state, state or local government employee, or other entity that provides reimbursement for purchase of a vest under this section is not liable to a public safety officer or the public safety officer's heirs for negligence in the death of or injury to the public safety officer because the vest was defective or deficient.

Subd. 6. **Right to benefits unaffected.** A public safety officer who is reimbursed for the purchase of a vest under this section and who suffers injury or death because the officer failed to wear the vest, or because the officer wore a vest that was defective or deficient, may not lose or be denied a benefit or right, including a benefit under section 299A.44, to which the officer, or the officer's heirs, is otherwise entitled.

Sec. 11. Minnesota Statutes 2020, section 299A.49, subdivision 2, is amended to read:

Subd. 2. ~~Chemical assessment~~ **Hazardous materials response team.** "~~Chemical assessment~~ **Hazardous materials response** team" means a team (1) trained, equipped, and authorized to evaluate and, when ~~possible~~ **feasible**, provide ~~simple~~ mitigation to a hazardous materials incident ~~or release~~ and (2) required to recommend to the local incident manager the best means of controlling the hazard after consideration of life safety concerns, environmental effects, exposure hazards, quantity and type of hazardous material, availability of resources, or other relevant factors.

Sec. 12. Minnesota Statutes 2020, section 299A.50, subdivision 1, is amended to read:

Subdivision 1. **Elements of plan; rules.** After consultation with the commissioners of natural resources, agriculture, transportation, and the Pollution Control Agency, the ~~state fire marshal~~ **Department of Public Safety**, the Emergency Response Commission, appropriate technical emergency response representatives, and representatives of affected parties, the commissioner shall adopt rules to implement a statewide hazardous materials incident response plan. The plan must include:

(1) the locations of ~~up to five regional~~ hazardous materials response teams, based on the location of hazardous materials, response time, proximity to large population centers, and other factors;

(2) the number and qualifications of members on each team;

(3) the responsibilities of ~~regional~~ hazardous materials response teams;

(4) equipment needed for ~~regional~~ hazardous materials response teams;

(5) procedures for selecting and contracting with local governments or nonpublic persons to establish ~~regional~~ hazardous materials response teams;

(6) procedures for dispatching teams at the request of local governments;

(7) a fee schedule for reimbursing local governments or nonpublic persons responding to an incident; and

(8) coordination with other state departments and agencies, local units of government, other states, Indian tribes, the federal government, and other nonpublic persons.

Sec. 13. Minnesota Statutes 2020, section 299A.51, is amended to read:

299A.51 LIABILITY AND WORKERS' COMPENSATION.

Subdivision 1. **Liability.** During operations authorized under section 299A.50, members of a ~~regional~~ hazardous materials team operating outside their geographic jurisdiction are "employees of the state" as defined in section 3.736.

Subd. 2. **Workers' compensation.** During operations authorized under section 299A.50, members of a ~~regional~~ hazardous materials team operating outside their geographic jurisdiction are considered employees of the Department of Public Safety for purposes of chapter 176.

Subd. 3. **Limitation.** A person who provides personnel and equipment to assist at the scene of a hazardous materials response incident outside the person's geographic jurisdiction or property, at the request of the state or a local unit of government, is not liable for any civil damages resulting from acts or omissions in providing the assistance, unless the person acts in a willful and wanton or reckless manner in providing the assistance.

Sec. 14. **[299A.625] PUBLIC SAFETY INNOVATION BOARD.**

Subdivision 1. **Establishment.** The Public Safety Innovation Board is established in the Office of Justice Programs within the Department of Public Safety. The board has the powers and duties described in this section.

Subd. 2. **Membership.** (a) The Public Safety Innovation Board is composed of the following members:

(1) three individuals with experience conducting research in the areas of crime, policing, or sociology while employed by an academic or nonprofit entity, appointed by the governor;

(2) five individuals appointed by the governor of whom:

(i) one shall be a victim of a crime or an advocate for victims of crime;

(ii) one shall be a person impacted by the criminal justice system or an advocate for defendants in criminal cases; and

(iii) one shall have a background in social work;

(3) four members representing the community-specific boards established under sections 3.922 and 15.0145, with one appointment made by each board; and

(4) three members representing law enforcement, with one appointment by the Minnesota Sheriffs' Association, one by the Minnesota Chiefs of Police Association, and one by the Minnesota Police and Peace Officers Association.

(b) The members of the board shall elect one member to serve as chair.

Subd. 3. **Terms; removal; vacancy.** (a) Members are appointed to serve three-year terms following the initial staggered-term lot determination and may be reappointed.

(b) Initial appointment of members must take place by August 1, 2022. The initial term of members appointed under paragraph (a) shall be determined by lot by the secretary of state and shall be as follows:

(1) five members shall serve one-year terms;

(2) five members shall serve two-year terms; and

(3) five members shall serve three-year terms.

(c) A member may be removed by the appointing authority at any time for cause, after notice and hearing.

(d) If a vacancy occurs, the appointing authority shall appoint a new qualifying member within 90 days.

(e) Compensation of board members is governed by section 15.0575.

Subd. 4. **Powers and duties.** The board shall improve public safety by increasing the efficiency, effectiveness, and capacity of public safety providers and has the following powers and duties:

(1) monitoring trends in crime within Minnesota;

(2) reviewing research on criminal justice and public safety issues;

(3) providing information on criminal trends and research to the commissioner, municipalities, and the legislature;

(4) communicating with recipients of grant funds to learn from successful and innovative programs, develop procedures to simplify application and reporting requirements, and identify gaps in programs or services that could be filled to improve public safety;

(5) working with the commissioner to modify requests for proposals to better meet the needs of applicants and the community;

(6) working with the commissioner, community review panels, the final review panel, and Office of Justice Programs staff to establish policies, procedures, and priorities to best address public safety and community needs;

(7) working with grant recipients, applicants whose proposals were not approved, and individuals or entities interested in applying for grants to increase the understanding of the grant process and help improve applications that are submitted;

(8) analyzing the pool of applicants and public application materials to identify:

(i) barriers to successful applications;

(ii) eligible geographic, ethnic, or other communities that do not apply for grants;

(iii) the demographics of populations served by grant applicants, including identification of populations that are not receiving services and any disparities in services provided; and

(iv) the types of programs that receive awards;

(9) developing policies and procedures to support communities that are underserved by grant recipients, address imbalances in the pool of grant applicants or recipients, and expand the types of services provided by grant recipients to include effective programs that are underutilized;

(10) working with the Minnesota Statistical Analysis Center to identify appropriate outcomes to track on an annual basis for both programs receiving grants and local communities for the purpose of monitoring trends in public safety and the impact of specific programmatic models; and

(11) making recommendations to the legislature for changes in policy and funding to address existing and emerging needs related to public safety.

Subd. 5. **Meetings.** The board shall meet quarterly or at the call of the chair. At least two meetings in each fiscal year must take place outside of the metropolitan area as defined in section 473.121, subdivision 2. Meetings of the board are subject to chapter 13D.

Subd. 6. **Report.** By January 15 each year, the board shall report to the legislative committees and divisions with jurisdiction over public safety on the work of the board; the use and impact of grant programs to address public safety, including emergency community safety grants and local co-responder grants; grants issued by the Department of Public Safety to local law enforcement agencies for portable recording systems; the outcomes tracked on an annual basis by the Minnesota Statistical Analysis Center; and recommendations for changes in policy and funding to improve public safety.

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

Sec. 15. Minnesota Statutes 2020, section 299A.706, is amended to read:

299A.706 ALCOHOL ENFORCEMENT ACCOUNT; APPROPRIATION.

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

EFFECTIVE DATE. This section is effective July 1, 2022.

Sec. 16. Minnesota Statutes 2020, section 299A.78, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For purposes of sections 299A.78 to 299A.795, the following definitions apply:

(a) "Commissioner" means the commissioner of the Department of Public Safety.

(b) "Nongovernmental organizations" means nonprofit, nongovernmental organizations that provide legal, social, or other community services.

~~(c) "Blackmail" has the meaning given in section 609.281, subdivision 2.~~

~~(d)~~ (c) "Debt bondage" has the meaning given in section 609.281, subdivision 3.

~~(e)~~ (d) "Forced labor or services" has the meaning given in section 609.281, subdivision 4.

~~(f)~~ (e) "Labor trafficking" has the meaning given in section 609.281, subdivision 5.

~~(g)~~ (f) "Labor trafficking victim" has the meaning given in section 609.281, subdivision 6.

~~(h)~~ (g) "Sex trafficking" has the meaning given in section 609.321, subdivision 7a.

~~(i)~~ (h) "Sex trafficking victim" has the meaning given in section 609.321, subdivision 7b.

~~(j)~~ (i) "Trafficking" includes "labor trafficking" and "sex trafficking."

~~(k)~~ (j) "Trafficking victim" includes "labor trafficking victim" and "sex trafficking victim."

EFFECTIVE DATE. This section is effective August 1, 2022.

Sec. 17. Minnesota Statutes 2020, section 299A.79, subdivision 3, is amended to read:

Subd. 3. **Public awareness initiative.** The public awareness initiative required in subdivision 1 must address, at a minimum, the following subjects:

(1) the risks of becoming a trafficking victim;

(2) common recruitment techniques; use of debt bondage, ~~blackmail~~, forced labor and services, prostitution, and other coercive tactics; and risks of assault, criminal sexual conduct, exposure to sexually transmitted diseases, and psychological harm;

- (3) crime victims' rights; and
- (4) reporting recruitment activities involved in trafficking.

EFFECTIVE DATE. This section is effective August 1, 2022.

Sec. 18. **[299A.86] REWARD FUND FOR INFORMATION ON MISSING AND MURDERED INDIGENOUS RELATIVES.**

Subdivision 1. **Fund created.** A reward fund for information on missing and murdered Indigenous relatives is created as an account in the state treasury. Money appropriated or otherwise deposited into the account is available to pay rewards and for other purposes as authorized under this section.

Subd. 2. **Reward.** The director of the Office for Missing and Murdered Indigenous Relatives, in consultation with the reward advisory group, is authorized to pay a reward to any person who provides relevant information relating to a missing and murdered Indigenous relative investigation.

Subd. 3. **Reward advisory group.** (a) The director of the Office for Missing and Murdered Indigenous Relatives, in consultation with the stakeholder groups described in section 299A.85, subdivision 5, shall appoint an advisory group to make recommendations on paying rewards under this section. The advisory group shall consist of the following individuals:

- (1) a representative from the Office for Missing and Murdered Indigenous Relatives;
 - (2) a representative from a Tribal, statewide, or local organization that provides legal services to Indigenous women and girls;
 - (3) a representative from a Tribal, statewide, or local organization that provides advocacy or counseling for Indigenous women and girls who have been victims of violence;
 - (4) a representative from a Tribal, statewide, or local organization that provides services to Indigenous women and girls;
 - (5) a Tribal peace officer who works for or resides on a federally recognized American Indian reservation in Minnesota; and
 - (6) a representative from the Minnesota Human Trafficking Task Force.
- (b) The advisory group shall meet as necessary but at a minimum twice per year to carry out its duties and shall elect a chair from among its members at its first meeting. The director shall convene the group's first meeting. The director shall provide necessary office space and administrative support to the group. Members of the group serve without compensation but shall receive expense reimbursement as provided in section 15.059.
- (c) The representative from the Office for Missing and Murdered Indigenous Relatives may fully participate in the advisory group's activities but may not vote on issues before the group.

Subd. 4. **Advertising.** The director of the Office for Missing and Murdered Indigenous Relatives, in consultation with the reward advisory group, may spend up to four percent of available funds on an advertising or public relations campaign to increase public awareness on the availability of rewards under this section.

Subd. 5. **Grants; donations.** The director of the Office for Missing and Murdered Indigenous Relatives, in consultation with the reward advisory group, may apply for and accept grants and donations from the public and from public and private entities to implement this section.

Subd. 6. **Reward cap.** A reward paid under this section may not exceed \$1,000,000.

Subd. 7. **Reward procedures and criteria.** The director of the Office for Missing and Murdered Indigenous Relatives, in consultation with the reward advisory group, shall determine the eligibility criteria and procedures for granting rewards under this section.

Subd. 8. **Definition.** As used in this section, "missing and murdered Indigenous relatives" means missing and murdered Indigenous people from or descended from one of the United States' federally recognized American Indian Tribes.

Sec. 19. [299A.90] OFFICE FOR MISSING AND MURDERED BLACK WOMEN AND GIRLS.

Subdivision 1. **Establishment.** The commissioner shall establish and maintain an office dedicated to preventing and ending the targeting of Black women and girls within the Minnesota Office of Justice Programs.

Subd. 2. **Director; staff.** (a) The commissioner must appoint a director who is a person closely connected to the Black community and who is highly knowledgeable about criminal investigations. The commissioner is encouraged to consider candidates for appointment who are recommended by members of the Black community.

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

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

Subd. 3. **Duties.** (a) The office has the following duties:

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

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

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

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

(5) facilitate research and collect data on missing person and homicide cases involving Black women and girls, including the total number of cases, the rate at which the cases are solved, the length of time the cases remain open, and a comparison to similar cases involving different demographic groups;

(6) collect data on Amber Alerts, including the total number of Amber Alerts issued, the total number of Amber Alerts that involve Black girls, and the outcome of cases involving Amber Alerts disaggregated by the child's race and sex;

(7) collect data on reports of missing Black girls, including the number classified as voluntary runaways, and a comparison to similar cases involving different demographic groups;

(8) facilitate research to assess the intersection between cases involving missing and murdered Black women and girls and labor trafficking and sex trafficking;

(9) develop recommendations for legislative, agency, and community actions to address the intersection between cases involving missing and murdered Black women and girls and labor trafficking and sex trafficking;

(10) facilitate research to assess the intersection between cases involving murdered Black women and girls and domestic violence, including prior instances of domestic violence within the family or relationship, whether an offender had prior convictions for domestic assault or related offenses, and whether the offender used a firearm in the murder or any prior instances of domestic assault;

(11) develop recommendations for legislative, agency, and community actions to address the intersection between cases involving murdered Black women and girls and domestic violence;

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

(13) track and collect Minnesota data on missing and murdered Black women and girls, and provide statistics upon public or legislative inquiry;

(14) facilitate technical assistance for local and Tribal law enforcement agencies during active cases involving missing and murdered Black women and girls;

(15) conduct case reviews and report on the results of case reviews for the following types of cases involving missing and murdered Black women and girls: (i) cold cases for missing Black women and girls; and (ii) death investigation review for cases of Black women and girls ruled as suicide or overdose under suspicious circumstances;

(16) conduct case reviews of the prosecution and sentencing for cases where a perpetrator committed a violent or exploitative crime against a Black woman or girl. These case reviews must identify those cases where the perpetrator is a repeat offender;

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

(18) review sentencing guidelines for crimes related to missing and murdered Black women and girls, recommend changes if needed, and advocate for consistent implementation of the guidelines across Minnesota courts;

(19) develop and maintain communication with relevant divisions in the Department of Public Safety regarding any cases involving missing and murdered Black women and girls and on procedures for investigating cases involving missing and murdered Black women and girls; and

(20) coordinate, as relevant, with federal efforts, and efforts in neighboring states and Canada.

(b) As used in this subdivision:

(1) "labor trafficking" has the meaning given in section 609.281, subdivision 5; and

(2) "sex trafficking" has the meaning given in section 609.321, subdivision 7a.

Subd. 4. **Coordination with other organizations.** In fulfilling its duties, the office may coordinate with stakeholder groups that were represented on the Task Force on Missing and Murdered African American Women and state agencies that are responsible for the systems that play a role in investigating, prosecuting, and adjudicating cases involving violence committed against Black women and girls; those who have a role in supporting or advocating for missing or murdered Black women and girls and the people who seek justice for them; and those who represent the interests of Black people. This includes the following entities: Minnesota Chiefs of Police Association; Minnesota Sheriffs' Association; Bureau of Criminal Apprehension; Minnesota Police and Peace Officers Association; Tribal law enforcement; Minnesota County Attorneys Association; United States Attorney's Office; juvenile courts; Minnesota Coroners' and Medical Examiners' Association; United States Coast Guard; state agencies, including the Departments of Health, Human Services, Education, Corrections, and Public Safety; service providers who offer legal services, advocacy, and other services to Black women and girls; Black women and girls who are survivors; and organizations and leadership from urban and statewide Black communities.

Subd. 5. **Reports.** The office must report on measurable outcomes achieved to meet its statutory duties, along with specific objectives and outcome measures proposed for the following year. The report must include data and statistics on missing and murdered Black women and girls in Minnesota, including names, dates of disappearance, and dates of death, to the extent the data is publicly available. The office must submit the report by January 15 each year to the chairs and ranking minority members of the legislative committees with primary jurisdiction over public safety.

Subd. 6. **Grants.** The office may apply for and receive grants from public and private entities for the purposes of carrying out the office's duties under this section.

Subd. 7. **Access to data.** Notwithstanding section 13.384 or 13.85, the director has access to corrections and detention data and medical data maintained by an agency and classified as private data on individuals or confidential data on individuals to the extent the data is necessary for the office to perform its duties under this section.

Sec. 20. **[299C.092] QUESTIONED IDENTITY PROCESS.**

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

(b) "Questioned identity" means an individual's identity that is associated with another person's records when the individual's identity is used by an offender in interactions with law enforcement or that the offender has the same name. Questioned identity can lead to difficulties differentiating the individual from the offender.

(c) "Bureau" means the Bureau of Criminal Apprehension.

Subd. 2. **Process.** (a) When an individual is the subject of questioned identity, the individual may request a review by the bureau through its questioned identity process. Individuals must contact the bureau and provide the following:

(1) documentation of the individual's identity through government-issued photo identification;

(2) documents or information that lead the individual to believe that the individual is the subject of questioned identity; and

(3) fingerprints for identification verification purposes.

(b) If the bureau is able to confirm that the individual is the subject of questioned identity, the bureau shall provide documentation to the individual indicating that the individual has been through the bureau's questioned identity process.

(c) The bureau shall denote any aliases determined to be questioned identities in the Criminal History System under section 299C.09 and shall work with other state and local agencies to denote aliases in arrest warrants.

(d) The bureau shall attach a photo of the offender to arrest warrants in the bureau's warrant file if a photo is available.

(e) The bureau, in consultation with reporting criminal justice agencies, may remove an alias from a criminal history record when it determines doing so will not negatively impact a criminal justice agency's ability to identify the offender in the future. Some considerations in making the determination include but are not limited to time elapsed since the alias name was last used, frequency with which the alias was used, current incarceration status of the offender, whether it is or was the offender's name, and whether the offender is living or deceased.

(f) Law enforcement must take into account the presence of documentation from the bureau or another law enforcement agency confirming a questioned identity when considering whether an individual has a warrant under section 299C.115 and may contact the bureau or the issuing law enforcement agency to confirm authenticity of the documentation provided by an individual.

Sec. 21. Minnesota Statutes 2020, section 299C.46, subdivision 1, is amended to read:

Subdivision 1. **Establishment.** The commissioner of public safety shall establish a criminal justice data communications network that will provide secure access to systems and services available from or through the Bureau of Criminal Apprehension. The Bureau of Criminal Apprehension may approve additional criminal justice uses by authorized agencies to access necessary systems or services not from or through the bureau. The commissioner of public safety is authorized to lease or purchase facilities and equipment as may be necessary to establish and maintain the data communications network.

Sec. 22. Minnesota Statutes 2020, section 299C.65, subdivision 1a, is amended to read:

Subd. 1a. **Membership; duties.** (a) The Criminal and Juvenile Justice Information and Bureau of Criminal Apprehension Advisory Group consists of the following members:

- (1) the commissioner of corrections or designee;
- (2) the commissioner of public safety or designee;
- (3) the state chief information officer or designee;
- (4) three members of the judicial branch appointed by the chief justice of the supreme court;
- (5) the commissioner of administration or designee;
- (6) the state court administrator or designee;
- (7) two members appointed by the Minnesota Sheriffs Association, at least one of whom must be a sheriff;
- (8) two members appointed by the Minnesota Chiefs of Police Association, at least one of whom must be a chief of police;

(9) two members appointed by the Minnesota County Attorneys Association, at least one of whom must be a county attorney;

(10) two members appointed by the League of Minnesota Cities representing the interests of city attorneys, at least one of whom must be a city attorney;

(11) two members appointed by the Board of Public Defense, at least one of whom must be a public defender;

(12) two corrections administrators appointed by the Association of Minnesota Counties representing the interests of local corrections, at least one of whom represents a Community Corrections Act county;

(13) two probation officers appointed by the commissioner of corrections in consultation with the president of the Minnesota Association of Community Corrections Act Counties and the president of the Minnesota Association of County Probation Officers;

(14) four public members appointed by the governor representing both metropolitan and greater Minnesota for a term of four years using the process described in section 15.059, one of whom represents the interests of victims, and one of whom represents the private business community who has expertise in integrated information systems and who, for the purposes of meetings of the advisory group, may be compensated pursuant to section 15.059;

(15) two members appointed by the Minnesota Association for Court Management, at least one of whom must be a court administrator;

(16) one member of the house of representatives appointed by the speaker of the house, or an alternate who is also a member of the house of representatives, appointed by the speaker of the house;

(17) one member of the senate appointed by the majority leader, or an alternate who is also a member of the senate, appointed by the majority leader of the senate;

(18) one member appointed by the attorney general;

(19) two members appointed by the League of Minnesota Cities, one of whom works or resides in greater Minnesota and one of whom works or resides in the seven-county metropolitan area, and at least one of whom is an elected official;

(20) two members appointed by the Association of Minnesota Counties, one of whom works or resides in greater Minnesota and one of whom works or resides in the seven-county metropolitan area, and at least one of whom is an elected official; and

(21) the director of the Sentencing Guidelines Commission or a designee.

(b) The chair, first vice-chair, and second vice-chair shall be elected by the advisory group.

(c) The advisory group shall serve as the state advisory group on statewide criminal justice information policy and funding issues. The advisory group shall study and make recommendations to the governor, the supreme court, and the legislature on criminal justice information funding and policy issues such as related data practices, individual privacy rights, and data on race and ethnicity; information-sharing at the local, state, and federal levels; technology education and innovation; the impact of proposed legislation on the criminal justice system related to information systems and business processes; and data and identification standards.

(d) The advisory group shall have the additional duties of reviewing and advising the bureau superintendent on:

(1) audits, accreditation reports, and internal reviews of bureau operations;

(2) emerging technologies in the law enforcement and forensic science fields;

(3) policies and practices that impact individual privacy interests; and

(4) other programmatic and operational initiatives of the bureau at the request of the superintendent.

Sec. 23. Minnesota Statutes 2020, section 299C.65, subdivision 3a, is amended to read:

Subd. 3a. **Report.** The advisory group shall file a biennial report with the governor, supreme court, and chairs and ranking minority members of the senate and house of representatives committees and divisions with jurisdiction over criminal justice funding and policy by January 15 in each odd-numbered year. The report must provide the following:

(1) status and review of current statewide criminal justice information systems;

(2) recommendations concerning any legislative changes or appropriations that are needed to ensure that the criminal justice information systems operate accurately and efficiently; ~~and~~

(3) a summary of the activities of the advisory group, including any funding and grant requests; and

(4) a summary of any reviews conducted by the advisory group of bureau audits, reports, policies, programs, and procedures and any recommendations provided to the bureau related to the reviews.

Sec. 24. Minnesota Statutes 2020, section 299F.362, is amended to read:

299F.362 SMOKE ~~DETECTOR~~ ALARM; INSTALLATION; RULES; PENALTY.

Subdivision 1. **Definitions.** For the purposes of this section, the following definitions shall apply:

(a) "Apartment house" is any building, or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the building, and shall include buildings containing three or more flats or apartments.

(b) "Dwelling" is any building, or any portion thereof, which is not an apartment house, lodging house, or a hotel and which contains one or two "dwelling units" which are, or are intended or designed to be, occupied for living purposes.

(c) "Dwelling unit" is a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation, or a single unit used by one or more persons for sleeping and sanitation pursuant to a work practice or labor agreement.

(d) "Hotel" is any building, or portion thereof, containing six or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests.

(e) "Lodging house" is any building, or portion thereof, containing not more than five guest rooms which are used or are intended to be used for sleeping purposes by guests and where rent is paid in money, goods, labor, or otherwise.

Subd. 2. **Rules, smoke ~~detector~~ alarm location.** The commissioner of public safety shall promulgate rules concerning the placement of smoke ~~detectors~~ alarms in dwellings, apartment houses, hotels, and lodging houses. The rules shall take into account designs of the guest rooms or dwelling units.

Subd. 3. **Smoke ~~detector~~ alarm for any dwelling.** Every dwelling unit within a dwelling must be provided with a smoke ~~detector~~ alarm meeting the requirements of the State Fire Code. The ~~detector~~ alarm must be mounted in accordance with the rules regarding smoke ~~detector~~ alarm location adopted under subdivision 2. When actuated, the ~~detector~~ alarm must provide an alarm in the dwelling unit.

Subd. 3a. **Smoke ~~detector~~ alarm for new dwelling.** In construction of a new dwelling, each smoke ~~detector~~ alarm must be attached to a centralized power source.

Subd. 4. **Smoke ~~detector~~ alarm for apartment, lodging house, or hotel.** Every dwelling unit within an apartment house and every guest room in a lodging house or hotel used for sleeping purposes must be provided with a smoke ~~detector~~ alarm conforming to the requirements of the State Fire Code. In dwelling units, ~~detectors~~ alarms must be mounted in accordance with the rules regarding smoke ~~detector~~ alarm location adopted under subdivision 2. When actuated, the ~~detector~~ alarm must provide an alarm in the dwelling unit or guest room.

Subd. 5. **Maintenance responsibilities.** For all occupancies covered by this section where the occupant is not the owner of the dwelling unit or the guest room, the owner is responsible for maintenance of the smoke ~~detectors~~ alarms. An owner may file inspection and maintenance reports with the local fire marshal for establishing evidence of inspection and maintenance of smoke ~~detectors~~ alarms.

Subd. 5a. **Inform owner; no added liability.** The occupant of a dwelling unit must inform the owner of the dwelling unit of a nonfunctioning smoke ~~detector~~ alarm within 24 hours of discovering that the smoke ~~detector~~ alarm in the dwelling unit is not functioning. If the occupant fails to inform the owner under this subdivision, the occupant's liability for damages is not greater than it otherwise would be.

Subd. 6. **Penalties.** (a) Any person who violates any provision of this section ~~shall be~~ is subject to the same penalty and the enforcement mechanism that is provided for violation of the State Fire Code, as specified in section 299F.011, subdivision 6.

(b) An occupant who willfully disables a smoke ~~detector~~ alarm or causes it to be nonfunctioning, resulting in damage or injury to persons or property, is guilty of a misdemeanor.

Subd. 7. **Local government preempted.** This section prohibits a local unit of government from adopting standards different from those provided in this section.

Subd. 9. **Local government ordinance; installation in single-family residence.** Notwithstanding subdivision 7, or other law, a local governing body may adopt, by ordinance, rules for the installation of a smoke ~~detector~~ alarm in single-family homes in the city that are more restrictive than the standards provided by this section. Rules adopted pursuant to this subdivision may be enforced through a truth-in-housing inspection.

Subd. 10. **Public fire safety educator.** The position of Minnesota public fire safety educator is established in the Department of Public Safety.

Subd. 11. **Insurance claim.** No insurer shall deny a claim for loss or damage by fire for failure of a person to comply with this section.

Sec. 25. Minnesota Statutes 2020, section 326.3361, subdivision 2, is amended to read:

Subd. 2. **Required contents.** The rules adopted by the board must require:

(1) 12 hours of preassignment or on-the-job certified training within the first 21 days of employment, or evidence that the employee has successfully completed equivalent training before the start of employment. Notwithstanding any statute or rule to the contrary, this clause is satisfied if the employee provides a prospective employer with a certificate or a copy of a certificate demonstrating that the employee successfully completed this training prior to employment with a different Minnesota licensee and completed this training within three previous calendar years, or successfully completed this training with a Minnesota licensee while previously employed with a Minnesota licensee. The certificate or a copy of the certificate is the property of the employee who completed the training, regardless of who paid for the training or how training was provided. A current or former licensed employer must provide a copy of a certificate demonstrating the employee's successful completion of training to a current or former employee upon the current or former employee's request. For purposes of sections 181.960 to 181.966, the person who completed the training is entitled to access a copy of the certificate and a current or former employer is obligated to comply with the provisions thereunder;

(2) certification by the board of completion of certified training for a license holder, qualified representative, Minnesota manager, partner, and employee to carry or use a firearm, a weapon other than a firearm, or an immobilizing or restraint technique; and

(3) six hours a year of certified continuing training for all license holders, qualified representatives, Minnesota managers, partners, and employees, and an additional six hours a year for individuals who are armed with firearms or armed with weapons, which must include annual certification of the individual.

An individual may not carry or use a weapon while undergoing on-the-job training under this subdivision.

Sec. 26. Minnesota Statutes 2020, section 340A.304, is amended to read:

340A.304 LICENSE SUSPENSION AND REVOCATION.

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

EFFECTIVE DATE. This section is effective July 1, 2022.

Sec. 27. Minnesota Statutes 2020, section 340A.417, is amended to read:

340A.417 WINE SHIPMENTS INTO MINNESOTA.

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

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

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

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

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

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

EFFECTIVE DATE. This section is effective July 1, 2022.

Sec. 28. **[340A.550] DIRECT SHIPMENTS OF WINE; LICENSING, TAXATION, AND RESTRICTIONS.**

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

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

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

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

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

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

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

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

(c) The application fee for a license is \$50. The fee for a license renewal is \$50. The commissioner must deposit all fees received under this subdivision in the alcohol enforcement account in the special revenue fund established under section 299A.706.

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

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

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

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

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

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

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

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

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

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

EFFECTIVE DATE. This section is effective July 1, 2022.

Sec. 29. **[340A.555] COMMON CARRIER REGULATIONS FOR DIRECT SHIPMENTS OF WINE.**

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

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

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

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

(4) the name and address of the consignee;

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

(6) a unique tracking number; and

(7) the date of delivery.

Subd. 2. Record availability and retention. Upon written request by the commissioner, any records supporting the report in subdivision 1 must be made available to the commissioner within 30 days of the request. Any records containing information relating to a required report must be retained and preserved for a period of two years, unless destruction of the records prior to the end of the two-year period is authorized in writing by the commissioner. All retained records must be open and available for inspection by the commissioner upon written request. The commissioner must make the required reports available to any law enforcement agency or regulatory body of any local government in the state in which the common carrier making the report resides or does business.

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

Subd. 4. Exemptions. This section does not apply to common carriers regulated as provided by United States Code, title 49, section 10101, et. seq.; or to rail trailer-on-flatcar/container-on-flatcar (TOFC/COFC) service, as provided by Code of Federal Regulations, title 49, section 1090.1; or highway TOFC/COFC service provided by a rail carrier, either itself or jointly with a motor carrier, as part of continuous intermodal freight transportation, including but not limited to any other TOFC/COFC transportation as defined under federal law.

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

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

EFFECTIVE DATE. This section is effective July 1, 2022.

Sec. 30. Minnesota Statutes 2020, section 403.02, is amended by adding a subdivision to read:

Subd. 17d. Public safety telecommunicator. "Public safety telecommunicator" means a person who is employed by a primary, secondary, or Tribal public safety answering point, an emergency medical dispatch service provider, or both, and serves as an initial first responder to answer incoming emergency telephone calls or provide for the appropriate emergency response either directly or through communication with the appropriate public safety answering point. Public safety telecommunicator includes persons who supervise public safety telecommunicators. Pursuant to section 403.051, after August 1, 2024, public safety telecommunicators and those who directly manage or supervise public safety telecommunicators must be certified by the commissioner.

Sec. 31. [403.051] PUBLIC SAFETY TELECOMMUNICATORS; CERTIFICATION; TRAINING; CONTINUING EDUCATION.

Subdivision 1. Certification required. After August 1, 2024, a public safety telecommunicator must be certified by the commissioner to serve in that role.

Subd. 2. Certification requirements; rulemaking. (a) The commissioner of public safety, in coordination with the Statewide Emergency Communications Board, must adopt rules for certification requirements for public safety telecommunicators and establish in rule criteria for training, certification, and continuing education that incorporate the requirements set forth in paragraph (b).

(b) The commissioner must require that candidates for public safety telecommunicator certification and recertification demonstrate, at a minimum, proficiency in the following areas:

(1) public safety telecommunicator roles and responsibilities;

(2) applicable legal concepts;

(3) interpersonal skills;

(4) emergency communications technology and information systems;

(5) 911 call processing;

(6) emergency management;

(7) radio communications for the public safety telecommunicator;

(8) stress management; and

(9) quality performance standards management.

Subd. 3. Continuing education. To maintain certification under this section, a public safety telecommunicator must complete 48 hours of approved continuing education coursework every two years.

Sec. 32. Minnesota Statutes 2021 Supplement, section 403.11, subdivision 1, is amended to read:

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

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

(c) The fee may not be more than 95 cents a month on or after July 1, 2010, for each customer access line or other basic access service, including trunk equivalents as designated by the Public Utilities Commission for access charge purposes and including wireless telecommunications services. With the approval of the commissioner of management and budget, the commissioner of public safety shall establish the amount of the fee within the limits

specified and inform the companies and carriers of the amount to be collected. When the revenue bonds authorized under section 403.27, subdivision 1, have been fully paid or defeased, the commissioner shall reduce the fee to reflect that debt service on the bonds is no longer needed. The commissioner shall provide companies and carriers a minimum of 45 days' notice of each fee change. The fee must be the same for all customers, except that the fee imposed under this subdivision does not apply to prepaid wireless telecommunications service, which is instead subject to the fee imposed under section 403.161, subdivision 1, paragraph (a).

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

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

Sec. 33. Minnesota Statutes 2021 Supplement, section 609.02, subdivision 16, is amended to read:

Subd. 16. **Qualified domestic violence-related offense.** "Qualified domestic violence-related offense" includes a violation of or an attempt to violate sections 518B.01, subdivision 14 (violation of domestic abuse order for protection); 609.185 (first-degree murder); 609.19 (second-degree murder); 609.195 (third-degree murder); 609.20 (first-degree manslaughter); 609.205 (second-degree manslaughter); 609.221 (first-degree assault); 609.222 (second-degree assault); 609.223 (third-degree assault); 609.2231 (fourth-degree assault); 609.224 (fifth-degree assault); 609.2242 (domestic assault); 609.2245 (female genital mutilation); 609.2247 (domestic assault by strangulation); 609.25 (kidnapping); 609.255 (false imprisonment); 609.342 (first-degree criminal sexual conduct); 609.343 (second-degree criminal sexual conduct); 609.344 (third-degree criminal sexual conduct); 609.345 (fourth-degree criminal sexual conduct); 609.3458 (sexual extortion); 609.377 (malicious punishment of a child); 609.713 (terroristic threats); 609.748, subdivision 6 (violation of harassment restraining order); 609.749 (harassment or stalking); 609.78, subdivision 2 (interference with an emergency call); 617.261 (nonconsensual dissemination of private sexual images); and 629.75 (violation of domestic abuse no contact order); and similar laws of other states, the United States, the District of Columbia, Tribal lands, and United States territories.

EFFECTIVE DATE. This section is effective August 1, 2022.

Sec. 34. Minnesota Statutes 2020, section 609.281, subdivision 3, is amended to read:

Subd. 3. **Debt bondage.** "~~Debt bondage" means the status or condition of a debtor arising from a pledge by the debtor of the debtor's personal~~ occurs when a person provides labor or services ~~or those of any kind to pay a real or alleged debt of a the person under the debtor's control as a security for debt or another, if the value of those the labor or services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those the labor or services are not respectively limited and defined.~~

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Sec. 35. Minnesota Statutes 2020, section 609.281, subdivision 4, is amended to read:

Subd. 4. **Forced or coerced labor or services.** "Forced or coerced labor or services" means labor or services of any kind that are performed or provided by another person and are obtained or maintained through an actor's:

(1) threat, either implicit or explicit, scheme, plan, ~~or~~ pattern, or other action or statement intended to cause a person to believe that, if the person did not perform or provide the labor or services, that person or another ~~person~~ would suffer ~~bodily harm or physical restraint; sexual contact, as defined in section 609.341, subdivision 11, paragraph (b); or bodily, psychological, economic, or reputational harm;~~

(2) ~~physically restraining or threatening to physically restrain~~ sexual contact, as defined in section 609.341, subdivision 11, paragraph (b), with a person;

(3) physical restraint of a person;

(4) infliction of bodily, psychological, economic, or reputational harm;

~~(3)~~ (5) abuse or threatened abuse of the legal process, including the use or threatened use of a law or legal process, whether administrative, civil, or criminal; or

~~(4) knowingly destroying, concealing, removing, confiscating, or possessing~~ (6) destruction, concealment, removal, confiscation, withholding, or possession of any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person; or

~~(5) use of blackmail.~~

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Sec. 36. Minnesota Statutes 2020, section 609.281, subdivision 5, is amended to read:

Subd. 5. **Labor trafficking.** "Labor trafficking" means:

(1) the recruitment, transportation, transfer, harboring, enticement, provision, obtaining, or receipt of a person by any means, ~~for the purpose~~ in furtherance of:

(i) ~~debt bondage or~~;

(ii) forced labor or services;

~~(ii)~~ (iii) slavery or practices similar to slavery; or

~~(iii)~~ (iv) the removal of organs through the use of coercion or intimidation; or

(2) receiving profit or anything of value, knowing or having reason to know it is derived from an act described in clause (1).

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Sec. 37. Minnesota Statutes 2020, section 609.282, subdivision 1, is amended to read:

Subdivision 1. ~~Individuals under age 18~~ **Labor trafficking resulting in death.** Whoever knowingly engages in the labor trafficking of an individual ~~who is under the age of 18~~ is guilty of a crime and may be sentenced to imprisonment for not more than ~~20~~ 25 years or to payment of a fine of not more than \$40,000, or both if the labor trafficking victim dies and the death arose out of and in the course of the labor trafficking or the labor and services related to the labor trafficking.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Sec. 38. Minnesota Statutes 2020, section 609.282, is amended by adding a subdivision to read:

Subd. 1a. **Individuals under age 18; extended period of time; great bodily harm.** Whoever knowingly engages in the labor trafficking of an individual is guilty of a crime and may be sentenced to imprisonment for not more than 20 years or to a payment of a fine of not more than \$40,000, or both if any of the following circumstances exist:

(1) the labor trafficking victim is under the age of 18;

(2) the labor trafficking occurs over an extended period of time; or

(3) the labor trafficking victim suffers great bodily harm and the great bodily harm arose out of and in the course of the labor trafficking or the labor and services related to the labor trafficking.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Sec. 39. Minnesota Statutes 2020, section 609.87, is amended by adding a subdivision to read:

Subd. 17. **Data.** "Data" means records or information in digital form on a computer or in software that can be stored, transmitted, or processed.

Sec. 40. Minnesota Statutes 2020, section 609.89, subdivision 1, is amended to read:

Subdivision 1. **Acts.** Whoever does any of the following is guilty of computer theft and may be sentenced as provided in subdivision 2:

(a) intentionally and without authorization or claim of right accesses or causes to be accessed any computer, computer system, computer network or any part thereof for the purpose of obtaining services or property; ~~or~~

(b) intentionally and without claim of right, and with intent to deprive the owner of use or possession, takes, transfers, conceals or retains possession of any computer, computer system, or any computer software or data contained in a computer, computer system, or computer network;

(c) intentionally and without authorization or claim of right accesses or copies any computer software or data and uses, alters, transfers, retains, or publishes the software or data; or

(d) intentionally retains copies of any computer software or data beyond the individual's authority.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Sec. 41. Minnesota Statutes 2020, section 626.843, subdivision 1, is amended to read:

Subdivision 1. **Rules required.** (a) The board shall adopt rules with respect to:

(1) the certification of postsecondary schools to provide programs of professional peace officer education;

(2) minimum courses of study and equipment and facilities to be required at each certified school within the state;

(3) minimum qualifications for coordinators and instructors at certified schools offering a program of professional peace officer education located within this state;

(4) minimum standards of physical, mental, and educational fitness which shall govern the admission to professional peace officer education programs and the licensing of peace officers within the state, by any state, county, municipality, or joint or contractual combination thereof, including members of the Minnesota State Patrol;

(5) board-approved continuing education courses that ensure professional competence of peace officers and part-time peace officers;

(6) minimum standards of conduct which would affect the individual's performance of duties as a peace officer. These standards shall be established and published. The board shall review the minimum standards of conduct described in this clause for possible modification in 1998 and every three years after that time;

(7) a set of educational learning objectives that must be met within a certified school's professional peace officer education program. These learning objectives must concentrate on the knowledge, skills, and abilities deemed essential for a peace officer. Education in these learning objectives shall be deemed satisfactory for the completion of the minimum basic training requirement;

(8) the establishment and use by any political subdivision or state law enforcement agency that employs persons licensed by the board of procedures for investigation and resolution of allegations of misconduct by persons licensed by the board. The procedures shall be in writing and shall be established on or before October 1, 1984;

(9) the issues that must be considered by each political subdivision and state law enforcement agency that employs persons licensed by the board in establishing procedures under section 626.5532 to govern the conduct of peace officers who are in pursuit of a vehicle being operated in violation of section 609.487, and requirements for the training of peace officers in conducting pursuits. The adoption of specific procedures and requirements is within the authority of the political subdivision or agency;

(10) supervision of part-time peace officers and requirements for documentation of hours worked by a part-time peace officer who is on active duty. These rules shall be adopted by December 31, 1993;

(11) citizenship requirements for peace officers and part-time peace officers;

(12) driver's license requirements for peace officers and part-time peace officers; and

(13) such other matters as may be necessary consistent with sections 626.84 to 626.863. Rules promulgated by the attorney general with respect to these matters may be continued in force by resolution of the board if the board finds the rules to be consistent with sections 626.84 to 626.863.

(b) In adopting and enforcing the rules described under paragraph (a), the board shall prioritize the goal of promoting public safety. Promoting public safety includes the promotion of human rights. "Public safety" means reducing or preventing crime by diverting people away from the criminal justice system whenever possible, effecting arrest or detention practices that are the least restrictive necessary to protect the public, and promoting the rehabilitation of those who engage in criminal activity through the provision of evidence-based programming and services, while still maintaining the basic rights, freedoms, and privileges that belong to every person, including the right to dignity, fairness, equality, respect, and freedom from discrimination.

Sec. 42. Minnesota Statutes 2020, section 626A.35, is amended by adding a subdivision to read:

Subd. 2b. **Exception; stolen motor vehicles.** (a) The prohibition under subdivision 1 does not apply to the use of a mobile tracking device on a stolen motor vehicle when:

(1) the consent of the owner of the vehicle has been obtained; or

(2) the owner of the motor vehicle has reported to law enforcement that the vehicle is stolen, and the vehicle is occupied when the tracking device is installed.

(b) Within 24 hours of a tracking device being attached to a vehicle pursuant to the authority granted in paragraph (a), clause (2), an officer employed by the agency that attached the tracking device to the vehicle must remove the device, disable the device, or obtain a search warrant granting approval to continue to use the device in the investigation.

(c) A peace officer employed by the agency that attached a tracking device to a stolen motor vehicle must remove the tracking device if the vehicle is recovered and returned to the owner.

(d) Any tracking device evidence collected after the motor vehicle is returned to the owner is inadmissible.

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

Sec. 43. Minnesota Statutes 2021 Supplement, section 628.26, is amended to read:

628.26 LIMITATIONS.

(a) Indictments or complaints for any crime resulting in the death of the victim may be found or made at any time after the death of the person killed.

(b) Indictments or complaints for a violation of section 609.25 may be found or made at any time after the commission of the offense.

(c) Indictments or complaints for violation of section 609.282 may be found or made at any time after the commission of the offense if the victim was under the age of 18 at the time of the offense.

(d) Indictments or complaints for violation of section 609.282 where the victim was 18 years of age or older at the time of the offense, or 609.42, subdivision 1, clause (1) or (2), shall be found or made and filed in the proper court within six years after the commission of the offense.

(e) Indictments or complaints for violation of sections 609.322, 609.342 to 609.345, and 609.3458 may be found or made at any time after the commission of the offense.

(f) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision 2, paragraph (a), clause (3), item (iii), shall be found or made and filed in the proper court within six years after the commission of the offense.

(g) Indictments or complaints for violation of section 609.2335, 609.52, subdivision 2, paragraph (a), clause (3), items (i) and (ii), (4), (15), or (16), 609.631, or 609.821, where the value of the property or services stolen is more than \$35,000, or for violation of section 609.527 where the offense involves eight or more direct victims or the total combined loss to the direct and indirect victims is more than \$35,000, shall be found or made and filed in the proper court within five years after the commission of the offense.

(h) Except for violations relating to false material statements, representations or omissions, indictments or complaints for violations of section 609.671 shall be found or made and filed in the proper court within five years after the commission of the offense.

(i) Indictments or complaints for violation of sections 609.561 to 609.563, shall be found or made and filed in the proper court within five years after the commission of the offense.

(j) Indictments or complaints for violation of section 609.746 shall be found or made and filed in the proper court within the later of three years after the commission of the offense or three years after the offense was reported to law enforcement authorities.

⊕ ~~(k)~~ In all other cases, indictments or complaints shall be found or made and filed in the proper court within three years after the commission of the offense.

⊕ ~~(l)~~ The limitations periods contained in this section shall exclude any period of time during which the defendant was not an inhabitant of or usually resident within this state.

⊕ ~~(m)~~ The limitations periods contained in this section for an offense shall not include any period during which the alleged offender participated under a written agreement in a pretrial diversion program relating to that offense.

⊕ ~~(n)~~ The limitations periods contained in this section shall not include any period of time during which physical evidence relating to the offense was undergoing DNA analysis, as defined in section 299C.155, unless the defendant demonstrates that the prosecuting or law enforcement agency purposefully delayed the DNA analysis process in order to gain an unfair advantage.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Sec. 44. Minnesota Statutes 2020, section 629.341, subdivision 3, is amended to read:

Subd. 3. **Notice of rights.** The peace officer shall tell the victim whether a shelter or other services are available in the community and give the victim immediate notice of the legal rights and remedies available. The notice must include furnishing the victim a copy of the following statement:

"IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or county attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting an order for protection from domestic abuse. The order could include the following:

- (1) an order restraining the abuser from further acts of abuse;
- (2) an order directing the abuser to leave your household;
- (3) an order preventing the abuser from entering your residence, school, business, or place of employment;
- (4) an order awarding you or the other parent custody of or parenting time with your minor child or children; or
- (5) an order directing the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so."

The notice must include the resource listing, including telephone number, for the area battered women's shelter, to be designated by the Office of Justice Programs in the Department of Corrections Public Safety.

Sec. 45. Minnesota Statutes 2020, section 629.341, subdivision 4, is amended to read:

Subd. 4. **Report required.** Whenever a peace officer investigates an allegation that an incident described in subdivision 1 has occurred, whether or not an arrest is made, the officer shall make a written police report of the alleged incident. The report must contain at least the following information: the name, address and telephone number of the victim, if provided by the victim, a statement as to whether an arrest occurred, the name of the arrested person, and a brief summary of the incident. Data that identify a victim who has made a request under

section 13.82, subdivision 17, paragraph (d), and that are private data under that subdivision, shall be private in the report required by this section. A copy of this report must be provided upon request, at no cost, to the victim of domestic abuse, the victim's attorney, or organizations designated by the Office of Justice Programs in the Department of Public Safety ~~or the commissioner of corrections~~ that are providing services to victims of domestic abuse. The officer shall submit the report to the officer's supervisor or other person to whom the employer's rules or policies require reports of similar allegations of criminal activity to be made.

Sec. 46. Minnesota Statutes 2020, section 629.72, subdivision 6, is amended to read:

Subd. 6. **Notice; release of arrested person.** (a) Immediately after issuance of a citation in lieu of continued detention under subdivision 1, or the entry of an order for release under subdivision 2, but before the arrested person is released, the agency having custody of the arrested person or its designee must make a reasonable and good faith effort to inform orally the alleged victim, local law enforcement agencies known to be involved in the case, if different from the agency having custody, and, at the victim's request any local battered women's and domestic abuse programs established under section 611A.32 or sexual assault programs of:

(1) the conditions of release, if any;

(2) the time of release;

(3) the time, date, and place of the next scheduled court appearance of the arrested person and the victim's right to be present at the court appearance; and

(4) if the arrested person is charged with domestic abuse, the location and telephone number of ~~the area battered women's shelter as~~ programs that provide services to victims of domestic abuse designated by the Office of Justice Programs in the Department of Public Safety.

(b) As soon as practicable after an order for conditional release is entered, the agency having custody of the arrested person or its designee must personally deliver or mail to the alleged victim a copy of the written order and written notice of the information in paragraph (a), clauses (2) and (3).

(c) Data on the victim and the notice provided by the custodial authority are private data on individuals as defined in section 13.02, subdivision 12, and are accessible only to the victim.

Sec. 47. Laws 2021, First Special Session chapter 11, article 2, section 12, is amended to read:

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

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

(b) "Critical illness" means cardiac disease and cancer as well as other illnesses covered by a policy of insurance issued by an insurer in compliance with chapter 60A.

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

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

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

(1) to ~~provide a onetime~~ establish and fund critical illness coverage that provides monetary support ~~payment payments~~ to each firefighter who is diagnosed with ~~cancer or heart disease~~ a critical illness on or after August 1, 2021, and who applies for the payment. Monetary support shall be provided according to the requirements in subdivision 3;

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

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

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

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

Subd. 3. **Critical illness monetary support program.** (a) The Minnesota Firefighter Initiative shall establish and administer a critical illness monetary support program which shall provide ~~a onetime~~ support ~~payment payments~~ of up to \$20,000 to each eligible firefighter ~~diagnosed with cancer or heart disease~~. ~~A firefighter may apply for monetary support from the program, in a form specified by the Minnesota Firefighter Initiative, if the firefighter has a current diagnosis of cancer or heart disease or was diagnosed with cancer or heart disease in the year preceding the firefighter's application.~~ A firefighter who is diagnosed with a critical illness on or after August 1, 2021, is eligible to apply for benefits under the monetary support program and has 12 months from the diagnosis to submit an application. A firefighter's application for monetary support must include a certification from the firefighter's health care provider of the firefighter's diagnosis ~~with cancer or heart disease~~ of an eligible critical illness. The Minnesota Firefighter Initiative shall establish criteria to guide disbursement of monetary support payments under this program, and shall scale the amount of monetary support provided to each firefighter according to the severity of the firefighter's diagnosis.

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

Subd. 4. **Money from nonstate sources.** The commissioner may accept contributions from nonstate sources to supplement state appropriations for the hometown heroes assistance program. Contributions received under this subdivision are appropriated to the commissioner for the grant to the Minnesota Firefighter Initiative for purposes of this section.

Sec. 48. **TASK FORCE ON A COORDINATED APPROACH TO JUVENILE WELLNESS AND JUSTICE.**

Subdivision 1. Establishment. The Task Force on a Coordinated Approach to Juvenile Wellness and Justice is established to review the juvenile justice system in Minnesota, examine approaches taken in other jurisdictions, and make policy and funding recommendations to the legislature.

Subd. 2. **Membership.** (a) The task force consists of the following members:

(1) a district court judge serving as the presiding judge in a district juvenile court appointed by the governor;

(2) the state public defender or a designee;

(3) a county attorney appointed by the Minnesota County Attorneys Association;

(4) the warden of the Minnesota correctional facility for juveniles in Red Wing or a designee;

(5) a representative from a Tribal social services agency or a Tribal Council appointed by the Indian Affairs Council;

(6) a representative from an Ojibwe Indian Tribe and a representative from a Dakota Indian Tribe appointed by the Indian Affairs Council;

(7) a probation agent who supervises juveniles appointed by the Minnesota Association of Community Corrections Act Counties;

(8) a peace officer, as defined in Minnesota Statutes, section 626.84, subdivision 1, paragraph (c), appointed by the governor from a list of three candidates submitted jointly by the Minnesota Chiefs of Police Association, the Minnesota Sheriffs' Association, and the Minnesota Police and Peace Officers Association;

(9) a high school principal appointed by the governor from a list of two candidates submitted jointly by the commissioner of education and the executive director of Education Minnesota;

(10) a representative from a county social services agency that has responsibility for public child welfare and child protection services, appointed by the governor;

(11) an individual who was the victim of an offense committed by a juvenile, appointed by the governor;

(12) a representative from a community-driven nonprofit law firm that represents juveniles in delinquency matters, appointed by the governor;

(13) an individual who is a children's mental health professional appointed by AspireMN;

(14) an individual who is the family member of youth impacted by the juvenile justice system; and

(15) ten youths under age 25 with interest or experience in the juvenile justice, juvenile protection, and foster care systems.

(b) To the extent possible, the demographics of the public members identified in paragraph (a), clause (15), must be inclusive and represent the ethnic and racial diversity of the state, including gender and sexual orientation, immigrant status, and religious and linguistic background. At least two of those public members must be from outside the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2.

(c) Appointments must be made no later than September 15, 2022.

(d) Public members identified in paragraph (a), clause (15), are eligible for compensation and expense reimbursement consistent with Minnesota Statutes, section 15.059, subdivision 3. All other members shall serve without compensation.

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

Subd. 3. Officers; meetings. (a) At its first meeting, the members of the task force shall elect cochairs of the task force, at least one of whom must be a public member identified in subdivision 2, paragraph (a), clause (15). The task force may elect other officers as necessary.

(b) The executive director of the Office of Justice Programs shall convene the first meeting of the task force no later than October 15, 2022, and shall provide meeting space and administrative assistance through the Office of Justice Programs as necessary for the task force to conduct its work.

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

Subd. 4. Duties. (a) The task force shall, at a minimum:

(1) review Minnesota's juvenile justice system;

(2) identify areas of overlap and conflict between Minnesota's juvenile justice and child protection systems, including areas of collaboration and coordination, provision of duplicated services, and any inconsistent expectations placed on juveniles;

(3) review alternative approaches to juvenile justice in Minnesota counties, Tribal communities, and other states or jurisdictions;

(4) identify social, emotional, and developmental factors that contribute to delinquent acts by juveniles;

(5) identify approaches to juvenile justice that involve the affected juvenile and address any underlying factors that contribute to delinquent acts by juveniles;

(6) identify approaches to juvenile justice that hold juvenile offenders accountable to victims and the community in ways that seek to strengthen the juvenile's connection to the community; and

(7) make recommendations for community and legislative action to address juvenile justice in Minnesota.

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

Subd. 5. Report. By January 15, 2024, the task force shall submit a report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over public safety finance and policy, judiciary finance and policy, human services finance and policy, and education finance and policy.

Subd. 6. Expiration. The task force expires the day after submitting its final report under subdivision 5.

Sec. 49. **EMERGENCY COMMUNITY SAFETY GRANTS.**

Subdivision 1. **Definition.** "Re-entry program" means county remote monitoring, county dosage probation programs, county probation check-in stations, and any program primarily aimed at supporting individuals with a criminal record, including but not limited to employment programs, housing programs, and education programs.

Subd. 2. **Expedited disbursement; distribution.** (a) Application materials for grants issued under this section must be prepared and made available to the public by July 15, 2022.

(b) Applications must be reviewed and considered by the commissioner as they are received, and the commissioner shall approve applications when they are determined to meet eligibility requirements and all applicable grant standards.

(c) Half of the total amount awarded must be provided to programs that do not involve law enforcement agencies and are for the purposes identified in subdivision 3, paragraph (c), clauses (1) to (8).

Subd. 3. **Eligible recipients.** (a) A county; city; town; local law enforcement agency, including a law enforcement agency of a federally recognized Tribe, as defined in United States Code, title 25, section 450b(e); or a federally recognized Indian Tribe may apply for emergency community safety grants to support crime prevention programs.

(b) A county, city, town, or a federally recognized Indian Tribe may apply as part of a multijurisdictional collaboration with other counties, cities, towns, or federally recognized Indian Tribes.

(c) As used in this section, "crime prevention programs" includes but is not limited to:

(1) re-entry programs;

(2) victim services programs;

(3) homelessness assistance programs;

(4) mobile crisis teams and embedded social worker programs;

(5) restorative justice programs;

(6) co-responder programs;

(7) juvenile diversion programs;

(8) community violence interruption programs;

(9) increasing the recruitment of officers by utilizing advertisements, or bonuses or scholarships for peace officers who remain continuously employed as peace officers for at least 12 months and have not been subject to disciplinary action in the previous 12 months;

(10) increasing patrols outside of squad cars, on foot or in transportation options that provide more interaction between police and community members;

(11) increasing, establishing, maintaining, or expanding crisis response teams in which social workers or mental health providers are sent as first responders when calls for service indicate that an individual is having a mental health crisis;

(12) establishing, maintaining, or expanding co-responder teams;

(13) purchasing equipment to perform patrols outside of squad cars on foot or in transportation options that provide more interaction between police and community members;

(14) hiring additional non-law-enforcement personnel to conduct functions typically performed by law enforcement with the intent of freeing up additional law enforcement to perform patrols or respond to service calls;

(15) increasing recruitment of additional detectives, investigators, or other individuals with a comparable rank or designation to investigate homicides, nonfatal shootings, or motor vehicle theft, including hiring, on a temporary or permanent basis, retired officers utilizing advertisements, or bonuses or scholarships for peace officers who remain continuously employed as peace officers for at least 12 months and have not been subject to disciplinary action in the previous 12 months;

(16) increasing recruitment of additional peace officers to replace officers transferred or promoted to detective, investigator, or a comparable rank and assigned to investigate homicides, nonfatal shootings, or motor vehicle theft;

(17) ensuring retention of peace officers identified as a detective, investigator, or a comparable rank and assigned to investigate homicides and nonfatal shootings;

(18) acquiring, upgrading, or replacing investigative or evidence-processing technology or equipment;

(19) hiring additional evidence-processing personnel;

(20) ensuring that personnel responsible for evidence processing have sufficient resources and training;

(21) hiring and training personnel to analyze violent crime, specifically with regards to the use of intelligence information of criminal networks and the potential for retaliation among gangs or groups, and the geographic trends among homicides, nonfatal shootings, and carjackings;

(22) ensuring that victim services and personnel are sufficiently funded, staffed, and trained;

(23) ensuring that victims and family members of homicides and nonfatal shootings have access to resources, including:

(i) convenient mental health treatment and grief counseling;

(ii) funeral and burial expenses;

(iii) relocation expenses;

(iv) emergency shelter;

(v) emergency transportation; and

(vi) lost wage assistance;

(24) developing competitive and evidence-based programs to improve homicide and nonfatal shooting clearance rates; or

(25) developing best practices for improving access to, and acceptance of, victim services, including those that promote medical and psychological wellness, ongoing counseling, legal advice, and financial compensation.

Subd. 4. **Application for grants.** (a) A crime prevention program may apply to the commissioner of public safety for a grant for any of the purposes described in subdivision 3. The application must be on forms and pursuant to procedures developed by the commissioner. The application must describe the type or types of intended emergency assistance, estimate the amount of money required, and include any other information deemed necessary by the commissioner.

(b) An applicant may not spend in any fiscal year more than ten percent of the grant awarded for administrative costs.

(c) Grant recipients may use funds to partner with or support other programs.

Subd. 5. **Reporting by crime prevention programs required.** The recipient of a grant under this section shall file a report with the commissioner of public safety by December 15 of each calendar year in which funds were received or used. Reports must itemize the expenditures made, indicate the purpose of those expenditures, and describe the ultimate disposition, if any, of each case. The report must be on forms and pursuant to procedures developed by the commissioner.

Sec. 50. **LOCAL CO-RESPONDER GRANTS.**

Subdivision 1. **Expedited disbursement; distribution.** (a) Application materials for grants issued under this section must be prepared and made available to the public by August 15.

(b) The commissioner must prioritize awarding grants to applicants who are not eligible to apply for local community innovation grants, local community policing grants, or local investigation grants.

(c) Half of the total amount awarded must be provided to programs that do not involve law enforcement agencies and are for the purposes identified in subdivision 3, paragraph (c), clauses (1) to (8).

Subd. 2. **Eligible recipients.** (a) A county; city; town; local law enforcement agency, including a law enforcement agency of a federally recognized Tribe, as defined in United States Code, title 25, section 450b(e); or a federally recognized Indian Tribe may apply for local co-responder grants for the purposes identified in this subdivision.

(b) A county, city, town, or a federally recognized Indian Tribe may apply as part of a multijurisdictional collaboration with other counties, cities, towns, or federally recognized Indian Tribes.

(c) Qualifying programs must partner with local law enforcement organizations and must include:

(1) embedded social workers;

(2) mobile crisis teams; or

(3) violence interrupters who work with law enforcement agencies.

Subd. 3. **Application for grants.** (a) A co-responder program may apply to the commissioner of public safety for a grant for any of the purposes described in subdivision 3. The application must be on forms and pursuant to procedures developed by the commissioner.

(b) An applicant may not spend in any fiscal year more than ten percent of the grant awarded for administrative costs.

(c) Grant recipients may use funds to partner with or support other programs.

Subd. 4. **Reporting by co-responder programs required.** The recipient of a grant under this section shall file a report with the commissioner of public safety by December 15 of each calendar year in which funds were received or used. Reports must itemize the expenditures made, indicate the purpose of those expenditures, and describe the ultimate disposition, if any, of each case. The report must be on forms and pursuant to procedures developed by the commissioner.

Sec. 51. **LOCAL COMMUNITY INNOVATION GRANTS.**

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

(b) "Community violence interruption" means a program that works with other organizations and persons in the community to develop community-based responses to violence that use and adapt critical incident response methods, provide targeted interventions to prevent the escalation of violence after the occurrence of serious incidents, and de-escalate violence with the use of community-based interventions. The programs may work with local prosecutorial offices to provide an alternative to adjudication through a restorative justice model.

(c) "Co-responder teams" means a partnership between a group or organization that provides mental health or crisis-intervention services and local units of government or Tribal governments that:

(1) provides crisis-response teams to de-escalate volatile situations;

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

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

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

(d) "Qualified local government entity" means a city or town, or a federally recognized Indian Tribe with a law enforcement agency that reports statistics on crime rates.

(e) "Re-entry program" means county remote monitoring, county dosage probation programs, county probation check-in stations, and any program primarily aimed at supporting individuals with a criminal record, including but not limited to employment programs, housing programs, and education programs.

(f) "Restorative justice program" has the meaning given in Minnesota Statutes, section 611A.775, and includes Native American sentencing circles.

Subd. 2. **Expedited disbursement.** (a) Application materials for grants issued under this section must be prepared and made available to the public by September 1.

(b) Applications must be received and reviewed, and successful applicants must be notified of approval, within six months of an appropriation being made to fund the grants.

Subd. 3. **Final review panel.** (a) The Office of Justice Programs shall establish a final review panel of office staff to make final decisions on grants awarded under this section.

(b) Staff serving on the final review panel must represent the office's responsibility for community outreach, research and analysis, crime victim reparations, crime victim justice, financial compliance, or grant management. At a minimum, the final review panel shall include:

(1) three individuals with specialized knowledge of, or an advanced degree in, criminology, sociology, urban studies, or social work;

(2) an individual with professional duties that include research and analysis; and

(3) an individual with professional duties that include grant compliance or grant management.

(c) If the commissioner rejects or otherwise does not follow the final review panel's decisions or recommendations regarding awarding or not awarding a grant, the commissioner shall notify the chair and ranking minority members of the legislative committees with jurisdiction over public safety within three business days and must identify the reasons for the commissioner's decision.

Subd. 4. Eligible applicants; identification and notice. (a) The commissioner of public safety shall publish the following lists by August 1 of each year to determine eligibility for the formula grant:

(1) the qualified local government entities with at least three recorded violent crimes in the previous fiscal year and the 20 highest per capita crime rates in the previous fiscal year based on the Uniform Crime Reports or National Incident Based Reporting System;

(2) the counties with the 20 highest per capita crime rates in the previous fiscal year based on the Uniform Crime Reports or National Incident Based Reporting System;

(3) the qualified local government entities that are not included in the list generated pursuant to clause (1) and have experienced at least three recorded violent crimes in the previous fiscal year and the 20 fastest increases in the per capita rate of crime in the previous fiscal year based on the Uniform Crime Reports or National Incident Based Reporting System; and

(4) the counties that are not included in the list generated pursuant to clause (2) and have experienced the 20 fastest increases in the per capita rate of crime in the previous fiscal year based on the Uniform Crime Reports or National Incident Based Reporting System.

(b) A county or qualified local government entity identified in any list produced pursuant to paragraph (a), clauses (1) to (4), may apply for a grant under this section. A listed county or qualified local government entity that reports statistics on crime rates may apply as part of a multijurisdictional collaboration with counties or local government entities that are not listed provided the portion of programs or services provided through the grant funding that are performed in the listed county or qualified local government entity is at least equal to its proportion of the membership of the multijurisdictional collaboration.

(c) The commissioner of public safety shall post the lists described in paragraph (a), clauses (1) to (4), on a publicly facing website and shall work with the League of Minnesota Cities, Association of Minnesota Counties, the three ethnic councils established under Minnesota Statutes, section 15.0145, and the Indian Affairs Council established under Minnesota Statutes, section 3.922, to notify entities that are eligible to apply for grants under this section.

Subd. 5. Grant distribution. (a) Half of the total amount appropriated under this section must be awarded to counties or qualified local government entities identified in subdivision 4, paragraph (a), clause (1) or (2).

(b) Half the total amount appropriated under this section must be awarded to counties or qualified local government entities identified in subdivision 4, paragraph (a), clause (3) or (4).

Subd. 6. Application materials. (a) Applicants must submit an application in the form and manner established by the commissioner of public safety.

(b) Applicants must describe the ways in which grant funds will be used to reduce crime in a specific subsection of the county or qualified local government entity through the creation or expansion of programs, including but not limited to the following:

(1) re-entry programs;

(2) victim services programs;

(3) homelessness assistance programs;

(4) mobile crisis teams and embedded social worker programs;

(5) restorative justice programs;

(6) co-responder programs;

(7) juvenile diversion programs;

(8) community violence interruption programs;

(9) blight elimination programs; or

(10) programs that provide technical assistance to service providers who are doing work that would promote public safety.

Subd. 7. **Awards.** (a) Preference in awarding grants should be given to applicants whose proposals are based on evidence-based practices, provide resources to geographic areas that have been historically underinvested, and incorporate input from community stakeholders.

(b) Grant recipients may use funds to partner with or support other programs.

(c) Grant funds may not be used to fund the activities of law enforcement agencies or offset the costs of counties or qualified local government entities.

(d) Any funds that are not encumbered or spent six years after being awarded must be returned to the commissioner of public safety and awarded as part of a local community innovation grant.

Subd. 8. **Evaluation.** Each grant recipient shall complete a standardized evaluation established by the Minnesota Statistical Analysis Center every two years.

Sec. 52. **LOCAL COMMUNITY POLICING GRANTS.**

Subdivision 1. **Definition.** As used in this section, "qualified local government entity" means a federally recognized Indian Tribe with a law enforcement agency that reports statistics on crime rates, or a city or town that has a local law enforcement agency.

Subd. 2. **Expedited disbursement.** (a) Application materials for grants issued under this section must be prepared and made available to the public by September 1.

(b) Applications must be received and reviewed, and successful applicants must be notified of approval, within six months of an appropriation being made to fund the grants.

Subd. 3. **Final review panel.** (a) The Office of Justice Programs shall establish a final review panel of office staff to make final decisions on grants awarded under this section.

(b) Staff serving on the final review panel must represent the office's responsibility for community outreach, research and analysis, crime victim reparations, crime victim justice, financial compliance, or grant management. At a minimum, the final review panel shall include:

(1) three individuals with specialized knowledge of, or an advanced degree in, criminology, sociology, urban studies, or social work;

(2) an individual with professional duties that include research and analysis; and

(3) an individual with professional duties that include grant compliance or grant management.

(c) If the commissioner rejects or otherwise does not follow the final review panel's decisions or recommendations regarding awarding or not awarding a grant, the commissioner shall notify the chair and ranking minority members of the legislative committees with jurisdiction over public safety within three business days and must identify the reasons for the commissioner's decision.

Subd. 4. **Eligible applicants; identification and notice.** (a) The commissioner of public safety shall publish the following lists by August 1 of each year:

(1) the qualified local government entities that have recorded at least three violent crimes in the previous fiscal year and have the 20 highest per capita crime rates in the previous fiscal year based on the Uniform Crime Reports or National Incident Based Reporting System;

(2) the counties with the 20 highest per capita crime rates in the previous fiscal year based on the Uniform Crime Reports or National Incident Based Reporting System;

(3) the qualified local government entities that are not included in the list generated pursuant to clause (1), have recorded at least three violent crimes in the previous fiscal year, and have experienced the 20 fastest increases in the per capita rate of crime in the previous fiscal year based on the Uniform Crime Reports or National Incident Based Reporting System; and

(4) the counties that are not included in the list generated pursuant to clause (2) and have experienced the 20 fastest increases in the per capita rate of crime in the previous fiscal year based on the Uniform Crime Reports or National Incident Based Reporting System.

(b) A county or qualified local government entity identified in any list produced pursuant to paragraph (a), clauses (1) to (4), may apply for a grant under this section. A listed county or qualified local government entity may apply as part of a multijurisdictional collaboration with counties and local government entities that are not listed provided the portion of programs or services provided through the grant funding that are performed in the listed county or qualified local government entity is at least equal to its proportion of the membership of the multijurisdictional collaboration.

(c) The commissioner of public safety shall post the lists described in paragraph (a), clauses (1) to (4), on a publicly facing website and shall work with the League of Minnesota Cities, Association of Minnesota Counties, the three ethnic councils established under Minnesota Statutes, section 15.0145, and the Indian Affairs Council established under Minnesota Statutes, section 3.922, to notify entities that are eligible to apply for grants under this section.

Subd. 5. **Grant distribution.** (a) Half of the total amount appropriated under this section must be awarded to counties or qualified local government entities identified in subdivision 4, paragraph (a), clause (1) or (2).

(b) Half the total amount appropriated under this section must be awarded to counties or qualified local government entities identified in subdivision 4, paragraph (a), clause (3) or (4).

Subd. 6. **Application materials.** (a) Applicants must submit an application in the form and manner established by the commissioner.

(b) Applicants must describe the ways in which grant funds will be used to reduce crime by increasing the capacity, efficiency, and effectiveness of law enforcement community policing efforts through approaches, including but not limited to the following:

(1) increasing the recruitment of officers by utilizing advertisements, or bonuses or scholarships for peace officers who remain continuously employed as a peace officer for at least 12 months and have not been subject to disciplinary action in the previous 12 months;

(2) increasing patrols outside of squad cars on foot or in transportation options that provide more interaction between police and community members;

(3) increasing, establishing, maintaining, or expanding crisis response teams in which social workers or mental health providers are sent as first responders when calls for service indicate that an individual is having a mental health crisis;

(4) establishing, maintaining, or expanding co-responder teams;

(5) purchasing equipment to perform patrols outside of squad cars on foot or in transportation options that provide more interaction between police and community members; or

(6) hiring additional non-law-enforcement personnel to conduct functions typically performed by law enforcement with the intent of freeing up additional law enforcement to perform patrols or respond to service calls.

Subd. 7. **Awards.** (a) Preference in awarding grants should be given to applicants whose proposals:

(1) involve community policing strategies;

(2) include collaboration with non-law-enforcement entities such as community-based violence prevention programs, social worker programs, or mental health specialists;

(3) are based on academic studies or based on evidence-based policing research or findings; or

(4) involve increased law enforcement accountability or transparency.

(b) Grant recipients may use funds to partner with or support other programs.

(c) Grant funds may not be used to offset the costs of law enforcement agencies, counties, or qualified local government entities.

(d) Any funds that are not encumbered or spent six years after being awarded must be returned to the commissioner of public safety and awarded as part of a local community innovation grant.

Subd. 8. **Evaluation.** Each grant recipient shall complete a standardized evaluation established by the Minnesota Statistical Analysis Center every two years.

Sec. 53. **LOCAL INVESTIGATION GRANTS.**

Subdivision 1. Definition. As used in this section, "qualified local government entity" means a federally recognized Indian Tribe with a law enforcement agency that reports statistics on crime rates, or a city or town that has a local law enforcement agency.

Subd. 2. Expedited disbursement. (a) Application materials for grants issued under this section must be prepared and made available to the public by September 1.

(b) Applications must be received and reviewed, and successful applicants must be notified of approval, within six months of an appropriation being made to fund the grants.

Subd. 3. Final review panel. (a) The Office of Justice Programs shall establish a final review panel of office staff to make final decisions on grants awarded under this section.

(b) Staff serving on the final review panel must represent the office's responsibility for community outreach, research and analysis, crime victim reparations, crime victim justice, financial compliance, or grant management. At a minimum, the final review panel shall include:

(1) three individuals with specialized knowledge of, or an advanced degree in, criminology, sociology, urban studies, or social work;

(2) an individual with professional duties that include research and analysis; and

(3) an individual with professional duties that include grant compliance or grant management.

(c) If the commissioner rejects or otherwise does not follow the final review panel's decisions or recommendations regarding awarding or not awarding a grant, the commissioner shall notify the chair and ranking minority members of the legislative committees with jurisdiction over public safety within three business days and must identify the reasons for the commissioner's decision.

Subd. 4. Eligible applicants; identification and notice. (a) The commissioner of public safety shall publish the following lists by August 1 of each year:

(1) the qualified local government entities that have recorded at least three violent crimes in the previous fiscal year and have the 20 highest per capita crime rates in the previous fiscal year based on the Uniform Crime Reports or National Incident Based Reporting System;

(2) the counties with the 20 highest per capita crime rates in the previous fiscal year based on the Uniform Crime Reports or National Incident Based Reporting System;

(3) the qualified local government entities that are not included in the list generated pursuant to clause (1), have recorded at least three violent crimes in the previous fiscal year, and have experienced the 20 fastest increases in the per capita rate of crime in the previous fiscal year based on the Uniform Crime Reports or National Incident Based Reporting System; and

(4) the counties that are not included in the list generated pursuant to clause (2) and have experienced the 20 fastest increases in the per capita rate of crime in the previous fiscal year based on the Uniform Crime Reports or National Incident Based Reporting System.

(b) A county or qualified local government entity identified in any list produced pursuant to paragraph (a), clauses (1) to (4), may apply for a grant under this section. A listed county or qualified local government entity may apply as part of a multijurisdictional collaboration with counties and local government entities that are not listed provided the portion of programs or services provided through the grant funding that are performed in the listed county or qualified local government entity is at least equal to its proportion of the membership of the multijurisdictional collaboration.

(c) The commissioner of public safety shall post the lists described in paragraph (a), clauses (1) to (4), on a publicly facing website and shall work with the League of Minnesota Cities, Association of Minnesota Counties, the three ethnic councils established under Minnesota Statutes, section 15.0145, and the Indian Affairs Council established under Minnesota Statutes, section 3.922, to notify entities that are eligible to apply for grants under this section.

Subd. 5. **Grant distribution.** (a) Half of the total amount appropriated under this section must be awarded to counties or qualified local government entities identified in subdivision 4, paragraph (a), clause (1) or (2).

(b) Half the total amount appropriated under this section must be awarded to counties or qualified local government entities identified in subdivision 4, paragraph (a), clause (3) or (4).

Subd. 6. **Application materials.** (a) Applicants must submit an application in the form and manner established by the commissioner of public safety.

(b) Applicants must describe the ways in which grant funds will be used to reduce crime by increasing the capacity, efficiency, and effectiveness of law enforcement investigations through approaches, including but not limited to the following:

(1) increasing recruitment of additional detectives, investigators, or other individuals with a comparable rank or designation to investigate homicides, nonfatal shootings, or motor vehicle theft, including hiring, on a temporary or permanent basis, retired officers by utilizing advertisements, or bonuses or scholarships for peace officers who remain continuously employed as a peace officer for at least 12 months and have not been subject to disciplinary action in the previous 12 months;

(2) increasing recruitment of additional peace officers to replace officers transferred or promoted to detective, investigator, or a comparable rank and assigned to investigate homicides, nonfatal shootings, or motor vehicle theft;

(3) ensuring retention of peace officers identified as a detective, investigator, or a comparable rank and assigned to investigate homicides and nonfatal shootings;

(4) acquiring, upgrading, or replacing investigative or evidence-processing technology or equipment;

(5) hiring additional evidence-processing personnel;

(6) ensuring that personnel responsible for evidence processing have sufficient resources and training;

(7) hiring and training personnel to analyze violent crime, specifically with regards to the use of intelligence information of criminal networks and the potential for retaliation among gangs or groups, and the geographic trends among homicides, nonfatal shootings, and carjackings;

(8) ensuring that victim services and personnel are sufficiently funded, staffed, and trained;

(9) ensuring that victims and family members of homicides and nonfatal shootings have access to resources, including:

(i) convenient mental health treatment and grief counseling;

(ii) assistance for funeral and burial expenses;

(iii) assistance for relocation expenses;

(iv) emergency shelter;

(v) emergency transportation; and

(vi) lost wage assistance;

(10) developing competitive and evidence-based programs to improve homicide and nonfatal shooting clearance rates; or

(11) developing best practices for improving access to, and acceptance of, victim services, including those that promote medical and psychological wellness, ongoing counseling, legal advice, and financial compensation.

Subd. 7. **Awards.** (a) Grant recipients may use funds to partner with or support other programs.

(b) Grant funds may not be used to fund undercover peace officer work or offset the costs of law enforcement agencies, counties, or qualified local government entities.

(c) Any funds that are not encumbered or spent six years after being awarded must be returned to the commissioner of public safety and awarded as part of a local community innovation grant.

Subd. 8. **Evaluation.** Each grant recipient shall complete a standardized evaluation established by the Minnesota Statistical Analysis Center every two years.

Sec. 54. **REPEALER.**

Minnesota Statutes 2020, sections 299A.49, subdivision 7; 403.02, subdivision 17c; 609.281, subdivision 2; 609.293, subdivisions 1 and 5; 609.34; and 609.36, are repealed.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

ARTICLE 3 LAW ENFORCEMENT POLICY

Section 1. Minnesota Statutes 2020, section 214.10, subdivision 10, is amended to read:

Subd. 10. **Board of Peace Officers Standards and Training; receipt of complaint.** Notwithstanding the provisions of subdivision 1 to the contrary, when the executive director or any member of the Board of Peace Officer Standards and Training produces or receives a written statement or complaint that alleges a violation of a statute or rule that the board is empowered to enforce, the executive director shall designate the appropriate law enforcement agency to investigate the complaint and ~~shall~~ may order it to conduct an inquiry into the complaint's allegations. The investigating agency must complete the inquiry and submit a written summary of it to the executive director within 30 days of the order for inquiry.

Sec. 2. Minnesota Statutes 2020, section 541.073, subdivision 2, is amended to read:

Subd. 2. **Limitations period.** (a) Except as provided in paragraph (b), an action for damages based on sexual abuse: (1) must be commenced within six years of the alleged sexual abuse in the case of alleged sexual abuse of an individual 18 years or older; (2) may be commenced at any time in the case of alleged sexual abuse of an individual under the age of 18, except as provided for in subdivision 4; and (3) must be commenced before the plaintiff is 24 years of age in a claim against a natural person alleged to have sexually abused a minor when that natural person was under 14 years of age.

(b) An action for damages based on sexual abuse may be commenced at any time in the case of alleged sexual abuse by a peace officer, as defined in section 626.84, subdivision 1, paragraph (c).

~~(b)~~ (c) The plaintiff need not establish which act in a continuous series of sexual abuse acts by the defendant caused the injury.

~~(c)~~ (d) This section does not affect the suspension of the statute of limitations during a period of disability under section 541.15.

EFFECTIVE DATE. (a) This section is effective the day following final enactment. Except as provided in paragraph (b), this section applies to actions that were not time-barred before the effective date.

(b) Notwithstanding any other provision of law, in the case of alleged sexual abuse of an individual by a peace officer, as defined in Minnesota Statutes, section 626.84, subdivision 1, paragraph (c), if the action would otherwise be time-barred under a previous version of Minnesota Statutes, section 541.073, or other time limit, an action for damages against a peace officer may be commenced no later than five years following the effective date of this section.

Sec. 3. Minnesota Statutes 2020, section 573.02, subdivision 1, is amended to read:

Subdivision 1. **Death action.** (a) When death is caused by the wrongful act or omission of any person or corporation, the trustee appointed as provided in subdivision 3 may maintain an action therefor if the decedent might have maintained an action, had the decedent lived, for an injury caused by the wrongful act or omission. An action to recover damages for a death caused by the alleged professional negligence of a physician, surgeon, dentist, hospital or sanitarium, or an employee of a physician, surgeon, dentist, hospital or sanitarium shall be commenced within three years of the date of death, but in no event shall be commenced beyond the time set forth in section 541.076. An action to recover damages for a death caused by an intentional act constituting murder may be commenced at any time after the death of the decedent. An action to recover damages for a death caused by a peace officer, as defined in section 626.84, subdivision 1, paragraph (c), must be commenced within six years after the Bureau of Criminal Apprehension or affected agency receives notice of declination of charges or at the completion of criminal proceedings. Any other action under this section may be commenced within three years after the date of death provided that the action must be commenced within six years after the act or omission. The recovery in the action is the amount the jury deems fair and just in reference to the pecuniary loss resulting from the death, and shall be for the exclusive benefit of the surviving spouse and next of kin, proportionate to the pecuniary loss severally suffered by the death. The court then determines the proportionate pecuniary loss of the persons entitled to the recovery and orders distribution accordingly. Funeral expenses and any demand for the support of the decedent allowed by the court having jurisdiction of the action, are first deducted and paid. Punitive damages may be awarded as provided in section 549.20.

(b) If an action for the injury was commenced by the decedent and not finally determined while living, it may be continued by the trustee for recovery of damages for the exclusive benefit of the surviving spouse and next of kin, proportionate to the pecuniary loss severally suffered by the death. The court on motion shall make an order allowing the continuance and directing pleadings to be made and issues framed as in actions begun under this section.

EFFECTIVE DATE. (a) This section is effective the day following final enactment. Except as provided in paragraph (b), this section applies to actions that were not time-barred before the effective date.

(b) Notwithstanding any other provision of law, in the case of a death caused by a peace officer, as defined in Minnesota Statutes, section 626.84, subdivision 1, paragraph (c), if the action would otherwise be time-barred under a previous version of Minnesota Statutes, section 573.02, or other time limit, an action for damages against a peace officer may be commenced no later than five years following the effective date of this section.

Sec. 4. Minnesota Statutes 2020, section 626.76, is amended by adding a subdivision to read:

Subd. 2a. **Compliance review officers.** (a) Except as provided for in paragraph (c), when a major public safety event requires a joint operation involving three or more law enforcement agencies, including at least one state law enforcement agency, at least one representative from each state law enforcement agency's internal affairs unit must be temporarily reassigned as a compliance review officer. Compliance review officers assigned to a major public safety event must be present on the scene and perform the following functions:

(1) inspect and inform senior officers of any policy, regulatory, or state law violations by state law enforcement;

(2) proactively speak with media and the public to gather information on law enforcement's response to determine compliance with policy, regulation, and state law when it does not obstruct police operation or place officers in jeopardy; and

(3) note and report any policy, regulation, or state law violations by state law enforcement to the proper authority.

(b) A compliance review officer assigned to perform the duties under paragraph (a) shall not participate in subsequent investigations related to that major public safety event except for as a witness.

(c) The requirement to have compliance review officers on scene under paragraph (a) does not apply if the presence of compliance review officers would obstruct law enforcement operations or place compliance review officers or peace officers in danger.

(d) For purposes of this section, "major public safety event" means:

(1) an event where more than 50 peace officers are needed to respond;

(2) an event that is expected to, or has, a crowd in excess of 200 persons; or

(3) an event that is expected to, or has, a crowd in excess of 50 persons and a local or statewide state of emergency is declared.

Sec. 5. Minnesota Statutes 2020, section 626.843, is amended by adding a subdivision to read:

Subd. 1c. **Physical strength and agility examinations.** (a) Beginning on December 1, 2022, physical strength and agility screening examinations required by law enforcement agencies for applicants must be scientifically content-validated and job-related. This requirement does not apply to tests of an applicant's cardiovascular health or general physical fitness to serve as a peace officer.

(b) The board must enact rules establishing standards for physical strength and agility examinations required by law enforcement agencies that comply with the requirements set forth in this subdivision.

Sec. 6. Minnesota Statutes 2020, section 626.843, is amended by adding a subdivision to read:

Subd. 1d. **Rules governing certain misconduct.** No later than January 1, 2024, the board must adopt rules under chapter 14 that permit the board to take disciplinary action on a licensee for a violation of a standard of conduct in Minnesota Rules, chapter 6700, whether or not criminal charges have been filed and in accordance with the evidentiary standards and civil processes for boards under chapter 214.

Sec. 7. Minnesota Statutes 2020, section 626.8473, subdivision 3, is amended to read:

Subd. 3. Written policies and procedures required. (a) The chief officer of every state and local law enforcement agency that uses or proposes to use a portable recording system must establish and enforce a written policy governing its use. In developing and adopting the policy, the law enforcement agency must provide for public comment and input as provided in subdivision 2. Use of a portable recording system without adoption of a written policy meeting the requirements of this section is prohibited. The written policy must be posted on the agency's website, if the agency has a website.

(b) At a minimum, the written policy must incorporate and require compliance with the following:

(1) the requirements of section 13.825 and other data classifications, access procedures, retention policies, and data security safeguards that, at a minimum, meet the requirements of chapter 13 and other applicable law. The policy must prohibit altering, erasing, or destroying any recording made with a peace officer's portable recording system or data and metadata related to the recording prior to the expiration of the applicable retention period under section 13.825, subdivision 3, except that the full, unedited, and unredacted recording of a peace officer using deadly force must be maintained indefinitely;

(2) mandate that a portable recording system be:

(i) worn where it affords an unobstructed view, and above the mid-line of the waist;

(ii) activated during all contacts with citizens in the performance of official duties other than community engagement, to the extent practical without compromising officer safety; and

(iii) activated when the officer arrives on scene of an incident and remain active until the conclusion of the officer's duties at the scene of the incident;

(3) mandate that officers assigned a portable recording system wear and operate the system in compliance with the agency's policy adopted under this section while performing law enforcement activities under the command and control of another chief law enforcement officer or federal law enforcement official;

(4) mandate that, notwithstanding any law to the contrary, a deceased individual's next of kin, legal representative of the next of kin, or other parent of the deceased individual's children be entitled to view any and all recordings from a peace officer's portable recording system, redacted no more than what is required by law, of an officer's use of deadly force no later than five business days following an incident where deadly force used by a peace officer results in the death of an individual, except that a chief law enforcement officer may deny a request if the investigating agency requests and can articulate a compelling reason as to why allowing the deceased individual's next of kin, legal representative of the next of kin, or other parent of the deceased individual's children to review the recordings would interfere with a thorough investigation. If the chief law enforcement officer denies a

request under this paragraph, the involved officer's agency must issue a prompt, written denial and provide notice to the deceased individual's next of kin, legal representative of the next of kin, or other parent of the deceased individual's children that relief may be sought from the district court;

(5) mandate that, notwithstanding any law to the contrary, an involved officer's agency shall release all body-worn camera recordings of an incident where a peace officer used deadly force and an individual dies to the public no later than 14 business days after the incident, except that a chief law enforcement officer shall not release the video if the investigating agency asserts in writing that allowing the public to view the recordings would interfere with the ongoing investigation;

(6) procedures for testing the portable recording system to ensure adequate functioning;

~~(3)~~ (7) procedures to address a system malfunction or failure, including requirements for documentation by the officer using the system at the time of a malfunction or failure;

~~(4)~~ (8) circumstances under which recording is mandatory, prohibited, or at the discretion of the officer using the system;

~~(5)~~ (9) circumstances under which a data subject must be given notice of a recording;

~~(6)~~ (10) circumstances under which a recording may be ended while an investigation, response, or incident is ongoing;

~~(7)~~ (11) procedures for the secure storage of portable recording system data and the creation of backup copies of the data; and

~~(8)~~ (12) procedures to ensure compliance and address violations of the policy, which must include, at a minimum, supervisory or internal audits and reviews, and the employee discipline standards for unauthorized access to data contained in section 13.09.

(c) The board has authority to inspect state and local law enforcement agency policies to ensure compliance with this section. The board may conduct this inspection based upon a complaint it receives about a particular agency or through a random selection process. The board may impose licensing sanctions and seek injunctive relief under section 214.11 for an agency's or licensee's failure to comply with this section.

Sec. 8. Minnesota Statutes 2020, section 626.89, subdivision 17, is amended to read:

Subd. 17. **Civilian review.** (a) As used in this subdivision, the following terms have the meanings given:

(1) "civilian oversight council" means a civilian review board, commission, or other oversight body established by a local unit of government to provide civilian oversight of a law enforcement agency and officers employed by the agency; and

(2) "misconduct" means a violation of law, standards promulgated by the Peace Officer Standards and Training Board, or agency policy.

~~(b) A local unit of government may establish a civilian review board, commission, or other oversight body shall not have council and grant the council the authority to make a finding of fact or determination regarding a complaint against an officer or impose discipline on an officer. A civilian review board, commission, or other oversight body may make a recommendation regarding the merits of a complaint, however, the recommendation shall be advisory only and shall not be binding on nor limit the authority of the chief law enforcement officer of any unit of government.~~

(c) At the conclusion of any criminal investigation or prosecution, if any, a civilian oversight council may conduct an investigation into allegations of peace officer misconduct and retain an investigator to facilitate an investigation. Subject to other applicable law, a council may subpoena or compel testimony and documents in an investigation. Upon completion of an investigation, a council may make a finding of misconduct and recommend appropriate discipline against peace officers employed by the agency. If the governing body grants a council the authority, the council may impose discipline on peace officers employed by the agency. A council may submit investigation reports that contain findings of peace officer misconduct to the chief law enforcement officer and the Peace Officer Standards and Training Board's complaint committee. A council may also make policy recommendations to the chief law enforcement officer and the Peace Officer Standards and Training Board.

(d) The chief law enforcement officer of a law enforcement agency under the jurisdiction of a civilian oversight council shall cooperate with the council and facilitate the council's achievement of its goals. However, the officer is under no obligation to agree with individual recommendations of the council and may oppose a recommendation. If the officer fails to implement a recommendation that is within the officer's authority, the officer shall inform the council of the failure along with the officer's underlying reasons.

(e) Peace officer discipline decisions imposed pursuant to the authority granted under this subdivision shall be subject to the applicable grievance procedure established or agreed to under chapter 179A.

(f) Data collected, created, received, maintained, or disseminated by a civilian oversight council related to an investigation of a peace officer are personnel data as defined under section 13.43, subdivision 1, and are governed by that section.

Sec. 9. Minnesota Statutes 2020, section 626.93, is amended by adding a subdivision to read:

Subd. 8. **Exception; Leech Lake Band of Ojibwe.** Notwithstanding any contrary provision in subdivision 3 or 4, the Leech Lake Band of Ojibwe has concurrent jurisdictional authority under this section with the local county sheriff within the geographical boundaries of the band's reservation to enforce state criminal law if the requirements of subdivision 2 are met, regardless of whether a cooperative agreement pursuant to subdivision 4 is entered into.

Sec. 10. Laws 2021, First Special Session chapter 11, article 1, section 15, subdivision 3, is amended to read:

Subd. 3. Peace Officer Training Assistance

Philando Castile Memorial Training Fund \$6,000,000 each year is to support and strengthen law enforcement training and implement best practices. This funding shall be named the "Philando Castile Memorial Training Fund." These funds may only be used to reimburse costs related to training courses that qualify for reimbursement under Minnesota Statutes, sections 626.8469 (training in crisis response, conflict management, and cultural diversity) and 626.8474 (autism training).

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

assessments of the course and documenting the assessments to the board during review. Upon completion of each course, instructors must submit student evaluations of the instructor's teaching to the sponsor.

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

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

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

Sec. 11. **TASK FORCE ON ALTERNATIVE COURSES TO PEACE OFFICER LICENSURE.**

Subdivision 1. **Establishment.** The Task Force on Alternative Courses to Peace Officer Licensure is established to increase recruitment of new peace officers, increase the diversity of the racial makeup and professional background of licensed peace officers, promote education and training in community policing models, maintain the high standards of education and training required for licensure, and make policy and funding recommendations to the legislature.

Subd. 2. **Membership.** (a) The task force consists of the following members:

- (1) the chair of the Peace Officer Standards and Training Board, or a designee;
- (2) a member of the Peace Officer Standards and Training Board representing the general public appointed by the chair of the Peace Officer Standards and Training Board;
- (3) the chief of the State Patrol, or a designee;
- (4) the superintendent of the Bureau of Criminal Apprehension, or a designee;
- (5) the attorney general, or a designee;
- (6) the president of the Minnesota Chiefs of Police Association, or a designee;
- (7) the president of the Minnesota Sheriffs' Association, or a designee;

(8) a peace officer who is employed by a law enforcement agency of a federally recognized Tribe, as defined in United States Code, title 25, section 450b(e), appointed by the Indian Affairs Council;

(9) the executive director of the Minnesota Police and Peace Officers Association, or a designee;

(10) a peace officer appointed by the executive director of the Minnesota Police and Peace Officers Association;

(11) a member of a civilian review board appointed by the governor;

(12) an attorney who provides legal advice to victims of police brutality or who advocates for civil liberties appointed by the governor;

(13) a representative from an organization that provides direct services to families or communities impacted by police violence appointed by the governor; and

(14) two representatives from postsecondary schools certified to provide programs of professional peace officer education appointed by the governor.

(b) Appointments must be made no later than August 30, 2022.

(c) Members shall serve without compensation.

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

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

(b) The chair of the Peace Officer Standards and Training Board shall convene the first meeting of the task force no later than September 15, 2022, and shall provide meeting space and administrative assistance as necessary for the task force to conduct its work.

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

Subd. 4. Duties. (a) The task force shall, at a minimum:

(1) identify barriers to recruiting peace officers;

(2) develop strategies for recruiting new peace officers;

(3) develop policies and procedures to increase the diversity of the racial makeup and professional background of licensed peace officers;

(4) identify or develop curriculum that utilizes community policing models;

(5) provide recommendations on how to create and support an expedited pathway for individuals to become peace officers; and

(6) assure that any alternative courses to licensure maintain the high standards of education and training required for licensure as a peace officer in Minnesota.

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

Subd. 5. **Report.** By January 15, 2024, the task force must submit a report on its findings and recommendations to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over public safety finance and policy and the Minnesota Sentencing Guidelines Commission.

Subd. 6. **Expiration.** The task force expires the day after submitting its report under subdivision 5.

Sec. 12. **TITLE.**

Sections 2 and 3 may be known as "Justin Teigen's Law."

ARTICLE 4 CONTROLLED SUBSTANCE POLICY

Section 1. Minnesota Statutes 2020, section 152.01, subdivision 9a, is amended to read:

Subd. 9a. **Mixture.** "Mixture" means a preparation, compound, mixture, or substance containing a controlled substance, regardless of purity except as provided in ~~subdivision 16~~; sections 152.021, subdivision 2, paragraph (b); 152.022, subdivision 2, paragraph (b); and 152.023, subdivision 2, paragraph (b).

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2020, section 152.01, is amended by adding a subdivision to read:

Subd. 9b. **Marijuana flower.** "Marijuana flower" means the flower, leaves, stems, seeds, or plant form of marijuana.

EFFECTIVE DATE. This section is effective August 1, 2022.

Sec. 3. Minnesota Statutes 2020, section 152.01, is amended by adding a subdivision to read:

Subd. 9c. **Nonflower marijuana.** "Nonflower marijuana" means the resinous form of marijuana.

EFFECTIVE DATE. This section is effective August 1, 2022.

Sec. 4. Minnesota Statutes 2020, section 152.01, subdivision 12a, is amended to read:

Subd. 12a. **Park zone.** "Park zone" means an area designated as a public park by the federal government, the state, a local unit of government, a park district board, or a park and recreation board in a city of the first class or a federally recognized Indian Tribe. "Park zone" includes the area within 300 feet or one city block, whichever distance is greater, of the park boundary.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Sec. 5. Minnesota Statutes 2020, section 152.01, subdivision 16, is amended to read:

Subd. 16. **Small amount.** "Small amount" as applied to marijuana means: (1) 42.5 grams or less; or (2) eight grams or less of any nonflower marijuana mixture. Nonflower marijuana mixtures weighing eight grams or less may not be considered in determining the 42.5 gram limit in clause (1). The weight of fluid used in a water pipe may not be considered in determining a small amount ~~except in cases where the marijuana is mixed with four or more fluid ounces of fluid.~~

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Sec. 6. Minnesota Statutes 2021 Supplement, section 152.01, subdivision 18, is amended to read:

Subd. 18. **Drug paraphernalia.** (a) Except as otherwise provided in paragraph (b), "drug paraphernalia" means all equipment, products, and materials of any kind, except those items used in conjunction with permitted uses of controlled substances, including but not limited to the permitted uses of marijuana, under this chapter or the Uniform Controlled Substances Act, which are knowingly or intentionally used primarily in (1) manufacturing a controlled substance, (2) injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, ~~(3) testing the strength, effectiveness, or purity of a controlled substance, or (4) (3) enhancing the effect of a controlled substance.~~

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

Sec. 7. Minnesota Statutes 2020, section 152.021, subdivision 2, is amended to read:

Subd. 2. **Possession crimes.** (a) A person is guilty of a controlled substance crime in the first degree if:

(1) the person unlawfully possesses one or more mixtures of a total weight of 50 grams or more containing cocaine or methamphetamine;

(2) the person unlawfully possesses one or more mixtures of a total weight of 25 grams or more containing cocaine or methamphetamine and:

(i) the person or an accomplice possesses on their person or within immediate reach, or uses, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm; or

(ii) the offense involves two aggravating factors;

(3) the person unlawfully possesses one or more mixtures of a total weight of 25 grams or more containing heroin;

(4) the person unlawfully possesses one or more mixtures of a total weight of 500 grams or more containing a narcotic drug other than cocaine, heroin, or methamphetamine;

(5) the person unlawfully possesses one or more mixtures of a total weight of 500 grams or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 500 or more dosage units; or

(6) the person unlawfully possesses one or more mixtures of a total weight of 50 kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 500 or more marijuana plants.

(b) For the purposes of this subdivision, the weight of fluid used in a water pipe may not be considered in measuring the weight of a marijuana mixture. For other mixtures, the weight of fluid may not be considered except in cases where the mixture contains four or more fluid ounces of fluid.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Sec. 8. Minnesota Statutes 2020, section 152.022, subdivision 2, is amended to read:

Subd. 2. **Possession crimes.** (a) A person is guilty of controlled substance crime in the second degree if:

(1) the person unlawfully possesses one or more mixtures of a total weight of 25 grams or more containing cocaine or methamphetamine;

(2) the person unlawfully possesses one or more mixtures of a total weight of ten grams or more containing cocaine or methamphetamine and:

(i) the person or an accomplice possesses on their person or within immediate reach, or uses, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm; or

(ii) the offense involves three aggravating factors;

(3) the person unlawfully possesses one or more mixtures of a total weight of six grams or more containing heroin;

(4) the person unlawfully possesses one or more mixtures of a total weight of 50 grams or more containing a narcotic drug other than cocaine, heroin, or methamphetamine;

(5) the person unlawfully possesses one or more mixtures of a total weight of 50 grams or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 100 or more dosage units; or

(6) the person unlawfully possesses one or more mixtures of a total weight of 25 kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 100 or more marijuana plants.

(b) For the purposes of this subdivision, the weight of fluid used in a water pipe may not be considered in measuring the weight of a marijuana mixture. For other mixtures, the weight of fluid may not be considered except in cases where the mixture contains four or more fluid ounces of fluid.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Sec. 9. Minnesota Statutes 2020, section 152.023, subdivision 2, is amended to read:

Subd. 2. **Possession crimes.** (a) A person is guilty of controlled substance crime in the third degree if:

(1) on one or more occasions within a 90-day period the person unlawfully possesses one or more mixtures of a total weight of ten grams or more containing a narcotic drug other than heroin;

(2) on one or more occasions within a 90-day period the person unlawfully possesses one or more mixtures of a total weight of three grams or more containing heroin;

(3) on one or more occasions within a 90-day period the person unlawfully possesses one or more mixtures containing a narcotic drug, it is packaged in dosage units, and equals 50 or more dosage units;

(4) on one or more occasions within a 90-day period the person unlawfully possesses any amount of a schedule I or II narcotic drug or five or more dosage units of lysergic acid diethylamide (LSD), 3,4-methylenedioxy amphetamine, or 3,4-methylenedioxymethamphetamine in a school zone, a park zone, a public housing zone, or a drug treatment facility;

(5) on one or more occasions within a 90-day period the person unlawfully possesses one or more mixtures of a total weight of ten kilograms or more containing marijuana or Tetrahydrocannabinols; or

(6) the person unlawfully possesses one or more mixtures containing methamphetamine or amphetamine in a school zone, a park zone, a public housing zone, or a drug treatment facility.

(b) For the purposes of this subdivision, the weight of fluid used in a water pipe may not be considered in measuring the weight of a marijuana mixture. For other mixtures, the weight of fluid may not be considered except in cases where the mixture contains four or more fluid ounces of fluid.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Sec. 10. Minnesota Statutes 2020, section 152.025, subdivision 4, is amended to read:

Subd. 4. **Penalty.** (a) A person convicted under the provisions of subdivision 2, clause (1), who has not been previously convicted of a violation of this chapter or a similar offense in another jurisdiction, is guilty of a gross misdemeanor if:

(1) the amount of the controlled substance possessed, other than heroin or a small amount of marijuana, is less than 0.25 grams or one dosage unit or less if the controlled substance was possessed in dosage units; ~~or~~

(2) the controlled substance possessed is heroin and the amount possessed is less than 0.05 grams; or

(3) the controlled substance possessed is marijuana and the amount possessed is:

(i) more than 42.5 grams but not more than 85 grams of marijuana flowers; or

(ii) more than eight grams but not more than 16 grams of any nonflower marijuana mixture.

(b) A person convicted under the provisions of subdivision 1; subdivision 2, clause (1), unless the conduct is described in paragraph (a); or subdivision 2, clause (2), may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Sec. 11. Minnesota Statutes 2020, section 152.027, subdivision 4, is amended to read:

Subd. 4. **Possession or sale of small amounts of marijuana.** ~~(a) A person who unlawfully sells a small amount of marijuana for no remuneration, or who unlawfully possesses a small amount of marijuana is guilty of a petty misdemeanor and shall be required to participate in a drug education program unless the court enters a written finding that a drug education program is inappropriate. The program must be approved by an area mental health board with a curriculum approved by the state alcohol and drug abuse authority.~~

~~(b) A person convicted of an unlawful sale under paragraph (a) who is subsequently convicted of an unlawful sale under paragraph (a) within two years is guilty of a misdemeanor and shall be required to participate in a chemical dependency evaluation and treatment if so indicated by the evaluation.~~

~~(c) A person who is convicted of a petty misdemeanor under paragraph (a) who willfully and intentionally fails to comply with the sentence imposed, is guilty of a misdemeanor. Compliance with the terms of the sentence imposed before conviction under this paragraph is an absolute defense.~~

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to acts committed on or after that date.

Sec. 12. Minnesota Statutes 2020, section 152.0271, is amended to read:

152.0271 NOTICE OF DRUG CONVICTIONS; DRIVER'S LICENSE REVOCATION.

When a person is convicted of violating a provision of sections 152.021 to 152.0262 or section 152.027 and 152.0262, subdivision 1, 2, 3, 5, 6, or 7, the sentencing court shall determine whether the person unlawfully sold or possessed the controlled substance while driving a motor vehicle. If so, the court shall notify the commissioner of public safety of its determination and order the commissioner to revoke the person's driver's license for 30 days. If the person does not have a driver's license or if the person's driver's license is suspended or revoked at the time of the conviction, the commissioner shall delay the issuance or reinstatement of the person's driver's license for 30 days after the person applies for the issuance or reinstatement of the license. Upon receipt of the court's order, the commissioner is authorized to take the licensing action without a hearing.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to convictions that take place on or after that date.

Sec. 13. Minnesota Statutes 2020, section 152.096, subdivision 1, is amended to read:

Subdivision 1. **Prohibited acts; penalties.** Any person who conspires to commit any felony act prohibited by this chapter, except possession or distribution for no remuneration of a small amount of marijuana as defined in section 152.01, subdivision 16, is guilty of a felony and upon conviction may be imprisoned, fined, or both, up to the maximum amount authorized by law for the act the person conspired to commit.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Sec. 14. Minnesota Statutes 2020, section 152.18, subdivision 3, is amended to read:

Subd. 3. **Expungement of certain marijuana offenses.** Any person who has been found guilty of: (1) a violation of section 152.09 with respect to a small amount of marijuana which violation occurred prior to April 11, 1976, and whose conviction would have been a petty misdemeanor under the provisions of section 152.15, subdivision 2, clause (5) in effect on April 11, 1978, but whose conviction was for an offense more serious than a petty misdemeanor under laws in effect prior to April 11, 1976; or (2) a violation of section 152.025 that occurred before August 1, 2022, where the violation would have been a petty misdemeanor under section 152.027, subdivision 4, in effect on August 1, 2022, may petition the court in which the person was convicted to expunge from all official records, other than the nonpublic record retained by the Department of Public Safety pursuant to section 152.15, subdivision 2, clause (5), all recordation relating to the person's arrest, indictment or information, trial and conviction of an offense more serious than a petty misdemeanor. The court, upon being satisfied that a small amount was involved in the conviction, shall order all the recordation expunged. This shall restore the person's ability to possess, receive, ship, or transport firearms and handle firearms and ammunition. No person as to whom an order has been entered pursuant to this subdivision shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of the person's failure to recite or acknowledge conviction of an offense greater than a petty misdemeanor, unless possession of marijuana is material to a proceeding.

EFFECTIVE DATE. This section is effective August 1, 2022.

Sec. 15. Minnesota Statutes 2020, section 152.32, is amended by adding a subdivision to read:

Subd. 4. **Probation; supervised release.** (a) A court shall not prohibit a person from participating in the registry program under sections 152.22 to 152.37 as a condition of probation, parole, pretrial conditional release, or supervised release or revoke a patient's probation, parole, pretrial conditional release, or supervised release or otherwise sanction a patient on probation, parole, pretrial conditional release, or supervised release, nor weigh participation in the registry program, or positive drug test for cannabis components or metabolites by registry participants, or both, as a factor when considering penalties for violations of probation, parole, pretrial conditional release, or supervised release.

(b) The commissioner of corrections, probation agent, or parole officer shall not prohibit a person from participating in the registry program under sections 152.22 to 152.37 as a condition of parole, supervised release, or conditional release or revoke a patient's parole, supervised release, or conditional release or otherwise sanction a patient on parole, supervised release, or conditional release solely for participating in the registry program or for a positive drug test for cannabis components or metabolites.

Sec. 16. **[152.325] CRIMINAL AFFIRMATIVE DEFENSE.**

It is an affirmative defense to a charge of possession of marijuana that the defendant was enrolled in the registry program under sections 152.22 to 152.37 and possessed the marijuana to use for a qualifying medical condition or was a visiting patient and possessed the marijuana for medical use as authorized under the laws or regulations of the visiting patient's jurisdiction of residence. This affirmative defense applies to a charge of violating:

(1) section 152.025, subdivision 2, involving possession of the amount of marijuana identified in section 152.025, subdivision 4, paragraph (a), clause (3); or

(2) section 152.027, subdivision 3 or 4.

Sec. 17. Minnesota Statutes 2020, section 260B.198, subdivision 1, is amended to read:

Subdivision 1. **Court order, findings, remedies, treatment.** (a) If the court finds that the child is delinquent, it shall enter an order making any of the following dispositions of the case which are deemed necessary to the rehabilitation of the child:

(1) counsel the child or the parents, guardian, or custodian;

(2) place the child under the supervision of a probation officer or other suitable person in the child's own home under conditions prescribed by the court including reasonable rules for the child's conduct and the conduct of the child's parents, guardian, or custodian, designed for the physical, mental, and moral well-being and behavior of the child, or with the consent of the commissioner of corrections, in a group foster care facility which is under the management and supervision of said commissioner;

(3) if the court determines that the child is a danger to self or others, subject to the supervision of the court, transfer legal custody of the child to one of the following:

(i) a child-placing agency;

(ii) the local social services agency;

(iii) a reputable individual of good moral character. No person may receive custody of two or more unrelated children unless licensed as a residential facility pursuant to sections 245A.01 to 245A.16;

(iv) a county home school, if the county maintains a home school or enters into an agreement with a county home school; or

(v) a county probation officer for placement in a group foster home established under the direction of the juvenile court and licensed pursuant to section 241.021;

(4) transfer legal custody by commitment to the commissioner of corrections;

(5) if the child is found to have violated a state or local law or ordinance which has resulted in damage to the person or property of another, the court may order the child to make reasonable restitution for such damage;

(6) require the child to pay a fine of up to \$1,000. The court shall order payment of the fine in accordance with a time payment schedule which shall not impose an undue financial hardship on the child;

(7) if the child is in need of special treatment and care for reasons of physical or mental health, the court may order the child's parent, guardian, or custodian to provide it. If the parent, guardian, or custodian fails to provide this treatment or care, the court may order it provided;

(8) if the court believes that it is in the best interests of the child and of public safety that the driver's license of the child be canceled until the child's 18th birthday, the court may recommend to the commissioner of public safety the cancellation of the child's license for any period up to the child's 18th birthday, and the commissioner is hereby authorized to cancel such license without a hearing. At any time before the termination of the period of cancellation, the court may, for good cause, recommend to the commissioner of public safety that the child be authorized to apply for a new license, and the commissioner may so authorize;

(9) if the court believes that it is in the best interest of the child and of public safety that the child is enrolled in school, the court may require the child to remain enrolled in a public school until the child reaches the age of 18 or completes all requirements needed to graduate from high school. Any child enrolled in a public school under this clause is subject to the provisions of the Pupil Fair Dismissal Act in chapter 127;

(10) if the child is petitioned and found by the court to have committed a controlled substance offense under sections 152.021 to 152.0262 or section 152.027, subdivision 1, 2, 3, 5, 6, or 7, the court shall determine whether the child unlawfully possessed or sold the controlled substance while driving a motor vehicle. If so, the court shall notify the commissioner of public safety of its determination and order the commissioner to revoke the child's driver's license for the applicable time period specified in section 152.0271. If the child does not have a driver's license or if the child's driver's license is suspended or revoked at the time of the delinquency finding, the commissioner shall, upon the child's application for driver's license issuance or reinstatement, delay the issuance or reinstatement of the child's driver's license for the applicable time period specified in section 152.0271. Upon receipt of the court's order, the commissioner is authorized to take the licensing action without a hearing;

(11) if the child is petitioned and found by the court to have committed or attempted to commit an act in violation of section 609.342; 609.343; 609.344; 609.345; 609.3451; 609.746, subdivision 1; 609.79; or 617.23, or another offense arising out of a delinquency petition based on one or more of those sections, the court shall order an independent professional assessment of the child's need for sex offender treatment. An assessor providing an assessment for the court must be experienced in the evaluation and treatment of juvenile sex offenders. If the assessment indicates that the child is in need of and amenable to sex offender treatment, the court shall include in its disposition order a requirement that the child undergo treatment. Notwithstanding section 13.384, 13.85, 144.291 to 144.298, or 260B.171, or chapter 260E, the assessor has access to the following private or confidential data on the child if access is relevant and necessary for the assessment:

(i) medical data under section 13.384;

(ii) corrections and detention data under section 13.85;

- (iii) health records under sections 144.291 to 144.298;
- (iv) juvenile court records under section 260B.171; and
- (v) local welfare agency records under chapter 260E.

Data disclosed under this clause may be used only for purposes of the assessment and may not be further disclosed to any other person, except as authorized by law; or

(12) if the child is found delinquent due to the commission of an offense that would be a felony if committed by an adult, the court shall make a specific finding on the record regarding the juvenile's mental health and chemical dependency treatment needs.

(b) Any order for a disposition authorized under this section shall contain written findings of fact to support the disposition ordered and shall also set forth in writing the following information:

- (1) why the best interests of the child are served by the disposition ordered; and
- (2) what alternative dispositions were considered by the court and why such dispositions were not appropriate in the instant case. Clause (1) does not apply to a disposition under subdivision 1a.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to findings by the court made on or after that date.

Sec. 18. Minnesota Statutes 2020, section 609.165, subdivision 1a, is amended to read:

Subd. 1a. **Certain convicted felons ineligible to possess firearms or ammunition.** The order of discharge must provide that a person who has been convicted of a crime of violence, as defined in section 624.712, subdivision 5, is not entitled to ship, transport, possess, or receive a firearm or ammunition for the remainder of the person's lifetime. Any person who has received such a discharge and who thereafter has received a relief of disability under United States Code, title 18, section 925, or whose ability to possess firearms and ammunition has been restored under subdivision 1d or section 152.18, subdivision 3, shall not be subject to the restrictions of this subdivision.

EFFECTIVE DATE. This section is effective August 1, 2022.

Sec. 19. Minnesota Statutes 2020, section 609.165, subdivision 1b, is amended to read:

Subd. 1b. **Violation and penalty.** (a) Any person who has been convicted of a crime of violence, as defined in section 624.712, subdivision 5, and who ships, transports, possesses, or receives a firearm or ammunition, commits a felony and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both.

(b) A conviction and sentencing under this section shall be construed to bar a conviction and sentencing for a violation of section 624.713, subdivision 2.

(c) The criminal penalty in paragraph (a) does not apply to any person who has received a relief of disability under United States Code, title 18, section 925, or whose ability to possess firearms and ammunition has been restored under subdivision 1d or section 152.18, subdivision 3.

EFFECTIVE DATE. This section is effective August 1, 2022.

Sec. 20. Minnesota Statutes 2020, section 609A.02, is amended by adding a subdivision to read:

Subd. 1a. **Certain petty misdemeanor controlled substance offenses.** Records related to petty misdemeanor violations of section 152.027, subdivision 4, or 152.092 involving marijuana-related drug paraphernalia shall be sealed without the filing of a petition as provided in section 609A.027.

EFFECTIVE DATE. This section is effective August 1, 2022.

Sec. 21. **[609A.027] NO PETITION REQUIRED FOR CERTAIN PETTY MISDEMEANOR CONTROLLED SUBSTANCE VIOLATIONS AFTER ONE-YEAR WAITING PERIOD.**

(a) At the conclusion of one year following conviction for a petty misdemeanor violation of section 152.027, subdivision 4, or 152.092 involving marijuana-related drug paraphernalia and the payment of any fines, fees, and surcharges and, if applicable, the successful completion of any required drug education program, or following the dismissal of a petty misdemeanor charge for violating section 152.027, subdivision 4, or 152.092 involving marijuana-related drug paraphernalia, the court shall order, without the filing of a petition, the sealing of all records relating to the arrest, charge, trial, dismissal, and conviction.

(b) A record sealed under paragraph (a) may be opened only as provided in section 609A.03, subdivision 7a.

EFFECTIVE DATE. This section is effective August 1, 2022.

Sec. 22. **TASK FORCE ON ABUSE OF CONTROLLED SUBSTANCES.**

Subdivision 1. **Establishment.** The Task Force on Abuse of Controlled Substances is established to review the ways in which the state's justice, social service, and health systems currently respond to individuals who abuse controlled substances or commit controlled substance offenses, to examine approaches taken in other jurisdictions, and to make policy and funding recommendations to the legislature.

Subd. 2. **Membership.** (a) The task force consists of the following members:

(1) the commissioner of public safety;

(2) the commissioner of human services;

(3) the commissioner of corrections, or a designee;

(4) the commissioner of health, or a designee;

(5) the chief justice, or a designee;

(6) the state public defender, or a designee;

(7) a county attorney appointed by the Minnesota County Attorneys Association;

(8) a representative from Indian health services or a Tribal council appointed by the Indian Affairs Council;

(9) a representative of the Community Corrections Act counties appointed by the Minnesota Association of Community Corrections Act Counties;

(10) a peace officer, as defined in Minnesota Statutes, section 626.84, subdivision 1, paragraph (c), who is a member of a multijurisdictional drug task force appointed by the Minnesota Chiefs of Police Association;

(11) a peace officer, as defined in Minnesota Statutes, section 626.84, subdivision 1, paragraph (c), appointed by the Minnesota Sheriffs' Association;

(12) a member of the Minnesota State Board of Pharmacy appointed by the board's president;

(13) a member of the Opiate Epidemic Response Advisory Council appointed by the council's chair;

(14) a representative from a community health board appointed by the commissioner of health;

(15) a member representing sober living programs or substance use disorder programs licensed under Minnesota Statutes, chapter 245G, appointed by the commissioner of human services;

(16) a member of the Minnesota Association of County Social Service Administrators appointed by the association's president;

(17) a member of the public with a substance use disorder who has experience in the criminal justice system appointed by the governor; and

(18) a member of the public who has been the victim of a crime relating to substance abuse appointed by the governor.

(b) Appointments must be made no later than August 30, 2022.

(c) Public members identified in paragraph (a), clauses (17) and (18), are eligible for compensation and expense reimbursement consistent with Minnesota Statutes, section 15.059, subdivision 3. All other members shall serve without compensation.

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

Subd. 3. Officers; meetings. (a) The commissioners of public safety and human services shall cochair the task force. The task force may elect other officers as necessary.

(b) The commissioner of public safety shall convene the first meeting of the task force no later than September 15, 2022, and shall provide meeting space and administrative assistance through the Office of Justice Programs as necessary for the task force to conduct its work.

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

Subd. 4. Duties. (a) The task force shall, at a minimum:

(1) collect and analyze data on controlled substance offenses, deaths and hospitalizations from controlled substance overdoses, and other societal impacts related to controlled substance use disorders;

(2) analyze the law enforcement response to controlled substance abuse in Minnesota and other jurisdictions;

(3) analyze the judicial system response to controlled substance abuse in Minnesota and other jurisdictions, including a review of treatment courts and diversion programs;

(4) analyze the prosecutorial response to controlled substance abuse in Minnesota and other jurisdictions, including charging decisions, plea bargains, and the use of pretrial and precharge diversion programs;

(5) analyze the correctional response to controlled substance abuse in Minnesota and other jurisdictions, including the use of mandatory drug testing, required participation in substance abuse treatment programs as a condition of probation, the effectiveness of substance abuse treatment programs offered to incarcerated individuals, and the effectiveness of the challenge incarceration program;

(6) analyze the human services and health response to controlled substance abuse in Minnesota and other jurisdictions, including the effectiveness of prevention programs, availability of inpatient and outpatient treatment programs, funding for participation in those programs, and the outcomes for participants in those programs;

(7) receive input from members of communities that have been affected by criminal activity and other social costs associated with controlled substance abuse;

(8) receive input from members of communities that have been affected by the criminalization of controlled substance abuse; and

(9) make recommendations for coordination of services, adoption of prevention models, expansion of effective treatment services, levels of funding, statutory changes, and other community and legislative action to address controlled substance abuse in Minnesota.

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

Subd. 5. Reports. (a) The task force shall submit annual reports to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over public safety finance and policy, human services finance and policy, health finance and policy, and judiciary finance and policy.

(b) The task force shall submit a preliminary report on or before March 1, 2023.

(c) The task force shall submit a supplemental report on or before February 1, 2024.

(d) The task force shall submit a final report on or before January 15, 2025.

Subd. 6. Expiration. The task force expires the day after submitting its final report under subdivision 5.

ARTICLE 5 CORRECTIONS AND SENTENCING

Section 1. Minnesota Statutes 2020, section 13.871, subdivision 14, is amended to read:

Subd. 14. Expungement petitions. (a) Provisions regarding the classification and sharing of data contained in a petition for expungement of a criminal record are included in section 609A.03.

(b) Provisions regarding the classification and sharing of data related to automatic expungements are included in sections 299C.097 and 609A.015.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 2. Minnesota Statutes 2020, section 152.18, subdivision 1, is amended to read:

Subdivision 1. **Deferring prosecution for certain first time drug offenders.** (a) A court may defer prosecution as provided in paragraph (c) for any person found guilty, after trial or upon a plea of guilty, of a violation of section 152.023, subdivision 2, 152.024, subdivision 2, 152.025, subdivision 2, or 152.027, subdivision 2, 3, 4, or 6, paragraph (d), for possession of a controlled substance, who:

(1) has not previously participated in or completed a diversion program authorized under section 401.065;

(2) has not previously been placed on probation without a judgment of guilty and thereafter been discharged from probation under this section; and

(3) has not been convicted of a felony violation of this chapter, including a felony-level attempt or conspiracy, or been convicted by the United States or another state of a similar offense that would have been a felony under this chapter if committed in Minnesota, unless ten years have elapsed since discharge from sentence.

(b) The court must defer prosecution as provided in paragraph (c) for any person found guilty of a violation of section 152.025, subdivision 2, who:

(1) meets the criteria listed in paragraph (a), clauses (1) to (3); and

(2) has not previously been convicted of a felony offense under any state or federal law or of a gross misdemeanor under section 152.025.

(c) In granting relief under this section, the court shall, without entering a judgment of guilty and with the consent of the person, defer further proceedings and place the person on probation upon such reasonable conditions as it may require and for a period, not to exceed the maximum sentence provided for the violation. The court may give the person the opportunity to attend and participate in an appropriate program of education regarding the nature and effects of alcohol and drug abuse as a stipulation of probation. Upon violation of a condition of the probation, the court may enter an adjudication of guilt and proceed as otherwise provided. The court may, in its discretion, dismiss the proceedings against the person and discharge the person from probation before the expiration of the maximum period prescribed for the person's probation. If during the period of probation the person does not violate any of the conditions of the probation, then upon expiration of the period the court shall discharge the person and dismiss the proceedings against that person. Discharge and dismissal under this subdivision shall be without court adjudication of guilt, but a not public record of it shall be retained by the Bureau of Criminal Apprehension for the purpose of use by the courts in determining the merits of subsequent proceedings against the person. The not public record may also be opened only upon court order for purposes of a criminal investigation, prosecution, or sentencing. Upon receipt of notice that the proceedings were dismissed, the Bureau of Criminal Apprehension shall notify the arresting or citing law enforcement agency and direct that agency to seal its records related to the charge. Upon request by law enforcement, prosecution, or corrections authorities, the bureau shall notify the requesting party of the existence of the not public record and the right to seek a court order to open it pursuant to this section. The court shall forward a record of any discharge and dismissal under this subdivision to the bureau which shall make and maintain the not public record of it as provided under this subdivision. The discharge or dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime or for any other purpose.

For purposes of this subdivision, "not public" has the meaning given in section 13.02, subdivision 8a.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 3. Minnesota Statutes 2020, section 241.021, subdivision 2a, is amended to read:

Subd. 2a. **Affected municipality; notice.** The commissioner must not ~~issue~~ grant a license without giving 30 calendar days' written notice to any affected municipality or other political subdivision unless the facility has a licensed capacity of six or fewer persons and is occupied by either the licensee or the group foster home parents. The notification must be given before the ~~license is first issuance of a license~~ license granted and annually after that time if annual notification is requested in writing by any affected municipality or other political subdivision. State funds must not be made available to or be spent by an agency or department of state, county, or municipal government for payment to a foster care facility licensed under subdivision 2 until the provisions of this subdivision have been complied with in full.

Sec. 4. Minnesota Statutes 2020, section 241.021, subdivision 2b, is amended to read:

Subd. 2b. **Licensing; facilities; juveniles from outside state.** The commissioner may not:

(1) ~~issue~~ grant a license under this section to operate a correctional facility for the detention or confinement of juvenile offenders if the facility accepts juveniles who reside outside of Minnesota without an agreement with the entity placing the juvenile at the facility that obligates the entity to pay the educational expenses of the juvenile; or

(2) renew a license under this section to operate a correctional facility for the detention or confinement of juvenile offenders if the facility accepts juveniles who reside outside of Minnesota without an agreement with the entity placing the juvenile at the facility that obligates the entity to pay the educational expenses of the juvenile.

Sec. 5. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to read:

Subd. 2c. **Searches.** The commissioner shall not grant a license to any county, municipality, or agency to operate a facility for the detention, care, and training of delinquent children and youth unless the county, municipality, or agency institutes a policy strictly prohibiting the visual inspection of breasts, buttocks, or genitalia of children and youth received by the facility except during a health care procedure conducted by a medically licensed person.

Sec. 6. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to read:

Subd. 2d. **Disciplinary room time.** The commissioner shall not grant a license to any county, municipality, or agency to operate a facility for the detention, care, and training of delinquent children and youth unless the county, municipality, or agency institutes a policy strictly prohibiting the use of disciplinary room time for children and youth received by the facility.

Sec. 7. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to read:

Subd. 4e. **Language access.** The commissioner of corrections shall take reasonable steps to provide meaningful access to limited English proficient (LEP) individuals incarcerated, detained, or supervised by the Department of Corrections. The commissioner shall develop written policy and annual training to implement language access for LEP individuals.

Sec. 8. Minnesota Statutes 2020, section 241.90, is amended to read:

241.90 OFFICE OF OMBUDSPERSON; CREATION; QUALIFICATIONS; FUNCTION.

The Office of Ombudsperson for the Department of Corrections is hereby created. The ombudsperson shall ~~serve at the pleasure of~~ be appointed by the governor in the unclassified service; and may be removed only for just cause. The ombudsperson shall be selected without regard to political affiliation, and shall be a person highly

competent and qualified to analyze questions of law, administration, and public policy. No person may serve as ombudsperson while holding any other public office. The ombudsperson for corrections shall be accountable to the governor and shall have the authority to investigate decisions, acts, and other matters of the Department of Corrections so as to promote the highest attainable standards of competence, efficiency, and justice in the administration of corrections.

Sec. 9. Minnesota Statutes 2020, section 242.192, is amended to read:

242.192 CHARGES TO COUNTIES.

(a) The commissioner shall charge counties or other appropriate jurisdictions 65 percent of the per diem cost of confinement, excluding educational costs and nonbillable service, of juveniles at the Minnesota Correctional Facility-Red Wing and of juvenile females committed to the commissioner of corrections. This charge applies to juveniles committed to the commissioner of corrections and juveniles admitted to the Minnesota Correctional Facility-Red Wing under established admissions criteria. This charge applies to both counties that participate in the Community Corrections Act and those that do not. The commissioner shall determine the per diem cost of confinement based on projected population, pricing incentives, and market conditions. ~~All money received under this section must be deposited in the state treasury and credited to the general fund.~~

(b) The first 65 percent of all money received under paragraph (a) must be deposited in the state treasury and credited to the general fund. The next 35 percent of all money received under paragraph (a) must be credited to the prevention services account, which is hereby established in the special revenue fund. Interest earned in the account accrues to the account. Funds in the prevention services account are annually appropriated to the commissioner of public safety to provide grants for prevention services and dual status youth programs. Recipients must use funds to prevent juveniles from entering the criminal or juvenile justice system or provide services for youth who are in both the child welfare and juvenile justice systems.

Sec. 10. **244.049 INDETERMINATE SENTENCE RELEASE BOARD.**

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

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

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

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

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

(1) a bachelor's degree in criminology, corrections, or a related social science, or a law degree;

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

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

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

(1) two members must be appointed for terms that expire January 1, 2024; and

(2) two members must be appointed for terms that expire January 1, 2026.

(b) A member is eligible for reappointment.

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

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

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

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

Subd. 4. **Limitation.** Nothing in this section supersedes the commissioner's authority to revoke an inmate's release for a violation of the inmate's terms of release or impairs the power of the Board of Pardons to grant a pardon or commutation in any case.

Subd. 5. **Report.** On or before February 15 each year, the board shall submit to the legislative committees with jurisdiction over criminal justice policy a written report detailing the number of inmates reviewed and identifying persons granted release in the preceding year. The report shall also include the board's recommendations for policy modifications that influence the board's duties.

Sec. 11. Minnesota Statutes 2020, section 244.05, subdivision 5, is amended to read:

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

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

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

(d) When considering whether to give supervised release to an inmate serving a life sentence under section 609.3455, subdivision 3 or 4, the ~~commissioner~~ board shall consider, at a minimum, the following: the risk the inmate poses to the community if released, the inmate's progress in treatment, the inmate's behavior while

incarcerated, psychological or other diagnostic evaluations of the inmate, the inmate's criminal history, and any other relevant conduct of the inmate while incarcerated or before incarceration. ~~The commissioner~~ board may not give supervised release to the inmate unless:

(1) while in prison:

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

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

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

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

(e) As used in this subdivision;

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

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

Sec. 12. Minnesota Statutes 2020, section 244.09, subdivision 10, is amended to read:

Subd. 10. **Research director.** The commission may select and employ a research director who shall perform the duties the commission directs, including the hiring of any clerical help and other employees as the commission shall approve. The research director ~~and other staff~~ shall be in the unclassified service of the state ~~and their~~. The compensation of the research director and other staff shall be established pursuant to chapter 43A. They shall be reimbursed for the expenses necessarily incurred in the performance of their official duties in the same manner as other state employees.

Sec. 13. Minnesota Statutes 2020, section 260B.163, subdivision 1, is amended to read:

Subdivision 1. **General.** (a) Except for hearings arising under section 260B.425, hearings on any matter shall be without a jury and may be conducted in an informal manner, except that a child who is prosecuted as an extended jurisdiction juvenile has the right to a jury trial on the issue of guilt. The rules of evidence promulgated pursuant to section 480.0591 and the law of evidence shall apply in adjudicatory proceedings involving a child alleged to be delinquent, an extended jurisdiction juvenile, or a juvenile petty offender, and hearings conducted pursuant to section 260B.125 except to the extent that the rules themselves provide that they do not apply.

(b) When a continuance or adjournment is ordered in any proceeding, the court may make any interim orders as it deems in the best interests of the minor in accordance with the provisions of sections 260B.001 to 260B.421.

(c) Except as otherwise provided in this paragraph, the court shall exclude the general public from hearings under this chapter and shall admit only those persons who, in the discretion of the court, have a direct interest in the case or in the work of the court. The court shall permit the victim of a child's delinquent act to attend any related delinquency proceeding, except that the court may exclude the victim:

(1) as a witness under the Rules of Criminal Procedure; and

(2) from portions of a certification hearing to discuss psychological material or other evidence that would not be accessible to the public.

The court shall open the hearings to the public in ~~delinquency or~~ extended jurisdiction juvenile proceedings where the child is alleged to have committed an offense or has been proven to have committed an offense that would be a felony if committed by an adult and the child was at least 16 years of age at the time of the offense, except that the court may exclude the public from portions of a certification hearing to discuss psychological material or other evidence that would not be accessible to the public in an adult proceeding.

(d) In all delinquency cases a person named in the charging clause of the petition as a person directly damaged in person or property shall be entitled, upon request, to be notified by the court administrator in writing, at the named person's last known address, of (1) the date of the certification or adjudicatory hearings, and (2) the disposition of the case.

Sec. 14. Minnesota Statutes 2020, section 260B.176, is amended by adding a subdivision to read:

Subd. 1a. **Risk assessment instrument.** If a peace officer or probation or parole officer who took a child into custody does not release the child as provided in subdivision 1, the peace officer or probation or parole officer shall communicate with or deliver the child to a juvenile secure detention facility to determine whether the child should be released or detained. Before detaining a child, the supervisor of the facility shall use an objective and racially, ethnically, and gender-responsive juvenile detention risk assessment instrument developed by the commissioner of corrections, county, group of counties, or judicial district, in consultation with the state coordinator or coordinators of the Minnesota Juvenile Detention Alternatives Initiative. The risk assessment instrument must assess the likelihood that a child released from preadjudication detention under this section or section 260B.178 would endanger others or not return for a court hearing. The instrument must identify the appropriate setting for a child who might endanger others or not return for a court hearing pending adjudication, with either continued detention or placement in a noncustodial community-based supervision setting. The instrument must also identify the type of noncustodial community-based supervision setting necessary to minimize the risk that a child who is released from custody will endanger others or not return for a court hearing. If, after using the instrument, a determination is made that the child should be released, the person taking the child into custody or the supervisor of the facility shall release the child as provided in subdivision 1.

EFFECTIVE DATE. This section is effective August 15, 2022.

Sec. 15. Minnesota Statutes 2020, section 260B.176, subdivision 2, is amended to read:

Subd. 2. **Reasons for detention.** (a) If the child is not released as provided in subdivision 1, the person taking the child into custody shall notify the court as soon as possible of the detention of the child and the reasons for detention.

(b) No child may be detained in a secure detention facility after being taken into custody for a delinquent act as defined in section 260B.007, subdivision 6, unless the child is over the age of 12.

~~(b)~~ (c) No child may be detained in a juvenile secure detention facility or shelter care facility longer than 36 hours, excluding Saturdays, Sundays, and holidays, after being taken into custody for a delinquent act as defined in section 260B.007, subdivision 6, unless a petition has been filed and the judge or referee determines pursuant to section 260B.178 that the child shall remain in detention.

~~(e)~~ (d) No child may be detained in an adult jail or municipal lockup longer than 24 hours, excluding Saturdays, Sundays, and holidays, or longer than six hours in an adult jail or municipal lockup in a standard metropolitan statistical area, after being taken into custody for a delinquent act as defined in section 260B.007, subdivision 6, unless:

- (1) a petition has been filed under section 260B.141; and
- (2) a judge or referee has determined under section 260B.178 that the child shall remain in detention.

After August 1, 1991, no child described in this paragraph may be detained in an adult jail or municipal lockup longer than 24 hours, excluding Saturdays, Sundays, and holidays, or longer than six hours in an adult jail or municipal lockup in a standard metropolitan statistical area, unless the requirements of this paragraph have been met and, in addition, a motion to refer the child for adult prosecution has been made under section 260B.125. Notwithstanding this paragraph, continued detention of a child in an adult detention facility outside of a standard metropolitan statistical area county is permissible if:

(i) the facility in which the child is detained is located where conditions of distance to be traveled or other ground transportation do not allow for court appearances within 24 hours. A delay not to exceed 48 hours may be made under this clause; or

(ii) the facility is located where conditions of safety exist. Time for an appearance may be delayed until 24 hours after the time that conditions allow for reasonably safe travel. "Conditions of safety" include adverse life-threatening weather conditions that do not allow for reasonably safe travel.

The continued detention of a child under clause (i) or (ii) must be reported to the commissioner of corrections.

~~(d)~~ (e) If a child described in paragraph ~~(e)~~ (d) is to be detained in a jail beyond 24 hours, excluding Saturdays, Sundays, and holidays, the judge or referee, in accordance with rules and procedures established by the commissioner of corrections, shall notify the commissioner of the place of the detention and the reasons therefor. The commissioner shall thereupon assist the court in the relocation of the child in an appropriate juvenile secure detention facility or approved jail within the county or elsewhere in the state, or in determining suitable alternatives. The commissioner shall direct that a child detained in a jail be detained after eight days from and including the date of the original detention order in an approved juvenile secure detention facility with the approval of the administrative authority of the facility. If the court refers the matter to the prosecuting authority pursuant to section 260B.125, notice to the commissioner shall not be required.

~~(e)~~ (f) When a child is detained for an alleged delinquent act in a state licensed juvenile facility or program, or when a child is detained in an adult jail or municipal lockup as provided in paragraph ~~(e)~~ (d), the supervisor of the facility shall, if the child's parent or legal guardian consents, have a children's mental health screening conducted with a screening instrument approved by the commissioner of human services, unless a screening has been performed within the previous 180 days or the child is currently under the care of a mental health professional. The screening shall be conducted by a mental health practitioner as defined in section 245.4871, subdivision 26, or a probation officer who is trained in the use of the screening instrument. The screening shall be conducted after the initial detention hearing has been held and the court has ordered the child continued in detention. The results of the screening may only be presented to the court at the dispositional phase of the court proceedings on the matter unless the parent or legal guardian consents to presentation at a different time. If the screening indicates a need for assessment, the local social services agency or probation officer, with the approval of the child's parent or legal guardian, shall have a diagnostic assessment conducted, including a functional assessment, as defined in section 245.4871.

Sec. 16. Minnesota Statutes 2020, section 260C.007, subdivision 6, is amended to read:

Subd. 6. **Child in need of protection or services.** "Child in need of protection or services" means a child who is in need of protection or services because the child:

(1) is abandoned or without parent, guardian, or custodian;

(2)(i) has been a victim of physical or sexual abuse as defined in section 260E.03, subdivision 18 or 20, (ii) resides with or has resided with a victim of child abuse as defined in subdivision 5 or domestic child abuse as defined in subdivision 13, (iii) resides with or would reside with a perpetrator of domestic child abuse as defined in subdivision 13 or child abuse as defined in subdivision 5 or 13, or (iv) is a victim of emotional maltreatment as defined in subdivision 15;

(3) is without necessary food, clothing, shelter, education, or other required care for the child's physical or mental health or morals because the child's parent, guardian, or custodian is unable or unwilling to provide that care;

(4) is without the special care made necessary by a physical, mental, or emotional condition because the child's parent, guardian, or custodian is unable or unwilling to provide that care;

(5) is medically neglected, which includes, but is not limited to, the withholding of medically indicated treatment from an infant with a disability with a life-threatening condition. The term "withholding of medically indicated treatment" means the failure to respond to the infant's life-threatening conditions by providing treatment, including appropriate nutrition, hydration, and medication which, in the treating physician's or advanced practice registered nurse's reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all conditions, except that the term does not include the failure to provide treatment other than appropriate nutrition, hydration, or medication to an infant when, in the treating physician's or advanced practice registered nurse's reasonable medical judgment:

(i) the infant is chronically and irreversibly comatose;

(ii) the provision of the treatment would merely prolong dying, not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be futile in terms of the survival of the infant; or

(iii) the provision of the treatment would be virtually futile in terms of the survival of the infant and the treatment itself under the circumstances would be inhumane;

(6) is one whose parent, guardian, or other custodian for good cause desires to be relieved of the child's care and custody, including a child who entered foster care under a voluntary placement agreement between the parent and the responsible social services agency under section 260C.227;

(7) has been placed for adoption or care in violation of law;

(8) is without proper parental care because of the emotional, mental, or physical disability, or state of immaturity of the child's parent, guardian, or other custodian;

(9) is one whose behavior, condition, or environment is such as to be injurious or dangerous to the child or others. An injurious or dangerous environment may include, but is not limited to, the exposure of a child to criminal activity in the child's home;

(10) is experiencing growth delays, which may be referred to as failure to thrive, that have been diagnosed by a physician and are due to parental neglect;

(11) is a sexually exploited youth;

(12) has committed a delinquent act or a juvenile petty offense before becoming ~~ten~~ 13 years old;

(13) is a runaway;

(14) is a habitual truant;

(15) has been found incompetent to proceed or has been found not guilty by reason of mental illness or mental deficiency in connection with a delinquency proceeding, a certification under section 260B.125, an extended jurisdiction juvenile prosecution, or a proceeding involving a juvenile petty offense; or

(16) has a parent whose parental rights to one or more other children were involuntarily terminated or whose custodial rights to another child have been involuntarily transferred to a relative and there is a case plan prepared by the responsible social services agency documenting a compelling reason why filing the termination of parental rights petition under section 260C.503, subdivision 2, is not in the best interests of the child.

Sec. 17. **[299C.097] DATABASE FOR IDENTIFYING INDIVIDUALS ELIGIBLE FOR EXPUNGEMENT.**

(a) The superintendent of the Bureau of Criminal Apprehension shall maintain a computerized data system relating to petty misdemeanor and misdemeanor offenses that may become eligible for expungement pursuant to section 609A.015, do not require fingerprinting pursuant to section 299C.10, and are not linked to an arrest record in the criminal history system.

(b) This data is private data on individuals under section 13.02, subdivision 12.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 18. Minnesota Statutes 2020, section 299C.10, subdivision 1, is amended to read:

Subdivision 1. **Required fingerprinting.** (a) Sheriffs, peace officers, and community corrections agencies operating secure juvenile detention facilities shall take or cause to be taken immediately finger and thumb prints, photographs, distinctive physical mark identification data, information on any known aliases or street names, and other identification data requested or required by the superintendent of the bureau, of the following:

(1) persons arrested for, appearing in court on a charge of, or convicted of a felony, gross misdemeanor, or targeted misdemeanor;

(2) juveniles arrested for, appearing in court on a charge of, adjudicated delinquent for, or alleged to have committed felonies or gross misdemeanors as distinguished from those committed by adult offenders;

(3) adults and juveniles admitted to jails or detention facilities;

(4) persons reasonably believed by the arresting officer to be fugitives from justice;

(5) persons in whose possession, when arrested, are found concealed firearms or other dangerous weapons, burglar tools or outfits, high-power explosives, or articles, machines, or appliances usable for an unlawful purpose and reasonably believed by the arresting officer to be intended for such purposes;

(6) juveniles referred by a law enforcement agency to a diversion program for a felony or gross misdemeanor offense; and

(7) persons currently involved in the criminal justice process, on probation, on parole, or in custody for any offense whom the superintendent of the bureau identifies as being the subject of a court disposition record which cannot be linked to an arrest record, and whose fingerprints are necessary to reduce the number of suspense files, or to comply with the mandates of section 299C.111, relating to the reduction of the number of suspense files. This duty to obtain fingerprints for the offenses in suspense at the request of the bureau shall include the requirement that fingerprints be taken in post-arrest interviews, while making court appearances, while in custody, or while on any form of probation, diversion, or supervised release.

(b) Unless the superintendent of the bureau requires a shorter period, within 24 hours of taking the fingerprints and data, the fingerprint records and other identification data specified under paragraph (a) must be electronically entered into a bureau-managed searchable database in a manner as may be prescribed by the superintendent.

(c) Prosecutors, courts, and probation officers and their agents, employees, and subordinates shall attempt to ensure that the required identification data is taken on a person described in paragraph (a). Law enforcement may take fingerprints of an individual who is presently on probation.

(d) Finger and thumb prints must be obtained no later than:

(1) release from booking; or

(2) if not booked prior to acceptance of a plea of guilty or not guilty.

Prior to acceptance of a plea of guilty or not guilty, an individual's finger and thumb prints must be submitted to the Bureau of Criminal Apprehension for the offense. If finger and thumb prints have not been successfully received by the bureau, an individual may, upon order of the court, be taken into custody for no more than eight hours so that the taking of prints can be completed. Upon notice and motion of the prosecuting attorney, this time period may be extended upon a showing that additional time in custody is essential for the successful taking of prints.

(e) For purposes of this section, a targeted misdemeanor is a misdemeanor violation of section 169A.20 (driving while impaired), 518B.01 (order for protection violation), 609.224 (fifth-degree assault), 609.2242 (domestic assault), 609.746 (interference with privacy), 609.748 (harassment or restraining order violation), 609.749 (obscene or harassing telephone calls), 617.23 (indecent exposure), or 629.75 (domestic abuse no contact order).

EFFECTIVE DATE. This section is effective August 15, 2022, and applies to individuals arrested, appearing in court, or convicted on or after that date.

Sec. 19. Minnesota Statutes 2020, section 299C.111, is amended to read:

299C.111 SUSPENSE FILE REPORTING.

The superintendent shall immediately notify the appropriate entity or individual when a disposition record for a felony, gross misdemeanor, or targeted misdemeanor is received that cannot be linked to an arrest record.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 20. Minnesota Statutes 2020, section 299C.17, is amended to read:

299C.17 REPORT BY COURT ADMINISTRATOR.

The superintendent shall require the court administrator of every court which sentences a defendant for a felony, gross misdemeanor, ~~or targeted misdemeanor, or petty misdemeanor~~ to electronically transmit within 24 hours of the disposition of the case a report, in a form prescribed by the superintendent providing information required by the superintendent with regard to the prosecution and disposition of criminal cases. A copy of the report shall be kept on file in the office of the court administrator.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 21. Minnesota Statutes 2020, section 609A.01, is amended to read:

609A.01 EXPUNGEMENT OF CRIMINAL RECORDS.

This chapter provides the grounds and procedures for expungement of criminal records under section 13.82; 152.18, subdivision 1; 299C.11, where expungement is automatic under section 609A.015, or a petition is authorized under section 609A.02, subdivision 3; or other applicable law. The remedy available is limited to a court order sealing the records and prohibiting the disclosure of their existence or their opening except under court order or statutory authority. Nothing in this chapter authorizes the destruction of records or their return to the subject of the records.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 22. **[609A.015] AUTOMATIC EXPUNGEMENT OF RECORDS.**

Subdivision 1. **Eligibility; dismissal; exoneration.** A person who is the subject of a criminal record or delinquency record is eligible for a grant of expungement relief without the filing of a petition:

(1) if the person was arrested and all charges were dismissed after a case was filed unless dismissal was based on a finding that the defendant was incompetent to proceed; or

(2) if all pending actions or proceedings were resolved in favor of the person.

For purposes of this chapter, a verdict of not guilty by reason of mental illness is not a resolution in favor of the person. For purposes of this chapter, an action or proceeding is resolved in favor of the person if the petitioner received an order under section 590.11 determining that the person is eligible for compensation based on exoneration.

Subd. 2. **Eligibility; diversion and stay of adjudication.** A person is eligible for a grant of expungement relief if the person has successfully completed the terms of a diversion program or stay of adjudication for an offense that is not a felony or a gross misdemeanor violation of section 609.3451, subdivision 1a, and has not been petitioned or charged with a new offense, other than an offense that would be a petty misdemeanor, for one year immediately following completion of the diversion program or stay of adjudication.

Subd. 3. **Eligibility; certain criminal and delinquency proceedings.** (a) A person is eligible for a grant of expungement relief if the person:

(1) was adjudicated delinquent for, convicted of, or received a stayed sentence for a qualifying offense;

(2) has not been convicted of a new offense, other than an offense that would be a petty misdemeanor, in Minnesota during the applicable waiting period immediately following discharge of the disposition or sentence for the crime; and

(3) is not charged with an offense in Minnesota at the time the person reaches the end of the applicable waiting period.

(b) As used in this subdivision, "qualifying offense" means an adjudication, conviction, or stayed sentence for:

(1) any petty misdemeanor offense other than a violation of a traffic regulation relating to the operation or parking of motor vehicles;

(2) any misdemeanor offense other than:

(i) section 169A.20 under the terms described in section 169A.27 (fourth-degree driving while impaired);

(ii) section 518B.01, subdivision 14 (violation of an order for protection);

(iii) section 609.224 (assault in the fifth degree);

(iv) section 609.2242 (domestic assault);

(v) section 609.748 (violation of a harassment restraining order);

(vi) section 609.78 (interference with emergency call);

(vii) section 609.79 (obscene or harassing phone calls);

(viii) section 617.23 (indecent exposure);

(ix) section 609.746 (interference with privacy); or

(x) section 629.75 (violation of domestic abuse no contact order); or

(3) any gross misdemeanor offense other than:

(i) section 169A.25 (second-degree driving while impaired);

(ii) section 169A.26 (third-degree driving while impaired);

(iii) section 518B.01, subdivision 14 (violation of an order for protection);

(iv) section 609.2231 (assault in the fourth degree);

(v) section 609.224 (assault in the fifth degree);

(vi) section 609.2242 (domestic assault);

(vii) section 609.233 (criminal neglect);

(viii) section 609.3451 (criminal sexual conduct in the fifth degree);

- (ix) section 609.377 (malicious punishment of child);
- (x) section 609.485 (escape from custody);
- (xi) section 609.498 (tampering with witness);
- (xii) section 609.582, subdivision 4 (burglary in the fourth degree);
- (xiii) section 609.746 (interference with privacy);
- (xiv) section 609.748 (violation of a harassment restraining order);
- (xv) section 609.749 (harassment; stalking);
- (xvi) section 609.78 (interference with emergency call);
- (xvii) section 617.23 (indecent exposure);
- (xviii) section 617.261 (nonconsensual dissemination of private sexual images); or
- (xix) section 629.75 (violation of domestic abuse no contact order).

(c) As used in this subdivision, "applicable waiting period" means:

- (1) if the offense was a petty misdemeanor or a misdemeanor, two years; and
- (2) if the offense was a gross misdemeanor, four years.

(d) Felony offenses deemed to be a gross misdemeanor or misdemeanor pursuant to section 609.13, subdivision 1, remain ineligible for expungement under this section. Gross misdemeanor offenses ineligible for a grant of expungement under this section remain ineligible if deemed to be for a misdemeanor pursuant to section 609.13, subdivision 2.

Subd. 4. **Notice.** (a) The court shall notify a person who may become eligible for an automatic expungement under this section of that eligibility at any hearing where the court dismisses and discharges proceedings against a person under section 152.18, subdivision 1, for violation of section 152.024, 152.025, or 152.027 for possession of a controlled substance; concludes that all pending actions or proceedings were resolved in favor of the person; grants a person's placement into a diversion program; or sentences a person or otherwise imposes a consequence for a qualifying offense.

(b) To the extent possible, prosecutors, defense counsel, supervising agents, and coordinators or supervisors of a diversion program shall notify a person who may become eligible for an automatic expungement under this section of that eligibility.

(c) If any party gives notification under this subdivision, the notification shall inform the person that:

(1) an expunged record of a conviction may be opened for purposes of a background study by the Department of Human Services under section 245C.08 and for purposes of a background check by the Professional Educator Licensing and Standards Board as required under section 122A.18, subdivision 8;

(2) an expunged record of conviction does not restore the right to ship, transport, possess, or receive a firearm, but the person may seek a relief of disability under United States Code, title 18, section 925, or restoration of the ability to possess firearms under section 609.165, subdivision 1d; and

(3) the person can file a petition pursuant to section 609A.03 to expunge the record and request that it be directed to the commissioner of human services and the Professional Educator Licensing and Standards Board.

Subd. 5. Bureau of Criminal Apprehension to identify eligible persons and grant expungement relief. (a) The Bureau of Criminal Apprehension shall identify adjudications and convictions that qualify for a grant of expungement relief pursuant to this subdivision or subdivision 1, 2, or 3.

(b) In making the determination under paragraph (a), the Bureau of Criminal Apprehension shall identify individuals who are the subject of relevant records through the use of fingerprints and thumbprints where fingerprints and thumbprints are available. Where fingerprints and thumbprints are not available, the Bureau of Criminal Apprehension shall identify individuals through the use of the person's name and date of birth. Records containing the same name and date of birth shall be presumed to refer to the same individual unless other evidence establishes, by a preponderance of the evidence, that they do not refer to the same individual. The Bureau of Criminal Apprehension is not required to review any other evidence in making its determination.

(c) The Bureau of Criminal Apprehension shall grant expungement relief to qualifying persons and seal the bureau's records without requiring an application, petition, or motion. Records shall be sealed 60 days after notice is sent to the judicial branch pursuant to paragraph (e) unless an order of the judicial branch prohibits sealing the records or additional information establishes that the records are not eligible for expungement.

(d) Nonpublic criminal records maintained by the Bureau of Criminal Apprehension and subject to a grant of expungement relief shall display a notation stating "expungement relief granted pursuant to section 609A.015."

(e) The Bureau of Criminal Apprehension shall inform the judicial branch of all cases for which expungement relief was granted pursuant to this section. Notification may be through electronic means and may be made in real time or in the form of a monthly report. Upon receipt of notice, the judicial branch shall seal all records relating to an arrest, indictment or information, trial, verdict, or dismissal and discharge for any case in which expungement relief was granted and shall issue any order deemed necessary to achieve this purpose.

(f) Unless an order issued under paragraph (e) notifies the law enforcement agency that made the arrest or issued the citation, the Bureau of Criminal Apprehension shall inform each arresting or citing law enforcement agency whose records are affected by the grant of expungement relief that expungement has been granted. Notification shall be made at the time and under the conditions described in paragraph (c), except that notice may be sent in real time or in the form of a monthly report sent no more than 30 days after the expiration of the deadline established in paragraph (c). Notification may be through electronic means. Each notified law enforcement agency shall seal all records relating to an arrest, indictment or information, trial, verdict, or dismissal and discharge for any case in which expungement relief was granted.

(g) Data on the person whose offense has been expunged under this subdivision, including any notice sent pursuant to paragraph (f), are private data on individuals as defined in section 13.02, subdivision 12.

(h) The prosecuting attorney shall notify the victim that an offense qualifies for automatic expungement under this section in the manner provided in section 611A.03, subdivisions 1 and 2.

(i) In any subsequent prosecution of a person granted expungement relief, the expunged criminal record may be pleaded and has the same effect as if the relief had not been granted.

(j) The Bureau of Criminal Apprehension is directed to develop, modify, or update a system to provide criminal justice agencies with uniform statewide access to criminal records sealed by expungement.

(k) A grant of expungement under this section does not entitle a person to ship, transport, possess, or receive a firearm. A person whose conviction is expunged under this section may seek a relief of disability under United States Code, title 18, section 925, or restoration of the ability to possess firearms under section 609.165, subdivision 1d.

Subd. 6. **Immunity from civil liability.** Employees of the Bureau of Criminal Apprehension shall not be held civilly liable for the exercise or the failure to exercise, or the decision to exercise or the decision to decline to exercise, the powers granted by this section or for any act or omission occurring within the scope of the performance of their duties under this section.

EFFECTIVE DATE. This section is effective January 1, 2024, and applies to offenses that meet the eligibility criteria on or after that date and retroactively to offenses that met those qualifications before January 1, 2024, and are stored in the Bureau of Criminal Apprehension's criminal history system as of January 1, 2024.

Sec. 23. Minnesota Statutes 2020, section 609A.03, subdivision 5, is amended to read:

Subd. 5. **Nature of remedy; standard.** (a) Except as otherwise provided by paragraph (b), expungement of a criminal record under this section is an extraordinary remedy to be granted only upon clear and convincing evidence that it would yield a benefit to the petitioner commensurate with the disadvantages to the public and public safety of:

- (1) sealing the record; and
- (2) burdening the court and public authorities to issue, enforce, and monitor an expungement order.

(b) Except as otherwise provided by this paragraph, if the petitioner is petitioning for the sealing of a criminal record under section 609A.02, subdivision 3, paragraph (a), clause (1) or (2), the court shall grant the petition to seal the record unless the agency or jurisdiction whose records would be affected establishes by clear and convincing evidence that the interests of the public and public safety outweigh the disadvantages to the petitioner of not sealing the record.

(c) In making a determination under this subdivision, the court shall consider:

- (1) the nature and severity of the underlying crime, the record of which would be sealed;
- (2) the risk, if any, the petitioner poses to individuals or society;
- (3) the length of time since the crime occurred;
- (4) the steps taken by the petitioner toward rehabilitation following the crime;
- (5) aggravating or mitigating factors relating to the underlying crime, including the petitioner's level of participation and context and circumstances of the underlying crime;
- (6) the reasons for the expungement, including the petitioner's attempts to obtain employment, housing, or other necessities;
- (7) the petitioner's criminal record;
- (8) the petitioner's record of employment and community involvement;

- (9) the recommendations of interested law enforcement, prosecutorial, and corrections officials;
- (10) the recommendations of victims or whether victims of the underlying crime were minors;
- (11) the amount, if any, of restitution outstanding, past efforts made by the petitioner toward payment, and the measures in place to help ensure completion of restitution payment after expungement of the record if granted; and
- (12) other factors deemed relevant by the court.

(d) Notwithstanding section 13.82, 13.87, or any other law to the contrary, if the court issues an expungement order it may require that the criminal record be sealed, the existence of the record not be revealed, and the record not be opened except as required under subdivision 7. Records must not be destroyed or returned to the subject of the record.

(e) Information relating to a criminal history record of an employee, former employee, or tenant that has been expunged before the occurrence of the act giving rise to the civil action may not be introduced as evidence in a civil action against a private employer or landlord or its employees or agents that is based on the conduct of the employee, former employee, or tenant.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 24. Minnesota Statutes 2021 Supplement, section 609A.03, subdivision 7a, is amended to read:

Subd. 7a. **Limitations of order effective January 1, 2015, and later.** (a) Upon issuance of an expungement order related to a charge supported by probable cause, the DNA samples and DNA records held by the Bureau of Criminal Apprehension and collected under authority other than section 299C.105 shall not be sealed, returned to the subject of the record, or destroyed.

(b) Notwithstanding the issuance of an expungement order:

(1) except as provided in clause (2), an expunged record may be opened, used, or exchanged between criminal justice agencies without a court order for the purposes of initiating, furthering, or completing a criminal investigation or prosecution or for sentencing purposes or providing probation or other correctional services;

(2) when a criminal justice agency seeks access to a record that was sealed under section 609A.02, subdivision 3, paragraph (a), clause (1), after an acquittal or a court order dismissing for lack of probable cause, for purposes of a criminal investigation, prosecution, or sentencing, the requesting agency must obtain an ex parte court order after stating a good-faith basis to believe that opening the record may lead to relevant information;

(3) an expunged record of a conviction may be opened for purposes of evaluating a prospective employee in a criminal justice agency without a court order;

(4) an expunged record of a conviction may be opened for purposes of a background study under section 245C.08 unless the commissioner had been properly served with notice of the petition for expungement and the court order for expungement is directed specifically to the commissioner of human services;

(5) an expunged record of a conviction may be opened for purposes of a background check required under section 122A.18, subdivision 8, unless the court order for expungement is directed specifically to the Professional Educator Licensing and Standards Board; ~~and~~

(6) the court may order an expunged record opened upon request by the victim of the underlying offense if the court determines that the record is substantially related to a matter for which the victim is before the court;

(7) a prosecutor may request and the district court shall provide certified records of conviction for a record expunged pursuant to sections 609A.015, 609A.02, and 609A.025, and the certified records of conviction may be disclosed and introduced in criminal court proceedings as provided by the rules of court and applicable law; and

(8) the subject of an expunged record may request and the court shall provide certified or uncertified records of conviction for a record expunged pursuant to sections 609A.015, 609A.02, and 609A.025.

(c) An agency or jurisdiction subject to an expungement order shall maintain the record in a manner that provides access to the record by a criminal justice agency under paragraph (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau of Criminal Apprehension shall notify the commissioner of human services or the Professional Educator Licensing and Standards Board of the existence of a sealed record and of the right to obtain access under paragraph (b), clause (4) or (5). Upon request, the agency or jurisdiction subject to the expungement order shall provide access to the record to the commissioner of human services or the Professional Educator Licensing and Standards Board under paragraph (b), clause (4) or (5).

(d) An expunged record that is opened or exchanged under this subdivision remains subject to the expungement order in the hands of the person receiving the record.

(e) A criminal justice agency that receives an expunged record under paragraph (b), clause (1) or (2), must maintain and store the record in a manner that restricts the use of the record to the investigation, prosecution, or sentencing for which it was obtained.

(f) For purposes of this section, a "criminal justice agency" means a court or government agency that performs the administration of criminal justice under statutory authority.

(g) This subdivision applies to expungement orders subject to its limitations and effective on or after January 1, 2015, and grants of expungement relief issued on or after January 1, 2024.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 25. Minnesota Statutes 2020, section 609A.03, subdivision 9, is amended to read:

Subd. 9. **Stay of order; appeal.** An expungement order issued under this section shall be stayed automatically for 60 days after the order is filed and, if the order is appealed, during the appeal period. A person or an agency or jurisdiction whose records would be affected by the order may appeal the order within 60 days of service of notice of filing of the order. An agency or jurisdiction or its officials or employees need not file a cost bond or supersedeas bond in order to further stay the proceedings or file an appeal.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 26. Minnesota Statutes 2020, section 611A.03, subdivision 1, is amended to read:

Subdivision 1. **Plea agreements; notification of victim.** Prior to the entry of the factual basis for a plea pursuant to a plea agreement recommendation, a prosecuting attorney shall make a reasonable and good faith effort to inform the victim of:

(1) the contents of the plea agreement recommendation, including the amount of time recommended for the defendant to serve in jail or prison if the court accepts the agreement; ~~and~~

(2) the right to be present at the sentencing hearing and at the hearing during which the plea is presented to the court and to express orally or in writing, at the victim's option, any objection to the agreement or to the proposed disposition. If the victim is not present when the court considers the recommendation, but has communicated objections to the prosecuting attorney, the prosecuting attorney shall make these objections known to the court; and

(3) the eligibility of the offense for automatic expungement pursuant to section 609A.015.

EFFECTIVE DATE. This section is effective January 1, 2024, and applies to plea agreements entered into on or after that date.

Sec. 27. Minnesota Statutes 2020, section 638.01, is amended to read:

638.01 BOARD OF PARDONS; ~~HOW CONSTITUTED; POWERS.~~

The Board of Pardons shall consist of the governor, the chief justice of the supreme court, and the attorney general. The governor, in conjunction with the board, may grant pardons and reprieves and commute the sentence of any person convicted of any offense against under the laws of the this state, in the manner and under the conditions and rules hereinafter prescribed, but not otherwise in this chapter. A majority vote of the board is required for pardons and commutations with the governor in that majority.

Sec. 28. **[638.09] CLEMENCY REVIEW COMMISSION.**

(a) Notwithstanding the provisions of chapter 15, the Clemency Review Commission is established to review applications for pardons or commutations before they are considered by the Board of Pardons. By majority vote, the commission shall make a recommendation on each eligible application as to whether it should be granted or denied. The commission shall provide its recommendations to the board with the vote of each commission member reported in writing.

(b) The commission shall consist of nine members, each serving a four-year term. The governor, the attorney general, and the chief justice of the supreme court shall each appoint three members and replace members upon expiration of the members' terms. In the event of a vacancy, the board member who selected the previous incumbent shall make an interim appointment to expire at the end of the prior incumbent's four-year term. A person may serve no more than two terms on the commission, excluding interim appointments.

(c) The commission shall biennially elect one of its members as chair and one as vice-chair. The chair of the commission shall serve as secretary of the board.

(d) Each member of the commission shall be compensated at the rate of \$55 for each day or part thereof spent on commission activities. Each member shall be reimbursed for all reasonable expenses actually paid or incurred by that member in the performance of official duties.

(e) The commission may obtain office space and supplies and hire administrative staff to carry out the commission's official functions.

(f) At least six members of the commission shall constitute a quorum for official administrative business.

Sec. 29. **[638.10] PARDONS AND COMMUTATIONS.**

Subdivision 1. **Pardons and commutations.** (a) The Board of Pardons may pardon a criminal conviction imposed under the laws of this state or commute a criminal sentence imposed by a court of this state to time served or a lesser sentence. Every pardon or commutation shall be in writing and shall have no force or effect unless granted by a majority vote of the board with the governor in that majority. Every conditional pardon shall state the terms and conditions upon which it was granted and every commutation shall specify the terms of the commuted sentence.

(b) When granted, a pardon has the effect of setting aside the conviction and purging the conviction from the person's record. The person then is not required to disclose the conviction at any time or place other than in a judicial proceeding or as part of the licensing process for peace officers.

Subd. 2. **Eligibility for a pardon.** (a) Any person convicted of a crime in any court of this state may apply for a pardon of the person's conviction on or after five years from the date of the expiration of the person's sentence or the date of the person's discharge. Upon a showing of unusual circumstances and special need, the board may waive the required waiting period by a majority vote with the governor in that majority.

(b) The Clemency Review Commission shall review all requests for a waiver of the waiting period and make recommendations by majority vote to the board. Consideration of requests to waive the waiting period are exempt from the meeting requirements of this chapter.

Subd. 3. **Eligibility for a commutation.** (a) Any person may apply for a commutation of an unexpired criminal sentence imposed by a court of this state, including those confined in a correctional facility or on probation, parole, supervised release, or conditional release. An application for commutation may not be filed until the date that the person has served at least one-half of the sentence imposed or on or after five years from the date of the conviction, whichever is less. Upon a showing of unusual circumstances and special need, the board may waive the required waiting period by a majority vote with the governor in that majority.

(b) The commission shall review all requests for a waiver of the waiting period and make recommendations by majority vote to the board. Consideration of requests to waive the waiting period are exempt from the meeting requirements of this chapter.

Subd. 4. **Filing of a pardon or commutation.** After granting a pardon or commutation, the board shall file a copy of the pardon or commutation with the district court of the county in which the conviction and sentence were imposed. In the case of a pardon, the court shall order the conviction set aside, include a copy of the pardon in the court file, and send copies of the order and the pardon to the Bureau of Criminal Apprehension. In the case of a commutation, the court shall amend the sentence to reflect the specific relief granted by the board, include a copy of the commutation in the court file, and send copies of the amended sentencing order and commutation to the commissioner of corrections and the Bureau of Criminal Apprehension.

Subd. 5. **Reapplication.** (a) Once an application for a pardon or commutation has been considered and denied on the merits, no subsequent application may be filed for five years after the date of the most recent denial unless permission is granted from at least two board members. A person may request permission to reapply prior to the expiration of the five-year period based only on new and substantial information that was not and could not have been previously considered by the board or the commission. If a request to reapply contains new and substantial information, the commission shall review the request and make a recommendation by majority vote to the board. Consideration of requests to reapply are exempt from the meeting requirements under this chapter.

(b) The denial or grant of an application for a commutation of sentence does not preclude a person from later seeking a pardon of the criminal conviction once the eligibility requirements of subdivision 2 have been satisfied.

Sec. 30. **[638.11] APPLICATIONS.**

(a) Each application for a pardon or commutation shall be in writing, signed under oath by the applicant, and contain a brief statement of the relief sought and the reasons why it should be granted. The application shall also contain the following information and any additional information that the commission or board requires:

(1) the applicant's name, address, date of birth, place of birth, and every alias by which the applicant is or has been known;

(2) the name of the offense for which relief is requested, the date and county of conviction, the sentence imposed, and the expiration or discharge date of the sentence;

(3) the names of the sentencing judge, prosecuting attorney, and any victims of the offense;

(4) a brief description of the offense;

(5) the date and outcome of any prior applications for a pardon or commutation;

(6) a statement of other felony or gross misdemeanor convictions and any pending criminal charges or investigations; and

(7) a statement by the applicant consenting to the disclosure to the commission and the board of any private data concerning the applicant contained in the application or in any other record relating to the grounds on which the relief is sought, including conviction and arrest records.

(b) Applications shall be made on forms approved by the commission or the board and shall be filed with the commission by the deadlines set by the commission or the board. The commission shall review applications for completeness. Any application that is considered incomplete shall be returned to the applicant who may then provide the missing information and resubmit the application within a time period prescribed by the commission.

Sec. 31. **[638.12] NOTIFICATIONS.**

Subdivision 1. **Notice to victim.** After receiving an application for a pardon or commutation, the Clemency Review Commission shall make all reasonable efforts to locate any victim of the applicant's crime. At least 30 days before the date of the commission meeting at which the application shall be heard, the commission shall notify any located victim of the application, the time and place of the meeting, and the victim's right to attend the meeting and submit an oral or written statement to the commission.

Subd. 2. **Notice to sentencing judge and prosecuting attorney.** At least 30 days before the date of the commission meeting at which the application shall be heard, the commission shall notify the sentencing judge and prosecuting attorney or their successors of the application and solicit the judge's and attorney's views on whether clemency should be granted.

Subd. 3. **Notice to applicant.** Following its initial investigation of an application for a pardon or commutation, the commission shall notify the applicant of the scheduled date, time, and location that the applicant shall appear before the commission for consideration.

Sec. 32. **[638.13] MEETINGS.**

Subdivision 1. **Commission meetings.** (a) The Clemency Review Commission shall meet at least four times each year for one or more days each meeting to hear eligible applications of pardons or commutations and make recommendations to the board on each application. One or more of the meetings may be held at facilities operated by the Department of Corrections. All commission meetings shall be open to the public as provided in chapter 13D.

(b) Applicants for pardons or commutations must appear before the commission either in person or through any available form of telecommunication. The victim of an applicant's crime may appear and speak at the commission's meeting or submit a written statement to the commission. The commission may treat a victim's statement as confidential and not disclose the statement to the applicant or the public if there is or has been a recent order for protection, restraining order, or other no contact order prohibiting the applicant from contacting the victim. In addition, any law enforcement agency may appear and speak at the meeting or submit a written statement to the commission, giving the agency's recommendation on whether clemency should be granted or denied.

(c) The commission must consider any statement provided by a victim or law enforcement agency when making its recommendation on an application. Whenever possible, the commission shall record its meetings by audio or audiovisual means. Any recordings and statements from victims or law enforcement agencies shall be provided to the board along with the commission's recommendations.

(d) Not later than ten working days after the date of its decision, the commission shall notify the applicant in writing of its decision to recommend a grant or denial of clemency to the board.

Subd. 2. **Board meetings.** (a) The board shall meet at least two times each year to consider applications for pardons or commutations that have received a favorable recommendation from the commission and any other applications that have received further consideration from at least one board member. Whenever the commission recommends denial of an application and the board does not disapprove or take other action with respect to that recommendation, it shall be presumed that the board concurs with the adverse recommendation and that the application has been considered and denied on the merits. All board meetings shall be open to the public as provided in chapter 13D.

(b) Applicants, victims, and law enforcement agencies may not submit oral or written statements at a board meeting, unless the board requests additional testimony. The board shall consider any statements provided to the commission when making a decision on an application for a pardon or commutation.

(c) The commission shall notify the applicant in writing of the board's decision to grant or deny clemency not later than ten working days from the date of the board's decision.

Sec. 33. **[638.14] GROUNDS FOR RECOMMENDING CLEMENCY.**

Subdivision 1. **Factors.** When making recommendations on applications for pardons or commutations, the Clemency Review Commission shall consider any factors the commission deems appropriate, including but not limited to:

- (1) the nature, seriousness, circumstances, and age of the applicant's offense;
- (2) the successful completion or revocation of previous probation, parole, supervised release, or conditional release;
- (3) the number, nature, and circumstances of the applicant's other criminal convictions;
- (4) the extent to which the applicant has demonstrated rehabilitation through postconviction conduct, character, and reputation;
- (5) the extent to which the applicant has accepted responsibility, demonstrated remorse, and made restitution to victims;
- (6) whether the sentence is clearly excessive in light of the applicant's offense, criminal history, and any sentence received by an accomplice, with due regard given to any plea agreement, the sentencing judge's views, and the sentencing ranges established by law;
- (7) whether the applicant's age or medical status indicates that it is in the best interest of society that the applicant receive clemency;
- (8) recommendations from victims, sentencing judges, and prosecuting attorneys;

(9) the applicant's asserted need for a pardon or commutation, including family needs and barriers to housing or employment created by the conviction; and

(10) the amount of time already served by the applicant and the availability of other forms of judicial or administrative relief.

Subd. 2. **Denial recommendation.** The commission may recommend denial without a hearing of an application for a commutation when the applicant is presently challenging the conviction or sentence through court proceedings, has failed to exhaust all available state court remedies for challenging the sentence, or the matter should first be considered by the parole authority.

Sec. 34. **[638.15] ACCESS TO RECORDS; ISSUANCE OF PROCESS.**

Subdivision 1. **Access to records.** Upon receipt of an application for a pardon or commutation, the Board of Pardons or Clemency Review Commission may request and obtain any relevant reports, data, and other information from a district court, law enforcement agency, or state agency. The commission and board shall have access to sealed court records, presentence investigation reports, police reports, criminal history reports, prison records, and any other relevant information. District courts, law enforcement agencies, and state agencies shall promptly respond to record requests from the commission and the board.

Subd. 2. **Legal process.** The commission and the board may issue process requiring the presence of any person before the commission or board and the production of papers, records, and exhibits in any pending matter. When any person is summoned before the commission or the board, the person may be allowed compensation for travel and attendance as the commission or the board may deem reasonable.

Sec. 35. **[638.16] RULES.**

The Board of Pardons and the Clemency Review Commission may adopt rules under chapter 14 for the effective enforcement of their powers and duties.

Sec. 36. **[638.17] RECORDS.**

The Clemency Review Commission shall keep a record of every application received, its recommendation on each application, and the final disposition of each application by the Board of Pardons. The records and files shall be kept by the commission and shall be open to public inspection at all reasonable times, except for sealed court records, presentence investigation reports, Social Security numbers, financial account numbers, driver's license information, medical records, confidential Bureau of Criminal Apprehension records, and confidential victim statements as provided in section 638.12.

Sec. 37. **[638.18] REPORT TO LEGISLATURE.**

By February 15 of each year, the Clemency Review Commission shall submit a written report to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over public safety, corrections, and judiciary containing at a minimum the following information:

(1) the number of applications for pardons and commutations received by the commission during the preceding calendar year;

(2) the number of favorable and adverse recommendations made by the commission for each category;

(3) the number of applications granted and denied by the Board of Pardons for each category; and

(4) the crimes for which the applications were granted by the board, the year of each conviction, and the age of the offender at the time of the offense.

Sec. 38. Minnesota Statutes 2020, section 641.15, subdivision 2, is amended to read:

Subd. 2. **Medical aid.** Except as provided in section 466.101, the county board shall pay the costs of medical services provided to prisoners pursuant to this section. The amount paid by the county board for a medical service shall not exceed the maximum allowed medical assistance payment rate for the service, as determined by the commissioner of human services. In the absence of a health or medical insurance or health plan that has a contractual obligation with the provider or the prisoner, medical providers shall charge no higher than the rate negotiated between the county and the provider. In the absence of an agreement between the county and the provider, the provider may not charge an amount that exceeds the maximum allowed medical assistance payment rate for the service, as determined by the commissioner of human services. The county is entitled to reimbursement from the prisoner for payment of medical bills to the extent that the prisoner to whom the medical aid was provided has the ability to pay the bills. The prisoner shall, at a minimum, incur co-payment obligations for health care services provided by a county correctional facility. The county board shall determine the co-payment amount. Notwithstanding any law to the contrary, the co-payment shall be deducted from any of the prisoner's funds held by the county, to the extent possible. If there is a disagreement between the county and a prisoner concerning the prisoner's ability to pay, the court with jurisdiction over the defendant shall determine the extent, if any, of the prisoner's ability to pay for the medical services. If a prisoner is covered by health or medical insurance or other health plan when medical services are provided, the medical provider shall bill that health or medical insurance or other plan. If the county providing the medical services for a prisoner that has coverage under health or medical insurance or other plan, that county has a right of subrogation to be reimbursed by the insurance carrier for all sums spent by it for medical services to the prisoner that are covered by the policy of insurance or health plan, in accordance with the benefits, limitations, exclusions, provider restrictions, and other provisions of the policy or health plan. The county may maintain an action to enforce this subrogation right. The county does not have a right of subrogation against the medical assistance program. The county shall not charge prisoners for phone calls to MNsure navigators, the Minnesota Warmline, or a current mental health provider or calls for the purpose of providing case management or mental health services as defined in section 245.462 to prisoners.

Sec. 39. **TASK FORCE ON FELONY MURDER.**

Subdivision 1. **Establishment.** The Task Force on Felony Murder is established to continue the work of the Task Force on Aiding and Abetting Felony Murder established in Laws 2021, First Special Session chapter 11, article 2, section 53, and to make recommendations to the legislature.

Subd. 2. **Membership.** (a) The task force consists of the following members:

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

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

(3) the commissioner of corrections or a designee;

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

(5) the attorney general or a designee;

(6) the state public defender or a designee;

(7) the statewide coordinator of the Violent Crime Coordinating Council;

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

(9) three county attorneys, appointed by the Minnesota County Attorneys Association;

(10) two members representing victims' rights organizations, appointed by the Office of Justice Programs director in the Department of Public Safety;

(11) one member of a criminal justice advocacy organization, appointed by the governor;

(12) one member of a statewide civil rights organization, appointed by the governor;

(13) two impacted persons who are directly related to a person who has been convicted of felony murder, appointed by the governor; and

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

(b) Appointments must be made no later than July 30, 2022.

(c) The legislative members identified in paragraph (a), clauses (1) and (2), shall serve as ex officio, nonvoting members of the task force.

(d) Members shall serve without compensation.

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

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

(b) The commissioner of corrections shall convene the first meeting of the task force no later than August 1, 2022, and shall provide meeting space and administrative assistance as necessary for the task force to conduct its work.

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

Subd. 4. **Duties.** (a) The task force shall develop proposed legislation to implement the recommendations contained in the "Task Force on Aiding and Abetting Felony Murder, Report to the Minnesota Legislature," dated February 1, 2022.

(b) The task force shall also examine issues discussed in the fourth recommendation contained in the report dated February 1, 2022. The examination shall include a review of laws governing offenses in which a person causes the death of another while the person is committing an underlying felony offense and a review of laws establishing liability for crimes committed by another. The examination must identify any disparate impact from those laws and include a determination as to whether such laws promote public safety. The examination is not limited to the intersection of the two legal concepts.

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

Subd. 5. **Report.** On or before January 15, 2023, the task force shall submit a report to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over criminal sentencing on the recommendations of the task force including a copy of proposed legislation.

Subd. 6. **Expiration.** The task force expires the day after submitting its report under subdivision 5.

Sec. 40. **TASK FORCE ON THE COLLECTION OF CHARGING AND RELATED DATA.**

Subdivision 1. **Establishment.** The Task Force on the Collection of Charging and Related Data is established to identify data that should be collected and analyzed to determine the ways in which individuals are charged and prosecuted in Minnesota.

Subd. 2. **Membership.** (a) The task force consists of the following members:

(1) the attorney general or a designee;

(2) the chief justice of the supreme court or a designee;

(3) the commissioner of corrections or a designee;

(4) the state public defender or a designee;

(5) the executive director of the Minnesota Sentencing Guidelines Commission;

(6) one private criminal defense attorney appointed by the governor;

(7) one probation, supervised release, or parole officer appointed by the governor;

(8) one county attorney from within the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2, appointed by the board of directors of the Minnesota County Attorneys Association;

(9) one county attorney from outside the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2, appointed by the board of directors of the Minnesota County Attorneys Association;

(10) one assistant county attorney appointed by the board of directors of the Minnesota County Attorneys Association;

(11) one city attorney appointed by the governor;

(12) one peace officer as defined in Minnesota Statutes, section 626.84, subdivision 1, paragraph (c), appointed by the governor; and

(13) three public members appointed by the governor, one of whom shall be a victim of a crime defined as a felony.

(b) Members of the task force serve without compensation.

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

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

(b) The executive director of the Minnesota Sentencing Guidelines Commission shall convene the first meeting of the task force no later than September 1, 2022.

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

Subd. 4. Staff. The Minnesota Sentencing Guidelines Commission shall provide meeting space and administrative assistance as necessary for the task force to conduct its work.

Subd. 5. Duties. (a) The duties of the task force shall, at a minimum, include:

(1) determining what data are generated when prosecutors make decisions on initial criminal charges and amended criminal charges;

(2) assessing what factors prosecutorial offices use to make decisions about what criminal charges to bring, dismiss, or amend;

(3) assessing what factors prosecutorial offices use to recommend or support referring a defendant for pretrial services;

(4) determining what additional information should be collected to accurately track and inform decisions made by prosecutorial offices regarding bringing and amending criminal charges and offering pretrial diversion;

(5) determining what incident data is needed to increase consistency in charging decisions, how that data should be collected, and what components a uniform data collection process would contain;

(6) reviewing the current practices of data collection and storage by law enforcement agencies, what data should be collected and reported from law enforcement agencies, and whether data from law enforcement agencies should be consistent with data collected from prosecutorial offices;

(7) examining how data could be best collected and reported, including whether the data should be reported to a central location and, if so, what location;

(8) assessing whether data should be collected regarding the specific reason for dismissing cases, in cases where the highest charge is a gross misdemeanor or misdemeanor, and in cases involving delinquency petitions;

(9) estimating the costs associated with additional data collection and reporting, and making recommendations about appropriate funding levels to support that collection; and

(10) recommending methods of collecting and storing data that does not promote or reward filing charges in cases that do not meet the appropriate standards.

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

Subd. 6. Report. By January 15, 2024, the task force shall report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over public safety finance and policy on the work of the task force. The report shall include recommendations for legislative action, if needed.

Subd. 7. **Expiration.** The task force expires upon submission of the report required by subdivision 6.

Sec. 41. **STAFF TRANSITION TO CLASSIFIED SERVICE.**

On and after the effective date of this section, all positions of employment with the Minnesota Sentencing Guidelines Commission in the unclassified service of the state, except for the research director, shall be placed in the classified service without loss of compensation or seniority. A person employed as of the effective date of this section in a position placed in the classified service under this section shall not be required to complete a probationary period if the employee was employed in the same position on January 1, 2022.

Sec. 42. **REPEALER.**

Minnesota Statutes 2020, sections 638.02; 638.03; 638.04; 638.05; 638.06; 638.07; 638.075; and 638.08, are repealed.

ARTICLE 6
INTERSTATE COMPACTS

Section 1. Minnesota Statutes 2020, section 243.1606, is amended to read:

243.1606 ADVISORY COUNCIL ON INTERSTATE ADULT OFFENDER SUPERVISION.

Subdivision 1. **Membership.** The Advisory Council on Interstate Adult Offender Supervision ~~consists~~ shall be combined with the State Advisory Council for the Interstate Compact for Juveniles established by section 260.515 and consist of the following individuals or their designees:

- (1) the governor;
- (2) the chief justice of the supreme court;
- (3) two senators, one from the majority and the other from the minority party, selected by the Subcommittee on Committees of the senate Committee on Rules and Administration;
- (4) two representatives, one from the majority and the other from the minority party, selected by the house speaker;
- (5) the compact administrator, selected as provided in section 243.1607;
- (6) a representative from the Department of Human Services regarding the Interstate Compact for the Placement of Children;
- ~~(6)~~ (7) the executive director of the Office of Justice Programs in the Department of Public Safety; and
- (8) the deputy compact administrator as defined in section 260.515;
- (9) a representative from the State Public Defender's Office;
- (10) a representative from the Minnesota County Attorneys Association;
- (11) a representative from the Minnesota Sheriff's Association;

(12) a representative from the Minnesota Association of County Probation Officers;

(13) a representative from the Minnesota Association of Community Corrections Act Counties;

(14) a representative from the community at large;

(15) a representative from a community organization working with victims of crimes; and

(7) (16) other members as appointed by the commissioner of corrections.

The council may elect a chair from among its members.

Subd. 2. **Duties.** The council shall oversee and administer the state's participation in ~~the compact~~ both compacts described in ~~section~~ sections 243.1605 and 260.515. The council shall appoint the compact administrator as the state's commissioner. In addition to these duties, the council shall develop a model policy concerning the operations and procedures of the compact within the state.

Subd. 3. **Annual report.** By March 1 of each year, the council shall report to the governor and the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over criminal justice policy on its activities along with providing a copy of the annual report published by the national commission that includes the activities of the interstate commission and executive committee as described in section 243.1605 for the preceding year. The council's annual report must include information required of the State Advisory Council for the Interstate Compact for Juveniles under section 260.515, Article IV.

Subd. 4. **Expiration; expenses.** The provisions of section 15.059 apply to the council.

Sec. 2. Minnesota Statutes 2020, section 260.515, is amended to read:

260.515 INTERSTATE COMPACT FOR JUVENILES.

The Interstate Compact for Juveniles is enacted into law and entered into with all other states legally joining in it in substantially the following form:

ARTICLE I PURPOSE

The compacting states to this Interstate Compact recognize that each state is responsible for the proper supervision or return of juveniles, delinquents, and status offenders who are on probation or parole and who have absconded, escaped, or run away from supervision and control and in so doing have endangered their own safety and the safety of others. The compacting states also recognize that each state is responsible for the safe return of juveniles who have run away from home and in doing so have left their state of residence. The compacting states also recognize that Congress, by enacting the Crime Control Act, United States Code, title 4, section 112 (1965), has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime.

It is the purpose of this compact, through means of joint and cooperative action among the compacting states to:

(A) ensure that the adjudicated juveniles and status offenders subject to this compact are provided adequate supervision and services in the receiving state as ordered by the adjudicating judge or parole authority in the sending state;

(B) ensure that the public safety interests of the citizens, including the victims of juvenile offenders, in both the sending and receiving states are adequately protected;

(C) return juveniles who have run away, absconded, or escaped from supervision or control or have been accused of an offense to the state requesting their return;

(D) make contracts for the cooperative institutionalization in public facilities in member states for delinquent youth needing special services;

(E) provide for the effective tracking and supervision of juveniles;

(F) equitably allocate the costs, benefits, and obligations of the compact states;

(G) establish procedures to manage the movement between states of juvenile offenders released to the community under the jurisdiction of courts, juvenile departments, or any other criminal or juvenile justice agency which has jurisdiction over juvenile offenders;

(H) insure immediate notice to jurisdictions where defined juvenile offenders are authorized to travel or to relocate across state lines;

(I) establish procedures to resolve pending charges (detainers) against juvenile offenders prior to transfer or release to the community under the terms of this compact;

(J) establish a system of uniform data collection on information pertaining to juveniles subject to this compact that allows access by authorized juvenile justice and criminal justice officials, and regular reporting of compact activities to heads of state; executive, judicial, and legislative branches; and juvenile criminal justice administrators;

(K) monitor compliance with rules governing interstate movement of juveniles and initiate interventions to address and correct noncompliance;

(L) coordinate training and education regarding the regulation of interstate movement of juveniles for officials involved in such activity; and

(M) coordinate the implementation and operation of the compact with the Interstate Compact for the Placement of Children, the Interstate Compact for Adult Offender Supervision, and other compacts affecting juveniles particularly in those cases where concurrent or overlapping supervision issues arise.

It is the policy of the compacting states that the activities conducted by the Interstate Commission created herein are the information of public policies and therefore are public business. Furthermore, the compacting states shall cooperate and observe their individual and collective duties and responsibilities for the prompt return and acceptance of juveniles subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the purpose and policies of the compact.

ARTICLE II DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

A. "Bylaws" means those bylaws established by the commission for its governance, or for directing or controlling its actions or conduct.

B. "Compact administrator" means the individual in each compacting state appointed pursuant to the terms of this compact responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate Commission, and policies adopted by the state council under this compact.

C. "Compacting state" means any state which has enacted the enabling legislation for this compact.

D. "Commissioner" means the voting representative of each compacting state appointed pursuant to Article III of this compact.

E. "Court" means any court having jurisdiction over delinquent, neglected, or dependent children.

F. "Deputy compact administrator" means the individual, if any, in each compacting state appointed to act on behalf of a compact administrator pursuant to the terms of this compact responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate Commission, and policies adopted by the state council under this compact.

G. "Interstate Commission" means the Interstate Commission for Juveniles created by Article III of this compact.

H. "Juvenile" means any person defined as a juvenile in any member state or by the rules of the Interstate Commission, including:

(1) accused delinquent - a person charged with an offense that, if committed by an adult, would be a criminal offense;

(2) adjudicated delinquent - a person found to have committed an offense that, if committed by an adult, would be a criminal offense;

(3) accused status offender - a person charged with an offense that would not be a criminal offense if committed by an adult;

(4) adjudicated status offender - a person found to have committed an offense that would not be a criminal offense if committed by an adult; and

(5) nonoffender - a person in need of supervision who has not been accused or adjudicated a status offender or delinquent.

I. "Noncompacting state" means any state which has not enacted the enabling legislation for this compact.

J. "Probation" or "parole" means any kind of supervision or conditional release of juveniles authorized under the laws of the compacting states.

K. "Rule" means a written statement by the Interstate Commission promulgated pursuant to Article VI of this compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the commission, and has the force and effect of statutory law in a compacting state, and includes the amendment, repeal, or suspension of an existing rule.

L. "State" means a state of the United States, the District of Columbia (or its designee), the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern Marianas.

ARTICLE III
INTERSTATE COMMISSION FOR JUVENILES

A. The compacting states hereby create the "Interstate Commission for Juveniles." The commission shall be a body corporate and joint agency of the compacting states. The commission shall have all the responsibilities, powers, and duties set forth herein, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.

B. The Interstate Commission shall consist of commissioners appointed by the appropriate appointing authority in each state pursuant to the rules and requirements of each compacting state and in consultation with the State Advisory Council for Interstate Supervision of Juvenile Offenders and Runaways created hereunder. The commissioner shall be the compact administrator. The commissioner of corrections or the commissioner's designee shall serve as the compact administrator, who shall serve on the Interstate Commission in such capacity under or pursuant to the applicable law of the compacting state.

C. In addition to the commissioners who are the voting representatives of each state, the Interstate Commission shall include individuals who are not commissioners but who are members of interested organizations. Such noncommissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general, Interstate Compact for Adult Offender Supervision, Interstate Compact on the Placement of Children, juvenile justice and juvenile corrections officials, and crime victims. All noncommissioner members of the Interstate Commission shall be ex-officio (nonvoting) members. The Interstate Commission may provide in its bylaws for such additional ex-officio (nonvoting) members, including members of other national organizations, in such numbers as shall be determined by the commission.

D. Each compacting state represented at any meeting of the commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

E. The commission shall meet at least once each calendar year. The chair may call additional meetings and, upon the request of a simple majority of the compacting states, shall call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public.

F. The Interstate Commission shall establish an executive committee, which shall include commission officers, members, and others as determined by the bylaws. The executive committee shall have the power to act on behalf of the Interstate Commission during periods when the Interstate Commission is not in session, with the exception of rulemaking and/or amendment to the compact. The executive committee shall oversee the day-to-day activities of the administration of the compact managed by an executive director and Interstate Commission staff; administer enforcement and compliance with the provisions of the compact, its bylaws, and rules; and perform such other duties as directed by the Interstate Commission or set forth in the bylaws.

G. Each member of the Interstate Commission shall have the right and power to cast a vote to which that compacting state is entitled and to participate in the business and affairs of the Interstate Commission. A member shall vote in person and shall not delegate a vote to another compacting state. However, a commissioner, in consultation with the state council, shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the compacting state at a specified meeting. The bylaws may provide for members' participation in meetings by telephone or other means of telecommunication or electronic communication.

H. The Interstate Commission's bylaws shall establish conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.

I. Public notice shall be given of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The Interstate Commission and any of its committees may close a meeting to the public where it determines by two-thirds vote that an open meeting would be likely to:

1. relate solely to the Interstate Commission's internal personnel practices and procedures;
2. disclose matters specifically exempted from disclosure by statute;
3. disclose trade secrets or commercial or financial information which is privileged or confidential;
4. involve accusing any person of a crime or formally censuring any person;
5. disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
6. disclose investigative records compiled for law enforcement purposes;
7. disclose information contained in or related to examination, operating or condition reports prepared by, or on behalf of or for the use of, the Interstate Commission with respect to a regulated person or entity for the purpose of regulation or supervision of such person or entity;
8. disclose information, the premature disclosure of which would significantly endanger the stability of a regulated person or entity;
9. specifically relate to the Interstate Commission's issuance of a subpoena or its participation in a civil action or other legal proceeding.

J. For every meeting closed pursuant to this provision, the Interstate Commission's legal counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be closed to the public, and shall reference each relevant exemptive provision. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in any meeting and shall provide a full and accurate summary of any actions taken, and the reasons therefore, including a description of each of the views expressed on any item and the record of any roll call vote (reflected in the vote of each member on the question). All documents considered in connection with any action shall be identified in such minutes.

K. The Interstate Commission shall collect standardized data concerning the interstate movement of juveniles as directed through its rules which shall specify the data to be collected, the means of collection, and data exchange and reporting requirements. Such methods of data collection, exchange, and reporting shall insofar as is reasonably possible conform to up-to-date technology and coordinate its information functions with the appropriate repository of records.

ARTICLE IV POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The commission shall have the following powers and duties:

1. To provide for dispute resolution among compacting states.
2. To promulgate rules to affect the purposes and obligations as enumerated in this compact, which shall have the force and effect of statutory law and shall be binding in the compact states to the extent and in the manner provided in this compact.

3. To oversee, supervise, and coordinate the interstate movement of juveniles subject to the terms of this compact and any bylaws adopted and rules promulgated by the Interstate Commission.

4. To enforce compliance with the compact provisions, the rules promulgated by the Interstate Commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process.

5. To establish and maintain offices which shall be located within one or more of the compacting states.

6. To purchase and maintain insurance and bonds.

7. To borrow, accept, hire, or contract for services of personnel.

8. To establish and appoint committees and hire staff which it deems necessary for the carrying out of its functions including, but not limited to, an executive committee as required by Article III, which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.

9. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties, and determine their qualifications; and to establish the Interstate Commission's personnel policies and programs relating to, inter alia, conflicts of interest, rates of compensation, and qualifications of personnel.

10. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it.

11. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed.

12. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed.

13. To establish a budget, make expenditures, and levy dues as provided in Article VIII of this compact.

14. To sue and be sued.

15. To adopt a seal and bylaws governing the management and operation of the Interstate Commission.

16. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.

17. To report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.

18. To coordinate education, training, and public awareness regarding the interstate movement of juveniles for officials involved in such activity.

19. To establish uniform standards of the reporting, collecting, and exchanging of data.

20. The Interstate Commission shall maintain its corporate books and records in accordance with the bylaws.

ARTICLE V
ORGANIZATION AND OPERATION
OF THE INTERSTATE COMMISSION

Section A. Bylaws.

1. The Interstate Commission shall, by a majority of the members present and voting, within 12 months after the first Interstate Commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:

- a. establishing the fiscal year of the Interstate Commission;
- b. establishing an executive committee and such other committees as may be necessary;
- c. provide: (i) for the establishment of committees, and (ii) governing any general or specific delegation of any authority or function of the Interstate Commission;
- d. providing reasonable procedures for calling and conducting meetings of the Interstate Commission and ensuring reasonable notice of each such meeting;
- e. establishing the titles and responsibilities of the officers of the Interstate Commission;
- f. providing a mechanism for concluding the operations of the Interstate Commission and the return of any surplus funds that may exist upon the termination of the compact after the payment and/or reserving of all of its debts and obligations;
- g. providing "start-up" rules for initial administration of the compact;
- h. establishing standards and procedures for compliance and technical assistance in carrying out the compact.

Section B. Officers and staff.

1. The Interstate Commission shall, by a majority of the members, elect annually from among its members a chair and a vice-chair, each of whom shall have such authority and duties as may be specified in the bylaws. The chair or, in the chair's absence or disability, the vice-chair shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate Commission; provided that, subject to the availability of budget funds, the officers shall be reimbursed for any ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the Interstate Commission.

2. The Interstate Commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and conditions, and for such compensation as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to the Interstate Commission, but shall not be a member and shall hire and supervise such other staff as may be authorized by the Interstate Commission.

Section C. Qualified immunity, defense, and indemnification.

1. The commission's executive director and employees shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to any actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided, that any such person shall not be protected from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

2. The liability of any commissioner, or the employee or agent of a commissioner, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state may not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees, and agents. Nothing in this subsection shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

3. The Interstate Commission shall defend the executive director or the employees or representatives of the Interstate Commission and, subject to the approval of the attorney general of the state represented by any commissioner of a compacting state, shall defend such commissioner or the commissioner's representatives or employees in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that the defendant has a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

4. The Interstate Commission shall indemnify and hold the commissioner of a compacting state, or the commissioner's representatives or employees, or the Interstate Commission's representatives or employees, harmless in the amount of any settlement or judgment obtained against such persons arising out of any actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

ARTICLE VI RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

1. The Interstate Commission shall promulgate and publish rules in order to effectively and efficiently achieve the purposes of the compact.

2. Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, page 1 (2000), or such other administrative procedures act, as the Interstate Commission deems appropriate consistent with due process requirements under the United States Constitution as now or hereafter interpreted by the United States Supreme Court. All rules and amendments shall become binding as of the date specified, as published with the final version of the rule as approved by the commission.

3. When promulgating a rule, the Interstate Commission shall, at a minimum:

- a. publish the proposed rule's entire text stating the reasons for that proposed rule;
- b. allow and invite any and all persons to submit written data, facts, opinions, and arguments, which information shall be added to the record, and be made publicly available;
- c. provide an opportunity for an informal hearing if petitioned by ten or more persons; and
- d. promulgate a final rule and its effective date, if appropriate, based on input from state or local officials, or interested parties.

4. The Interstate Commission shall allow, not later than 60 days after a rule is promulgated, any interested person to file a petition in the United States District Court for the District of Columbia or in the federal District Court where the Interstate Commission's principal office is located for judicial review of such rule. If the court finds

that the Interstate Commission's action is not supported by substantial evidence in the rulemaking record, the court shall hold the rule unlawful and set it aside. For purposes of this subsection, evidence is substantial if it would be considered substantial evidence under the Model (State) Administrative Procedures Act.

5. If a majority of the legislatures of the compacting states rejects a rule, those states may, by enactment of a statute or resolution in the same manner used to adopt the compact, cause that such rule shall have no further force and effect in any compacting state.

6. The existing rules governing the operation of the Interstate Compact on Juveniles superceded by this act shall be null and void 12 months after the first meeting of the Interstate Commission created hereunder.

7. Upon determination by the Interstate Commission that a state of emergency exists, it may promulgate an emergency rule which shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, but no later than 90 days after the effective date of the emergency rule.

ARTICLE VII OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE INTERSTATE COMMISSION

Section A. Oversight.

1. The Interstate Commission shall oversee the administration and operations of the interstate movement of juveniles subject to this compact in the compacting states and shall monitor such activities being administered in noncompacting states which may significantly affect compacting states.

2. The courts and executive agencies in each compacting state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall be received by all the judges, public officers, commissions, and departments of the state government as evidence of the authorized statute and administrative rules. All courts shall take judicial notice of the compact and the rules. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the Interstate Commission, it shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes.

3. The compact administrator shall assess and collect fines, fees, and costs from any state or local entity deemed responsible by the compact administrator for a default as determined by the Interstate Commission under Article XI.

Section B. Dispute resolution.

1. The compacting states shall report to the Interstate Commission on all issues and activities necessary for the administration of the compact as well as issues and activities pertaining to compliance with the provisions of the compact and its bylaws and rules.

2. The Interstate Commission shall attempt, upon the request of a compacting state, to resolve any disputes or other issues which are subject to the compact and which may arise among compacting states and between compacting and noncompacting states. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.

3. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact using any or all means set forth in Article XI of this compact.

ARTICLE VIII
FINANCE

1. The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Interstate Commission shall levy on and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, taking into consideration the population of each compacting state and the volume of interstate movement of juveniles in each compacting state, and shall promulgate a rule binding upon all compacting states which governs said assessment.

3. The Interstate Commission shall not incur any obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.

4. The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

5. Minnesota's annual assessment shall not exceed \$30,000. The Interstate Compact for Juveniles fund is established as a special fund in the Department of Corrections. The fund consists of money appropriated for the purpose of meeting financial obligations imposed on the state as a result of Minnesota's participation in this compact. An assessment levied or any other financial obligation imposed under this compact is effective against the state only to the extent that money to pay the assessment or meet the financial obligation has been appropriated and deposited in the fund established in this paragraph.

ARTICLE IX
THE STATE ADVISORY COUNCIL

Each member state shall create a State Advisory Council for the Interstate Compact for Juveniles. The Advisory Council on the Interstate Compact for Juveniles ~~consists~~ shall be combined with the Advisory Council on Interstate Adult Offender Supervision established by section 243.1606 and consist of the following individuals or their designees:

- (1) the governor;
- (2) the chief justice of the Supreme Court;
- (3) two senators, one from the majority and the other from the minority party, selected by the Subcommittee on Committees of the senate Committee on Rules and Administration;
- (4) two representatives, one from the majority and the other from the minority party, selected by the house speaker;
- (5) a representative from the Department of Human Services regarding the Interstate Compact for the Placement of Children;

- (6) the compact administrator, selected as provided in Article III;
- (7) the executive director of the Office of Justice Programs or designee;
- (8) the deputy compact administrator; ~~and~~
- (9) a representative from the State Public Defender's Office;
- (10) a representative from the Minnesota County Attorneys Association;
- (11) a representative from the Minnesota Sheriffs' Association;
- (12) a representative from the Minnesota Association of County Probation Officers;
- (13) a representative from the Minnesota Association of Community Corrections Act Counties;
- (14) a representative from the community at large;
- (15) a representative from a community organization working with victims of crimes; and
- ~~(9)~~ (16) other members as appointed by the commissioner of corrections.

The council may elect a chair from among its members.

The council shall oversee and administer the state's participation in the compact as described in Article III. The council shall appoint the compact administrator as the state's commissioner.

The state advisory council will advise and exercise advocacy concerning that state's participation in Interstate Commission activities and other duties as may be determined by that state, including, but not limited to, development of policy concerning operations and procedures of the compact within that state.

Expiration; expenses. The provisions of section 15.059 apply to the council except that it does not expire.

ARTICLE X COMPACTING STATES, EFFECTIVE DATE, AND AMENDMENT

1. Any state, the District of Columbia (or its designee), the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands as defined in Article II of this compact is eligible to become a compacting state.

2. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than 35 of the states. The initial effective date shall be the later of July 1, 2004, or upon enactment into law by the 35th jurisdiction. Thereafter, it shall become effective and binding as to any other compacting state upon enactment of the compact into law by that state. The governors of nonmember states or their designees shall be invited to participate in the activities of the Interstate Commission on a nonvoting basis prior to adoption of the compact by all states and territories of the United States.

3. The Interstate Commission may propose amendments to the compact for enactment by the compacting states. No amendment shall become effective and binding upon the Interstate Commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states.

ARTICLE XI
WITHDRAWAL, DEFAULT, TERMINATION,
AND JUDICIAL ENFORCEMENT

Section A. Withdrawal.

1. Once effective, the compact shall continue in force and remain binding upon each and every compacting state; provided that a compacting state may withdraw from the compact specifically repealing the statute, which enacted the compact into law.

2. The effective date of withdrawal is the effective date of the repeal.

3. The withdrawing state shall immediately notify the chair of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall notify the other compacting states of the withdrawing state's intent to withdraw within 60 days of its receipt thereof.

4. The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal.

5. Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the Interstate Commission.

Section B. Technical assistance, fines, suspension, termination, and default.

1. If the Interstate Commission determines that any compacting state has at any time defaulted in the performance of any of its obligations or responsibilities under this compact, or the bylaws or duly promulgated rules, the Interstate Commission may impose any or all of the following penalties:

a. remedial training and technical assistance as directed by the Interstate Commission;

b. alternative dispute resolution;

c. fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission;

d. suspension or termination of membership in the compact, which shall be imposed only after all other reasonable means of securing compliance under the bylaws and rules have been exhausted and the Interstate Commission has therefore determined that the offending state is in default. Immediate notice of suspension shall be given by the Interstate Commission to the governor, the chief justice, or the chief judicial officer of the state; the majority and minority leaders of the defaulting state's legislature; and the state council. The grounds for default include, but are not limited to, failure of a compacting state to perform such obligations or responsibilities imposed upon it by this compact, the bylaws, or duly promulgated rules and any other grounds designated in commission bylaws and rules. The Interstate Commission shall immediately notify the defaulting state in writing of the penalty imposed by the Interstate Commission and of the default pending a cure of the default. The commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the commission, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the compacting states and all rights, privileges, and benefits conferred by this compact shall be terminated from the effective date of termination.

2. Within 60 days of the effective date of termination of a defaulting state, the commission shall notify the governor, the chief justice or chief judicial officer, the majority and minority leaders of the defaulting state's legislature, and the state council of such termination.

3. The defaulting state is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

4. The Interstate Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.

5. Reinstatement following termination of any compacting state requires both a reenactment of the compact by the defaulting state and the approval of the Interstate Commission pursuant to the rules.

Section C. Judicial enforcement.

The Interstate Commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its offices, to enforce compliance with the provisions of the compact, its duly promulgated rules and bylaws, against any compacting state in default. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

Section D. Dissolution of compact.

1. The compact dissolves effective upon the date of the withdrawal or default of the compacting state, which reduces membership in the compact to one compacting state.

2. Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and any surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XII SEVERABILITY AND CONSTRUCTION

1. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of this compact shall be enforceable.

2. The provisions of this compact shall be liberally constructed to effectuate its purposes.

ARTICLE XIII BINDING EFFECT OF COMPACT AND OTHER LAWS

Section A. Other laws.

1. Nothing herein prevents the enforcement of any other law of a compacting state that is not inconsistent with this compact.

2. All compacting states' laws other than state constitutions and other interstate compacts conflicting with this compact are superseded to the extent of the conflict.

Section B. Binding effect of the compact.

1. All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the compacting state.

2. All agreements between the Interstate Commission and the compacting states are binding in accordance with their terms.

3. Upon the request of a party to a conflict over meaning or interpretation of Interstate Commission actions, and upon a majority vote of the compacting states, the Interstate Commission may issue advisory opinions regarding such meaning of interpretation.

4. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any compacting state, the obligations, duties, powers, or jurisdiction sought to be conferred by such provision upon the Interstate Commission shall be ineffective and such obligations, duties, powers, or jurisdiction shall remain in the compacting state and shall be exercised by the agency thereof to which such obligations, duties, powers, or jurisdiction are delegated by law in effect at the time this compact becomes effective.

ARTICLE 7 COMMUNITY SUPERVISION REFORM

Section 1. Minnesota Statutes 2020, section 241.272, is amended to read:

241.272 FEE COLLECTION; PROHIBITED.

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

(b) "Correctional fees" include fees for the following correctional services:

(1) ~~community service work placement and supervision;~~

(2) ~~restitution collection;~~

(3) ~~supervision;~~

(4) (2) court-ordered investigations; or

(5) (3) any other service provided by a probation officer or parole agency for offenders supervised by the commissioner of corrections, a local unit of government, or a community corrections agency.

(c) "Probation" has the meaning given in section 609.02, subdivision 15.

(d) "Supervised release" has the meaning given in section 244.01, subdivision 7.

~~Subd. 2. **Correctional fees established.** To defray costs associated with correctional services, the commissioner of corrections may establish a schedule of correctional fees to charge persons convicted of a crime and supervised by the commissioner. The correctional fees on the schedule must be reasonably related to offenders' abilities to pay and the actual cost of correctional services.~~

Subd. 2a. **Prohibition.** The commissioner of corrections, local units of government, and community corrections agencies are prohibited from assessing and collecting correctional fees from persons on probation, parole, supervised release, or conditional release except as otherwise provided in this section.

~~Subd. 3. **Fee collection.** (a) The commissioner of corrections may impose and collect fees from individuals on probation and supervised release at any time while the offender is under sentence or after the sentence has been discharged.~~

~~(b) The commissioner may use any available civil means of debt collection in collecting a correctional fee.~~

~~Subd. 4. **Exemption from fee.** The commissioner of corrections may waive payment of the fee if the commissioner determines that the offender does not have the ability to pay the fee, the prospects for payment are poor, or there are extenuating circumstances justifying waiver of the fee. Instead of waiving the fee, the commissioner may require the offender to perform community work service as a means of paying the fee.~~

~~Subd. 5. **Restitution payment priority.** If an offender has been ordered by a court to pay restitution, the offender shall be obligated to pay the restitution ordered before paying the correctional fee. However, if the offender is making reasonable payments to satisfy the restitution obligation, the commissioner may also collect a correctional fee.~~

~~Subd. 6. **Use of fees.** Excluding correctional fees collected from offenders supervised by department agents under the authority of section 244.19, subdivision 1, paragraph (a), clause (3), all correctional fees collected under this section go to the general fund. Fees collected by agents under the authority of section 244.19, subdivision 1, paragraph (a), clause (3), shall go to the county treasurer in the county where supervision is provided. These fees may only be used in accordance with section 244.18, subdivision 6.~~

~~Subd. 7. **Annual report.** Beginning January 15, 2001, the commissioner shall submit an annual report on the implementation of this section to the chairs and ranking minority members of the senate and house of representatives committees and divisions with jurisdiction over criminal justice funding and policy. At a minimum, the report shall include information on the types of correctional services for which fees were imposed, the aggregate amount of fees imposed, and the amount of fees collected.~~

~~Subd. 8. **Sex offender treatment fee.** The commissioner of corrections may authorize sex offender treatment providers to charge and collect treatment co-pays from all offenders in their treatment program. The amount of treatment co-pay assessed to each offender is based upon a fee schedule approved by the commissioner. Fees collected under this authority are used by the treatment provider to fund the cost of treatment.~~

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 2. Minnesota Statutes 2020, section 243.05, subdivision 1, is amended to read:

Subdivision 1. **Conditional release.** (a) The commissioner of corrections may parole any person sentenced to confinement in any state correctional facility for adults under the control of the commissioner of corrections, provided that:

(1) no inmate serving a life sentence for committing murder before May 1, 1980, other than murder committed in violation of clause (1) of section 609.185 who has not been previously convicted of a felony shall be paroled without having served 20 years, less the diminution that would have been allowed for good conduct had the sentence been for 20 years;

(2) no inmate serving a life sentence for committing murder before May 1, 1980, who has been previously convicted of a felony or though not previously convicted of a felony is serving a life sentence for murder in the first degree committed in violation of clause (1) of section 609.185 shall be paroled without having served 25 years, less the diminution which would have been allowed for good conduct had the sentence been for 25 years;

(3) any inmate sentenced prior to September 1, 1963, who would be eligible for parole had the inmate been sentenced after September 1, 1963, shall be eligible for parole; and

(4) any new rule or policy or change of rule or policy adopted by the commissioner of corrections which has the effect of postponing eligibility for parole has prospective effect only and applies only with respect to persons committing offenses after the effective date of the new rule or policy or change.

(b) Upon being paroled and released, an inmate is and remains in the legal custody and under the control of the commissioner, subject at any time to be returned to a facility of the Department of Corrections established by law for the confinement or treatment of convicted persons and the parole rescinded by the commissioner.

(c) The written order of the commissioner of corrections, is sufficient authority for any peace officer, state correctional investigator, or state parole and probation agent to retake and place in actual custody any person on parole or supervised release. In addition, when it appears necessary in order to prevent escape or enforce discipline, any state parole and probation agent or state correctional investigator may, without order of warrant, take and detain a parolee or person on supervised release or work release and bring the person to the commissioner for action.

(d) The written order of the commissioner of corrections is sufficient authority for any peace officer, state correctional investigator, or state parole and probation agent to retake and place in actual custody any person on probation under the supervision of the commissioner pursuant to section 609.135. Additionally, when it appears necessary in order to prevent escape or enforce discipline, any state parole and probation agent or state correctional investigator may, without an order, retake and detain a probationer and bring the probationer before the court for further proceedings under section 609.14.

(e) The written order of the commissioner of corrections is sufficient authority for any peace officer, state correctional investigator, or state parole and probation agent to detain any person on pretrial release who absconds from pretrial release or fails to abide by the conditions of pretrial release.

(f) Persons conditionally released, and those on probation under the supervision of the commissioner of corrections pursuant to section 609.135 may be placed within or outside the boundaries of the state at the discretion of the commissioner of corrections or the court, and the limits fixed for these persons may be enlarged or reduced according to their conduct.

(g) Except as otherwise provided in subdivision 1b, in considering applications for conditional release or discharge, the commissioner is not required to hear oral argument from any attorney or other person not connected with an adult correctional facility of the Department of Corrections in favor of or against the parole or release of any inmates. The commissioner may institute inquiries by correspondence, taking testimony, or otherwise, as to the previous history, physical or mental condition, and character of the inmate and, to that end, has the authority to require the attendance of the chief executive officer of any state adult correctional facility and the production of the records of these facilities, and to compel the attendance of witnesses. The commissioner is authorized to administer oaths to witnesses for these purposes.

~~(h) Unless the district court directs otherwise, state parole and probation agents may require a person who is under the supervision of the commissioner of corrections to perform community work service for violating a condition of probation imposed by the court. Community work service may be imposed for the purpose of protecting the public, to aid the offender's rehabilitation, or both. Agents may impose up to eight hours of community work service for each violation and up to a total of 24 hours per offender per 12 month period, beginning with the date on which community work service is first imposed. The commissioner may authorize an additional 40 hours of community work services, for a total of 64 hours per offender per 12 month period, beginning with the date on which community work service is first imposed. At the time community work service is imposed, parole and probation agents are required to provide written notice to the offender that states:~~

~~(1) the condition of probation that has been violated;~~

~~(2) the number of hours of community work service imposed for the violation; and~~

~~(3) the total number of hours of community work service imposed to date in the 12-month period.~~

~~An offender may challenge the imposition of community work service by filing a petition in district court. An offender must file the petition within five days of receiving written notice that community work service is being imposed. If the offender challenges the imposition of community work service, the state bears the burden of showing, by a preponderance of the evidence, that the imposition of community work service is reasonable under the circumstances.~~

~~Community work service includes sentencing to service.~~

~~(i) Prior to revoking a nonviolent controlled substance offender's parole or probation based on a technical violation, when the offender does not present a risk to the public and the offender is amenable to continued supervision in the community, a parole or probation agent must identify community options to address and correct the violation including, but not limited to, inpatient chemical dependency treatment. If a probation or parole agent determines that community options are appropriate, the agent shall seek to restructure the offender's terms of release to incorporate those options. If an offender on probation stipulates in writing to restructure the terms of release, a probation agent must forward a report to the district court containing:~~

~~(1) the specific nature of the technical violation of probation;~~

~~(2) the recommended restructure to the terms of probation; and~~

~~(3) a copy of the offender's signed stipulation indicating that the offender consents to the restructuring of probation.~~

~~The recommended restructuring of probation becomes effective when confirmed by a judge. The order of the court shall be proof of such confirmation and amend the terms of the sentence imposed by the court under section 609.135. If a nonviolent controlled substance offender's parole or probation is revoked, the offender's agent must first attempt to place the offender in a local jail. For purposes of this paragraph, "nonviolent controlled substance offender" is a person who meets the criteria described under section 244.0513, subdivision 2, clauses (1), (2), and (5), and "technical violation" means any violation of a court order of probation or a condition of parole, except an allegation of a subsequent criminal act that is alleged in a formal complaint, citation, or petition.~~

Sec. 3. Minnesota Statutes 2020, section 244.05, subdivision 3, is amended to read:

Subd. 3. **Sanctions for violation.** If an inmate violates the conditions of the inmate's supervised release imposed by the commissioner, the commissioner may:

(1) continue the inmate's supervised release term, with or without modifying or enlarging the conditions imposed on the inmate, or transferring the inmate's case to a specialized caseload; or

(2) revoke the inmate's supervised release and reimprison the inmate for the appropriate period of time.

Prior to revoking a ~~nonviolent controlled substance~~ an offender's supervised release based on a technical violation, when the offender does not present a risk to the public ~~and the offender is amenable to continued supervision in the community~~, the commissioner must identify community options to address and correct the violation ~~including, but not limited to, inpatient chemical dependency treatment~~. If the commissioner determines that community options are appropriate, the commissioner shall restructure the inmate's terms of release to

incorporate those options. ~~If a nonviolent controlled substance offender's supervised release is revoked, the offender's agent must first attempt to place the offender in a local jail.~~ For purposes of this subdivision, "nonviolent controlled substance offender" is a person who meets the criteria described under section 244.0513, subdivision 2, clauses (1), (2), and (5), and "technical violation" means a violation of a condition of supervised release, except an allegation of a subsequent criminal act that is alleged in a formal complaint, citation, or petition.

The period of time for which a supervised release may be revoked may not exceed the period of time remaining in the inmate's sentence, except that if a sex offender is sentenced and conditionally released under Minnesota Statutes 2004, section 609.108, subdivision 5, the period of time for which conditional release may be revoked may not exceed the balance of the conditional release term.

Sec. 4. Minnesota Statutes 2020, section 244.19, subdivision 1, is amended to read:

Subdivision 1. **Appointment; joint services; state services.** (a) If a county or group of counties has established a human services board pursuant to chapter 402, the district court may appoint one or more county probation officers as necessary to perform court services, and the human services board shall appoint persons as necessary to provide correctional services within the authority granted in chapter 402. In all counties of more than 200,000 population, which have not organized pursuant to chapter 402, the district court shall appoint one or more persons of good character to serve as county probation officers during the pleasure of the court. All other counties shall provide adult misdemeanor and juvenile probation services to district courts in one of the following ways:

(1) the court, with the approval of the county boards, may appoint one or more salaried county probation officers to serve during the pleasure of the court;

(2) when two or more counties offer probation services the district court through the county boards may appoint common salaried county probation officers to serve in the several counties;

(3) a county or a district court may request the commissioner of corrections to furnish probation services in accordance with the provisions of this section, and the commissioner of corrections shall furnish such services to any county or court that fails to provide its own probation officer by one of the two procedures listed above;

(4) if a county or district court providing probation services under clause (1) or (2) asks the commissioner of corrections or the legislative body for the state of Minnesota mandates the commissioner of corrections to furnish probation services to the district court, the probation officers and other employees displaced by the changeover shall be employed by the commissioner of corrections. Years of service in the county probation department are to be given full credit for future sick leave and vacation accrual purposes;

~~(5) all probation officers serving the juvenile courts on July 1, 1972, shall continue to serve in the county or counties they are now serving if a county receiving probation services under clause (3) decides to provide those services under clause (1) or (2), the probation officers and other employees displaced by the changeover shall be employed by the county at no loss in salary. Years of service in the state are to be given full credit for future sick leave and vacation accrual purposes.~~

(b) A county or counties providing probation services under paragraph (a), clause (1) or (2), is designated a CPO county for purposes of receiving a grant under chapter 401. A county or counties receiving probation services under paragraph (a), clause (3), is not eligible for a grant under chapter 401, and the commissioner of corrections is appropriated the county's share of funding for the purpose of providing probation services, and authority to seek reimbursement from the county under subdivision 5.

(c) A county that requests the commissioner of corrections to provide probation services under paragraph (a), clause (3), shall collaborate with the commissioner to develop a comprehensive plan as described in section 401.06.

~~(b)~~ (d) The commissioner of management and budget shall place employees transferred to state service under paragraph (a), clause (4), in the proper classifications in the classified service. Each employee is appointed without examination at no loss in salary or accrued vacation or sick leave benefits, but no additional accrual of vacation or sick leave benefits may occur until the employee's total accrued vacation or sick leave benefits fall below the maximum permitted by the state for the employee's position. An employee appointed under paragraph (a), clause (4), shall serve a probationary period of six months. After exhausting labor contract remedies, a noncertified employee may appeal for a hearing within ten days to the commissioner of management and budget, who may uphold the decision, extend the probation period, or certify the employee. The decision of the commissioner of management and budget is final. The state shall negotiate with the exclusive representative for the bargaining unit to which the employees are transferred regarding their seniority. For purposes of computing seniority among those employees transferring from one county unit only, a transferred employee retains the same seniority position as the employee had within that county's probation office.

Sec. 5. Minnesota Statutes 2020, section 244.19, subdivision 5, is amended to read:

Subd. 5. **Compensation.** ~~In counties of more than 200,000 population, a majority of the judges of the district court may direct the payment of such salary to probation officers as may be approved by the county board, and in addition thereto shall be reimbursed for all necessary expenses incurred in the performance of their official duties.~~ In all counties which obtain probation services from the commissioner of corrections the commissioner shall, out of appropriations provided therefor, pay probation officers the salary and all benefits fixed by the state law or applicable bargaining unit and all necessary expenses, including secretarial service, office equipment and supplies, postage, telephone and telegraph services, and travel and subsistence. Each county receiving probation services from the commissioner of corrections shall reimburse the department of corrections for the total cost and expenses of such services as incurred by the commissioner of corrections, excluding the cost and expense of services provided under the state's obligation in section 244.20. ~~Total annual costs for each county shall be that portion of the total costs and expenses for the services of one probation officer represented by the ratio which the county's population bears to the total population served by one officer. For the purposes of this section, the population of any county shall be the most recent estimate made by the Department of Health.~~ At least every six months the commissioner of corrections shall bill for the total cost and expenses incurred by the commissioner on behalf of each county which has received probation services. The commissioner of corrections shall notify each county of the cost and expenses and the county shall pay to the commissioner the amount due for reimbursement. All such reimbursements shall be deposited in the general fund used to provide services for each county according to their reimbursement amount. Objections by a county to all allocation of such cost and expenses shall be presented to and determined by the commissioner of corrections. Each county providing probation services under this section is hereby authorized to use unexpended funds and to levy additional taxes for this purpose.

The county commissioners of any county of not more than 200,000 population shall, when requested to do so by the juvenile judge, provide probation officers with suitable offices, and may provide equipment, and secretarial help needed to render the required services.

Sec. 6. Minnesota Statutes 2020, section 244.195, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) As used in this subdivision and sections 244.196 to 244.1995, the following terms have the meanings given them.

(b) "Commissioner" means the commissioner of corrections.

(c) "Conditional release" means parole, supervised release, conditional release as authorized by section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and any other authorized temporary release from a correctional facility.

(d) "Court services director" means the director or designee of a county probation agency that is not organized under section 244.19 or an agency organized under chapter 401.

(e) "Detain" means to take into actual custody, including custody within a local correctional facility.

(f) "Local correctional facility" has the meaning given in section 241.021, subdivision 1.

(g) "Probation agency" means the Department of Corrections field office or a probation agency organized under section 244.19 or chapter 401.

(h) "Probation officer" means a court services director, county probation officer, or any other community supervision officer employed by the commissioner or by a probation agency organized under section 244.19 or chapter 401.

~~(g)~~ (i) "Release" means to release from actual custody.

Sec. 7. Minnesota Statutes 2020, section 244.195, is amended by adding a subdivision to read:

Subd. 6. **Intermediate sanctions.** (a) Unless the district court directs otherwise, a probation officer may require a person committed to the officer's care by the court to perform community work service for violating a condition of probation imposed by the court. Community work service may be imposed for the purpose of protecting the public, to aid the person's rehabilitation, or both. A probation officer may impose up to eight hours of community work service for each violation and up to a total of 24 hours per person per 12-month period, beginning on the date on which community work service is first imposed. The court services director or probation agency may authorize an additional 40 hours of community work service, for a total of 64 hours per person per 12-month period, beginning with the date on which community work service is first imposed. At the time community work service is imposed, probation officers are required to provide written notice to the person that states:

(1) the condition of probation that has been violated;

(2) the number of hours of community work service imposed for the violation; and

(3) the total number of hours of community work service imposed to date in the 12-month period.

(b) A person on supervision may challenge the imposition of community work service by filing a petition in district court within five days of receiving written notice that community work service is being imposed. If the person challenges the imposition of community work service, the state bears the burden of showing, by a preponderance of the evidence, that the imposition of community work service is reasonable under the circumstances.

(c) Community work service includes sentencing to service.

Sec. 8. Minnesota Statutes 2020, section 244.195, is amended by adding a subdivision to read:

Subd. 7. **Contacts.** Supervision contacts may be conducted over video conference technology at the discretion of the probation agent.

Sec. 9. Minnesota Statutes 2020, section 244.20, is amended to read:

244.20 PROBATION SUPERVISION.

Notwithstanding sections 244.19, subdivision 1, and 609.135, subdivision 1, the Department of Corrections shall have exclusive responsibility for providing probation services for adult felons in counties that do not take part in the Community Corrections Act. ~~In counties that do not take part in the Community Corrections Act, the responsibility for providing probation services for individuals convicted of gross misdemeanor offenses shall be discharged according to local judicial policy.~~

Sec. 10. Minnesota Statutes 2020, section 244.21, is amended to read:

244.21 INFORMATION ON OFFENDERS UNDER SUPERVISION; REPORTS.

Subdivision 1. **Collection of information by probation service providers; report required.** (a) By January 1, 1998, probation service providers shall begin collecting and maintaining information on offenders under supervision. The commissioner of corrections shall specify the nature and extent of the information to be collected. By April 1 of every year, each probation service provider shall report a summary of the information collected to the commissioner as a condition of state grant funding under chapter 401.

(b) Beginning August 1, 2023, and each year thereafter, each entity required to submit a report under paragraph (a) must include in their report the total number of days in the previous fiscal year that offenders supervised by the entity had their probation or supervised release revoked.

Subd. 2. **Commissioner of corrections report.** By January 15, ~~1998~~ 2023, the commissioner of corrections shall report to the chairs of the ~~senate crime prevention and house of representatives judiciary~~ legislative committees with jurisdiction over public safety and finance on recommended methods of coordinating the exchange of information collected on offenders under subdivision 1: (1) between probation service providers; and (2) between probation service providers and the Department of Corrections, ~~without requiring service providers to acquire uniform computer software.~~

Sec. 11. Minnesota Statutes 2020, section 401.01, is amended to read:

401.01 PURPOSE AND DEFINITION; ASSISTANCE GRANTS.

Subdivision 1. **Grants.** For the purpose of more effectively protecting society and to promote efficiency and economy in the delivery of correctional services, the commissioner is authorized to make grants to assist counties in the development, implementation, and operation of community-based corrections programs including preventive or diversionary correctional programs, conditional release programs, community corrections centers, and facilities for the detention or confinement, care and treatment of persons convicted of crime or adjudicated delinquent. ~~The commissioner may authorize the use of a percentage of a grant for the operation of an emergency shelter or make a separate grant for the rehabilitation of a facility owned by the grantee and used as a shelter to bring the facility into compliance with state and local laws pertaining to health, fire, and safety, and to provide security.~~

Subd. 1a. **Credit for early discharge.** In calculating grants authorized under subdivision 1, the commissioner must not reduce the amount of a grant based on offenders being discharged from community supervision prior to the sentence expiration date imposed by the sentencing court.

Subd. 2. **Definitions.** (a) For the purposes of sections 401.01 to 401.16, the following terms have the meanings given them.

(b) "CCA county" means a county that participates in the Community Corrections Act.

(c) "Commissioner" means the commissioner of corrections or a designee.

(d) "Conditional release" means parole, supervised release, conditional release as authorized by section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and any other authorized temporary release from a correctional facility.

(e) "County probation officer" means a probation officer appointed under section 244.19.

(f) "CPO county" means a county that participates in funding under this act by providing local corrections service for all juveniles and individuals on probation for misdemeanors, pursuant to section 244.19, subdivision 1, paragraph (a), clause (1) or (2).

(g) "Detain" means to take into actual custody, including custody within a local correctional facility.

~~(g)~~ (h) "Joint board" means the board provided in section 471.59.

~~(h)~~ (i) "Local correctional facility" has the meaning given in section 241.021, subdivision 1.

~~(i)~~ (j) "Local correctional service" means those services authorized by and employees, officers, and agents appointed under section 244.19, subdivision 1.

~~(j)~~ (k) "Release" means to release from actual custody.

(l) "Tribal government" means one of the federally recognized Tribes described in section 3.922.

Sec. 12. Minnesota Statutes 2020, section 401.02, is amended to read:

401.02 COUNTIES OR REGIONS; SERVICES INCLUDABLE.

Subdivision 1. **Qualification of counties or Tribal governments.** (a) One or more counties, ~~having an aggregate population of 30,000 or more persons, or Tribal governments~~ may qualify for a grant as provided in section 401.01 by ~~the enactment of appropriate resolutions creating and establishing a corrections advisory board,~~ designating the officer or agency to be responsible for administering grant funds, and providing for the preparation of a comprehensive plan for the development, implementation and operation of the correctional services described in ~~section sections~~ sections 401.01 and 401.11, including the assumption of those correctional services, other than the operation of state facilities, presently provided in such counties by the Department of Corrections, and providing for centralized administration and control of those correctional services described in section 401.01. Counties participating as a CCA county must also enact the appropriate resolutions creating and establishing a corrections advisory board.

Where counties or Tribal governments combine as authorized in this section, they shall comply with the provisions of section 471.59.

(b) A county that has participated in the Community Corrections Act for five or more years is eligible to continue to participate in the Community Corrections Act.

(c) If a county or Tribal government withdraws from the grant program as outlined in subdivision 1 of this section and asks the commissioner of corrections, or the legislative body or the state of Minnesota mandates the commissioner of corrections to furnish probation services to the county, the probation officers and other employees displaced by the changeover shall be employed by the commissioner of corrections. Years of service in the county probation department are to be given full credit for future sick leave and vacation accrual purposes.

Subd. 2. **Planning counties; advisory board members expenses.** To assist counties which have complied with the provisions of subdivision 1 and require financial aid to defray all or a part of the expenses incurred by corrections advisory board members in discharging their official duties pursuant to section 401.08, the commissioner may designate counties as "planning counties", and, upon receipt of resolutions by the governing boards of the counties certifying the need for and inability to pay the expenses described in this subdivision, advance to the counties an amount not to exceed five percent of the maximum quarterly ~~subsidy grant~~ for which the counties are eligible. The expenses described in this subdivision shall be paid in the same manner and amount as for state employees.

Subd. 3. **Establishment and reorganization of administrative structure.** Any county or group of counties which have qualified for participation in the ~~community corrections subsidy grant~~ program provided by this chapter may establish, organize, and reorganize an administrative structure and provide for the budgeting, staffing, and operation of court services and probation, construction or improvement to juvenile detention and juvenile correctional facilities and adult detention and correctional facilities, and other activities required to conform to the purposes of this chapter. No contrary general or special statute divests any county or group of counties of the authority granted by this subdivision.

~~Subd. 5. **Intermediate sanctions.** Unless the district court directs otherwise, county probation officers may require a person committed to the officer's care by the court to perform community work service for violating a condition of probation imposed by the court. Community work service may be imposed for the purpose of protecting the public, to aid the offender's rehabilitation, or both. Probation officers may impose up to eight hours of community work service for each violation and up to a total of 24 hours per offender per 12-month period, beginning on the date on which community work service is first imposed. The chief executive officer of a community corrections agency may authorize an additional 40 hours of community work service, for a total of 64 hours per offender per 12-month period, beginning with the date on which community work service is first imposed. At the time community work service is imposed, probation officers are required to provide written notice to the offender that states:~~

- ~~(1) the condition of probation that has been violated;~~
- ~~(2) the number of hours of community work service imposed for the violation; and~~
- ~~(3) the total number of hours of community work service imposed to date in the 12-month period.~~

~~An offender may challenge the imposition of community work service by filing a petition in district court. An offender must file the petition within five days of receiving written notice that community work service is being imposed. If the offender challenges the imposition of community work service, the state bears the burden of showing, by a preponderance of the evidence, that the imposition of community work service is reasonable under the circumstances.~~

~~Community work service includes sentencing to service.~~

Sec. 13. Minnesota Statutes 2020, section 401.04, is amended to read:

401.04 ACQUISITION OF PROPERTY; SELECTION OF ADMINISTRATIVE STRUCTURE; EMPLOYEES.

Any county or group of counties electing to come within the provisions of sections 401.01 to 401.16 may (a) acquire by any lawful means, including purchase, lease or transfer of custodial control, the lands, buildings and equipment necessary and incident to the accomplishment of the purposes of sections 401.01 to 401.16, (b) determine

and establish the administrative structure best suited to the efficient administration and delivery of the correctional services described in section 401.01, and (c) employ a director and other officers, employees and agents as deemed necessary to carry out the provisions of sections 401.01 to 401.16. To the extent that participating counties shall assume and take over state and local correctional services presently provided in counties, employment shall be given to those state and local officers, employees and agents thus displaced; if hired by a county, employment shall, to the extent possible and notwithstanding the provisions of any other law or ordinance to the contrary, be deemed a transfer in grade with all of the benefits enjoyed by such officer, employee or agent while in the service of the state or local correctional service.

State or local employees displaced by county participation in the subsidy grant program provided by this chapter are on layoff status and, if not hired by a participating county as provided herein, may exercise their rights under layoff procedures established by law or union agreement whichever is applicable.

State or local officers and employees displaced by a county's participation in the Community Corrections Act and hired by the participating county shall retain all fringe benefits and recall from layoff benefits accrued by seniority and enjoyed by them while in the service of the state.

Sec. 14. Minnesota Statutes 2021 Supplement, section 401.06, is amended to read:

401.06 COMPREHENSIVE PLAN; STANDARDS OF ELIGIBILITY; COMPLIANCE.

No county or group of counties or Tribal government or group of Tribal governments electing to provide correctional services pursuant to sections 401.01 to 401.16 shall be eligible for the subsidy grant herein provided unless and until its comprehensive plan shall have been approved by the commissioner. The commissioner shall, pursuant to the Administrative Procedure Act, promulgate rules establishing standards of eligibility for CCA and CPO counties and Tribal governments to receive funds grants under sections 401.01 to 401.16. To remain eligible for subsidy grants counties and Tribal governments shall maintain substantial compliance with the minimum standards established pursuant to sections 401.01 to 401.16 and the policies and procedures governing the services described in section 401.025 as prescribed by the commissioner. Counties shall also be in substantial compliance with other correctional operating standards permitted by law and established by the commissioner and shall report statistics required by the commissioner including but not limited to information on individuals convicted as an extended jurisdiction juvenile identified in section 241.016, subdivision 1, paragraph (c). The commissioner shall review annually the comprehensive plans submitted by participating counties and Tribal governments, including the facilities and programs operated under the plans. The commissioner is hereby authorized to enter upon any facility operated under the plan, and inspect books and records, for purposes of recommending needed changes or improvements. When the commissioner provides supervision to a county that elects not to provide the supervision, the commissioner shall prepare a comprehensive plan for the county and shall present it to the local county board of commissioners. The Department of Corrections shall be subject to all the standards and requirements established in sections 401.01 to 401.16 and promulgated rules.

When the commissioner shall determine that there are reasonable grounds to believe that a county or group of counties or Tribal government or group of Tribal governments is not in substantial compliance with minimum standards, at least 30 days' notice shall be given the county or counties or Tribal government or group of Tribal governments and a hearing conducted by the commissioner to ascertain whether there is substantial compliance or satisfactory progress being made toward compliance. The commissioner may suspend all or a portion of any subsidy grant until the required standard of operation has been met.

Sec. 15. Minnesota Statutes 2020, section 401.09, is amended to read:

401.09 OTHER SUBSIDY PROGRAMS; PURCHASE OF STATE SERVICES.

Failure of a county or group of counties to elect to come within the provisions of sections 401.01 to 401.16 shall not affect their eligibility for any other state grant or subsidy for correctional purposes otherwise provided by law. Any comprehensive plan submitted pursuant to sections 401.01 to 401.16 may include the purchase of selected correctional services from the state by contract, including the temporary detention and confinement of persons convicted of crime or adjudicated delinquent; confinement to be in an appropriate state facility as otherwise provided by law. The commissioner shall annually determine the costs of the purchase of services under this section and deduct them from the subsidy grant due and payable to the county or counties concerned; provided that no contract shall exceed in cost the amount of subsidy grant to which the participating county or counties are eligible.

Sec. 16. Minnesota Statutes 2020, section 401.10, is amended to read:

401.10 COMMUNITY CORRECTIONS AID.

Subdivision 1. ~~Aid calculations~~ **Funding formula.** ~~To determine the community corrections aid amount to be paid to each participating county, the commissioner of corrections must apply the following formula:~~

~~(1) For each of the 87 counties in the state, a percent score must be calculated for each of the following five factors:~~

~~(i) percent of the total state population aged ten to 24 residing within the county according to the most recent federal census, and, in the intervening years between the taking of the federal census, according to the most recent estimate of the state demographer;~~

~~(ii) percent of the statewide total number of felony case filings occurring within the county, as determined by the state court administrator;~~

~~(iii) percent of the statewide total number of juvenile case filings occurring within the county, as determined by the state court administrator;~~

~~(iv) percent of the statewide total number of gross misdemeanor case filings occurring within the county, as determined by the state court administrator; and~~

~~(v) percent of the total statewide number of convicted felony offenders who did not receive an executed prison sentence, as monitored and reported by the Sentencing Guidelines Commission.~~

~~The percents in items (ii) to (v) must be calculated by combining the most recent three year period of available data. The percents in items (i) to (v) each must sum to 100 percent across the 87 counties.~~

~~(2) For each of the 87 counties, the county's percents in clause (1), items (i) to (v), must be weighted, summed, and divided by the sum of the weights to yield an average percent for each county, referred to as the county's "composite need percent." When performing this calculation, the weight for each of the percents in clause (1), items (i) to (v), is 1.0. The composite need percent must sum to 100 percent across the 87 counties.~~

~~(3) For each of the 87 counties, the county's "adjusted net tax capacity percent" is the county's adjusted net tax capacity amount, defined in the same manner as it is defined for cities in section 477A.011, subdivision 20, divided by the statewide total adjusted net tax capacity amount. The adjusted net tax capacity percent must sum to 100 percent across the 87 counties.~~

~~(4) For each of the 87 counties, the county's composite need percent must be divided by the county's adjusted net tax capacity percent to produce a ratio that, when multiplied by the county's composite need percent, results in the county's "tax base adjusted need percent."~~

~~(5) For each of the 87 counties, the county's tax base adjusted need percent must be added to twice the composite need percent, and the sum must be divided by 3, to yield the county's "weighted need percent."~~

~~(6) Each participating county's weighted need percent must be added to the weighted need percent of each other participating county to yield the "total weighted need percent for participating counties."~~

~~(7) Each participating county's weighted need percent must be divided by the total weighted need percent for participating counties to yield the county's "share percent." The share percents for participating counties must sum to 100 percent.~~

~~(8) Each participating county's "base funding amount" is the aid amount that the county received under this section for fiscal year 1995 plus the amount received in caseload or workload reduction, felony caseload reduction, and sex offender supervision grants in fiscal year 2015, as reported by the commissioner of corrections. In fiscal year 1997 and thereafter, no county's aid amount under this section may be less than its base funding amount, provided that the total amount appropriated for this purpose is at least as much as the aggregate base funding amount defined in clause (9).~~

~~(9) The "aggregate base funding amount" is equal to the sum of the base funding amounts for all participating counties. If a county that participated under this section chooses not to participate in any given year, then the aggregate base funding amount must be reduced by that county's base funding amount. If a county that did not participate under this section in fiscal year 1995 chooses to participate on or after July 1, 2015, 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 received in caseload or workload reduction, felony caseload reduction, and sex offender supervision grants in fiscal year 2015, as reported by the commissioner of corrections, and the amount of increase shall be that county's base funding amount.~~

~~(10) In any given year, the total amount appropriated for this purpose first must be allocated to participating counties in accordance with each county's base funding amount. Then, any remaining amount in excess of the aggregate base funding amount must be allocated to participating counties in proportion to each county's share percent, and is referred to as the county's "formula amount."~~

~~Each participating county's "community corrections aid amount" equals the sum of (i) the county's base funding amount, and (ii) the county's formula amount.~~

~~(11) However, if in any year the total amount appropriated for the purpose of this section is less than the aggregate base funding amount, then each participating county's community corrections aid amount is the product of (i) the county's base funding amount multiplied by (ii) the ratio of the total amount appropriated to the aggregate base funding amount.~~

~~For each participating county, the county's community corrections aid amount calculated in this subdivision is the total amount of subsidy to which the county is entitled under sections 401.01 to 401.16.~~

(a) The state shall institute one funding formula for supervising people in the community. For fiscal year 2023, the commissioner shall use the following formula to determine each county and Tribal government grant and the department's funding for supervision in counties or Tribal jurisdictions served by the department. Funding and allocations for intensive supervised release are not included in the formula and regardless of the results of the

formula, in fiscal year 2023, the commissioner shall provide 50 percent funding to CPO counties as previously required in section 244.19, subdivision 6. The following amounts shall be summed to arrive at the total for a county, Tribal government, or the department:

(1) \$250,000;

(2) ten percent of the total appropriation for community supervision and postrelease services to the department for community supervision in fiscal year 2022 multiplied by the county's or Tribe's percentage of the state's total population;

(3) ten percent of the total appropriation to the department for community supervision in fiscal year 2022 multiplied by the county's or Tribe's percentage of the state's total geographic area;

(4) the result of the following methodology:

(i) use the county's felony supervision population as reflected in the most recent probation survey by the department and analysis conducted in 2021 by an independent contractor;

(ii) use the hours required to supervise the felony population based on 2,080 hours of full-time equivalent officer time in one year; and

(iii) assume a \$100,000 cost for each full-time equivalent officer and multiply that amount by the average full-time equivalent time for the county for one year; and

(5) the department may prorate the total amount distributed in clauses (2), (3), and (4), as necessary, so as to not exceed the total appropriation for fiscal year 2023.

(b) For use in fiscal year 2024 and beyond, to replace the methodology in paragraph (a), clause (4), the state shall implement a workload methodology developed by the Supervision Standards Committee to calculate the average per diem costs of supervising people in communities and accounting for people of different risk and need levels who are juveniles, on probation for a misdemeanor, on probation for a gross misdemeanor, on probation for a felony, on supervised or conditional release, or on intensive supervised release. The Department of Corrections and the Supervision Standards Committee shall report the methodology and the calculated fiscal impacts of the formula described in this paragraph estimated for each of fiscal years 2024, 2025, 2026, and 2027 to the chairs and ranking minority members of the legislative committees with jurisdiction over public safety finance and policy, to the governor, and to the Department of Management and Budget by October 15, 2022, for consideration in biennial budget development under section 16A.10, subdivision 2. The department may prorate the total amount distributed in fiscal year 2024 and subsequent years as necessary, so as to not exceed the total appropriation for that fiscal year.

(c) The reimbursement formulas developed under paragraphs (a) and (b) must:

(1) limit the weight of a misdemeanor case to no more than one-half of the weight assigned to a felony case with a comparable risk level assessment for purposes of calculating weighted caseloads; and

(2) account for the absence of work performed in an entity's caseload that occurs when offenders under the entity's supervision are reincarcerated. The formulas must reduce an entity's current grant award by the amount of savings that would have been generated in the prior year from supervision that was not performed because of offender reincarceration.

Subd. 2. **Transfer of funds.** Notwithstanding any law to the contrary, the commissioner of corrections, after notifying the committees on finance of the senate and ways and means of the house of representatives, may, at the end of any fiscal year, transfer any unobligated funds, including funds available due the withdrawal of a county under section 401.16, in any appropriation to the Department of Corrections to the appropriation under sections 401.01 to 401.16, which appropriation shall not cancel but is reappropriated for the purposes of sections 401.01 to 401.16.

Subd. 3. **Formula review.** ~~Prior to January 16, 2002, the committees with jurisdiction over community corrections funding decisions in the house of representatives and the senate, in consultation with the Department of Corrections and any interested county organizations, must review the formula in subdivision 1 and make recommendations to the legislature for its continuation, modification, replacement, or discontinuation.~~ (a) For fiscal year 2024 and subsequent fiscal years, the commissioner shall make a funding recommendation based upon the following two components:

(1) for the first component the following amounts shall be summed to arrive at the total for a county, Tribal government, or the department:

(i) \$250,000;

(ii) ten percent of the total appropriation to the department for community supervision in the previous fiscal year multiplied by the county's percentage of the state's total population according to 2020 census data; and

(iii) ten percent of the total appropriation to the department for community supervision in the previous fiscal year multiplied by the county's percentage of the state's total geographic area as reflected in square miles; and

(2) for the second component funding shall reflect the results of the workload study in subdivision 1, paragraph (b).

(b) Every six years the workload study shall be repeated and updated by the Department of Corrections in consultation with the Community Supervision Advisory Board if established.

(c) For the purposes of the recommendations required under this section, every six years the \$250,000 base amount shall be adjusted to reflect the statewide average cost of 2.5 probation officer full-time equivalent employees.

Sec. 17. Minnesota Statutes 2020, section 401.11, is amended to read:

401.11 COMPREHENSIVE PLAN ITEMS; GRANT REVIEW.

Subdivision 1. **Items.** The comprehensive plan submitted to the commissioner for approval shall include those items prescribed by rule of the commissioner, which may require the inclusion of the following: (a) the manner in which presentence and postsentence investigations and reports for the district courts and social history reports for the juvenile courts will be made; (b) the manner in which conditional release services to the courts and persons under jurisdiction of the commissioner of corrections will be provided; (c) a program for the detention, supervision, and treatment of persons under pretrial detention or under commitment; (d) delivery of other correctional services defined in section 401.01; (e) proposals for new programs, which proposals must demonstrate a need for the program, its purpose, objective, administrative structure, staffing pattern, staff training, financing, evaluation process, degree of community involvement, client participation, and duration of program.

Subd. 2. **Review.** In addition to the foregoing requirements made by this section, each participating CCA county or group of counties shall develop and implement a procedure for the review of grant applications made to the corrections advisory board and for the manner in which corrections advisory board action will be taken on them. A description of this procedure must be made available to members of the public upon request.

Sec. 18. Minnesota Statutes 2020, section 401.12, is amended to read:

401.12 CONTINUATION OF CURRENT SPENDING LEVEL BY COUNTIES.

Participating counties shall not diminish their current level of spending for correctional expenses as defined in section 401.01, to the extent of any subsidy grant received pursuant to sections 401.01 to 401.16; rather the subsidy grant herein provided is for the expenditure for correctional purposes in excess of those funds currently being expended. Should a participating county be unable to expend the full amount of the subsidy grant to which it would be entitled in any one year under the provisions of sections 401.01 to 401.16, the commissioner shall retain the surplus, subject to disbursement in the following year wherein such county can demonstrate a need for and ability to expend same for the purposes provided in section 401.01. If in any biennium the subsidy grant is increased by an inflationary adjustment which results in the county receiving more actual subsidy grant than it did in the previous calendar year, the county shall be eligible for that increase only if the current level of spending is increased by a percentage equal to that increase within the same biennium.

Sec. 19. Minnesota Statutes 2020, section 401.14, subdivision 1, is amended to read:

Subdivision 1. **Payment.** Upon compliance by a county or group of counties with the prerequisites for participation in the subsidy grant prescribed by sections 401.01 to 401.16, and approval of the comprehensive plan by the commissioner, the commissioner shall determine whether funds exist for the payment of the subsidy grant and proceed to pay same in accordance with applicable rules.

Sec. 20. Minnesota Statutes 2020, section 401.14, subdivision 3, is amended to read:

Subd. 3. **Installment payments.** The commissioner of corrections shall make payments for community corrections services to each county in 12 installments per year. The commissioner shall ensure that the pertinent payment of the allotment for each month is made to each county on the first working day after the end of each month of the calendar year, except for the last month of the calendar year. The commissioner shall ensure that each county receives its payment of the allotment for that month no later than the last working day of that month. ~~The payment described in this subdivision for services rendered during June 1985 shall be made on the first working day of July 1985.~~

Sec. 21. Minnesota Statutes 2020, section 401.15, subdivision 2, is amended to read:

Subd. 2. **Ranking review.** The commissioner shall biennially review the ranking accorded each county by the equalization formula provided in section 401.10 and compute the subsidy grant rate accordingly.

Sec. 22. Minnesota Statutes 2020, section 401.16, is amended to read:

401.16 WITHDRAWAL FROM PROGRAM.

Any participating county or Tribal government may, at the beginning of any calendar quarter, by resolution of its board of commissioners or Tribal government leaders, notify the commissioner of its intention to withdraw from the subsidy grant program established by sections 401.01 to 401.16, and the withdrawal shall be effective the last day ~~of the last month~~ of the third quarter in after which the notice was given. ~~Upon withdrawal, the unexpended balance of moneys allocated to the county, or that amount necessary to reinstate state correctional services displaced by that county's participation, including complement positions, may, upon approval of the legislative advisory commission, be transferred to the commissioner for the reinstatement of the displaced services and the payment of any other correctional subsidies for which the withdrawing county had previously been eligible.~~

Sec. 23. **SUPERVISION STANDARDS COMMITTEE.**

Subdivision 1. Establishment; members. (a) The commissioner of corrections shall establish a supervision standards committee to develop standards for probation, supervised release, and community supervision. The committee consists of 13 members as follows:

(1) two directors appointed by the Minnesota Association of Community Corrections Act Counties;

(2) two probation directors appointed by the Minnesota Association of County Probation Officers;

(3) two county commissioner representatives appointed by the Association of Minnesota Counties;

(4) two behavioral health, treatment, or programming providers who work directly with individuals on correctional supervision, one appointed by the Department of Human Services and one appointed by the Minnesota Association of County Social Service Administrators;

(5) two representatives appointed by the Minnesota Indian Affairs Council;

(6) the commissioner of corrections or a designee and one additional representative of the department appointed by the commissioner; and

(7) the chair of the statewide evidence-based practice advisory committee.

(b) When an appointing authority selects an individual for membership on the committee, the authority shall make reasonable efforts to reflect geographic diversity and to appoint qualified members of protected groups, as defined in Minnesota Statutes, section 43A.02, subdivision 33.

(c) The commissioner shall convene the first meeting of the committee on or before July 15, 2022.

Subd. 2. Terms; removal; reimbursement. (a) In the case of a vacancy on the committee, the appointing authority shall appoint a person to fill the vacancy. The members of the committee shall elect any officers and create any subcommittees necessary for the efficient discharge of committee duties.

(b) A member may be removed by the appointing authority at any time at the pleasure of the appointing authority.

(c) A member of the committee shall be reimbursed for all reasonable expenses actually paid or incurred by that member in the performance of official duties in the same manner as other employees of the state. The public members of the committee shall be compensated at the rate of \$55 for each day or part thereof spent on committee activities.

Subd. 3. Duties. (a) The committee shall comply with the requirements of section 401.10.

(b) By June 30, 2023, the committee shall provide written advice and recommendations to the commissioner of corrections for creation of administrative rules and policy regarding the following:

(1) developing statewide supervision standards and definitions to be applied to community supervision provided by CPO counties, CCA counties, and the Department of Corrections;

(2) requiring community supervision agencies to use the same agreed-upon risk screener and risk and needs assessment tools, as the main supervision assessment methods, or a universal five-level matrix allowing for consistent supervision levels and that all tools in use be validated on Minnesota's community supervision population and revalidated every five years;

(3) requiring the use of assessment-driven, formalized collaborative case planning to focus case planning goals on identified criminogenic and behavioral health need areas for moderate- and high-risk individuals;

(4) limiting standard conditions required for all people on supervision across all supervision systems and judicial districts, ensure that conditions of supervision are directly related to the offense of the person on supervision, and tailor special conditions to people on supervision identified as high risk and need;

(5) providing gender-responsive, culturally appropriate services and trauma-informed approaches;

(6) developing a statewide incentives and sanctions grid to guide responses to client behavior while under supervision to be reviewed and updated every five years to maintain alignment with national best practices; and

(7) developing performance indicators for supervision success as well as recidivism.

(c) The committee shall explore the role of a permanent state Community Supervision Advisory Board for the purposes of the required report in subdivision 6.

Subd. 4. **Response.** Within 45 days of receiving the committee's recommendations, the commissioner must respond in writing to the committee's advice and recommendations. The commissioner's response must explain whether the agency will promulgate rules based on the recommendations, the timeline for rulemaking, and an explanation of why the commissioner will not or cannot include any individual recommendations of the committee in the agency's promulgation of rules. The commissioner must also submit the advice and recommendations of the committee and the commissioner's written response, to the Governor's Council on Justice Reinvestment and to the chairs and ranking minority members of the legislative committees with jurisdiction over public safety and finance at the same time.

Subd. 5. **Staff; meeting room; office equipment.** The commissioner shall provide the committee with staff support, a meeting room, and access to office equipment and services.

Subd. 6. **Report.** (a) On January 15, 2023, and January 15, 2024, the committee shall submit a report to the chairs and ranking minority members of the legislative committees with jurisdiction over public safety and finance and the Governor's Council on Justice Reinvestment on progress regarding the development of standards and recommendations under subdivision 3.

(b) On January 15, 2025, the committee shall submit a final report to the chairs and ranking minority members of the legislative committees with jurisdiction over public safety and finance and the Governor's Council on Justice Reinvestment on the standards and recommendations developed according to subdivision 3. The recommendations must include, at a minimum, a proposed state-level Community Supervision Advisory Board with a governance structure and duties for the board.

Subd. 7. **Expiration.** The committee expires the earlier of January 25, 2025, or the day after the final report is submitted to the legislature and the Governor's Council on Justice Reinvestment.

Sec. 24. **REPEALER.**

(a) Minnesota Statutes 2020, sections 244.19, subdivisions 6, 7, and 8; 244.22; 244.24; 244.30; and 401.025, are repealed.

(b) Minnesota Statutes 2020, sections 244.18; and 609.102, subdivisions 1, 2, and 2a, are repealed.

EFFECTIVE DATE. Paragraph (a) is effective July 1, 2022. Paragraph (b) is effective July 1, 2023.

ARTICLE 8
APPROPRIATIONS

Section 1. **APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are added to or, if shown in parentheses, subtracted from the appropriations in Laws 2021, First Special Session chapter 11, article 1, to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2022" and "2023" used in this article mean that the addition to or subtraction from the appropriation listed under them is available for the fiscal year ending June 30, 2022, or June 30, 2023, respectively. "The first year" is fiscal year 2022. "The second year" is fiscal year 2023. Supplemental appropriations and reductions to appropriations for the fiscal year ending June 30, 2022, are effective the day following final enactment.

	<u>APPROPRIATIONS</u>	
	<u>Available for the Year</u>	
	<u>Ending June 30</u>	
	<u>2022</u>	<u>2023</u>
Sec. 2. <u>SUPREME COURT</u>		
Subdivision 1. <u>Total Appropriation</u>	<u>\$-0-</u>	<u>\$63,760,000</u>
Subd. 2. <u>Supreme Court Operations</u>	<u>-0-</u>	<u>4,054,000</u>
<u>(a) Compensation</u>		
<u>Compensation for staff is increased by a minimum of six percent.</u>		
<u>Justices' compensation is increased by six percent.</u>		
<u>(b) Maintain Core Operations</u>		
<u>\$2,304,000 in fiscal year 2023 is for maintaining core operations.</u>		
<u>(c) Cybersecurity</u>		
<u>\$1,750,000 in fiscal year 2023 is for cybersecurity.</u>		
Subd. 3. <u>Civil Legal Services</u>	<u>-0-</u>	<u>59,706,000</u>
<u>(a) Salary Equity</u>		
<u>\$4,304,000 in fiscal year 2023 is for salary equity.</u>		
<u>(b) COVID-19 Response</u>		
<u>\$7,463,000 in fiscal year 2023 is for COVID-19 response. The</u>		
<u>general fund base for this appropriation is \$7,051,000 in fiscal year</u>		
<u>2024 and \$7,051,000 in fiscal year 2025.</u>		

(c) Increased Legal Services

\$47,939,000 in fiscal year 2023 is for increased legal services. The ongoing base for this appropriation is \$58,806,000 beginning in fiscal year 2024.

Sec. 3. **COURT OF APPEALS****\$-0-****\$621,000****Compensation**

Compensation for staff is increased by a minimum of six percent. Judges' compensation is increased by six percent.

Sec. 4. **DISTRICT COURTS****\$-0-****\$16,799,000****(a) Compensation**

Compensation for staff is increased by a minimum of six percent. Judges' compensation is increased by six percent.

(b) Psychological Services

1,996,000 in fiscal year 2023 is for mandated psychological services.

(c) Base Adjustment

The general fund base is increased by \$200,000 beginning in fiscal year 2024 to maintain funding for interpreter pay.

Sec. 5. **GUARDIAN AD LITEM BOARD****\$-0-****\$909,000**Sec. 6. **BOARD OF PUBLIC DEFENSE****\$1,740,000****\$52,453,000****(a) Electronic File Storage and Remote Hearing Access**

\$627,000 in fiscal year 2022 is for electronic file storage and remote hearing access. This is a onetime appropriation.

(b) Salary Equity

\$1,113,000 in fiscal year 2022 and \$2,266,000 in fiscal year 2023 are for salary equity.

(c) Increased Services

\$50,000,000 in fiscal year 2023 is for increased public defender services.

(d) Postconviction Relief Petitions

\$187,000 in fiscal year 2023 is for contract attorneys to represent individuals who file postconviction relief petitions. This is a onetime appropriation.

Sec. 7. **HUMAN RIGHTS****\$-0-****\$2,543,000****(a) Improve Caseload Processing**

\$492,000 in fiscal year 2023 is to improve caseload processing. The general fund base for this appropriation is \$461,000 in fiscal year 2024 and \$461,000 in fiscal year 2025.

(b) Bias and Discrimination Data Gathering and Reporting

\$388,000 in fiscal year 2023 is to improve bias and discrimination data gathering and reporting. The general fund base for this appropriation is \$243,000 in fiscal year 2024 and \$243,000 in fiscal year 2025.

(c) Bias Response Community Equity Outreach

\$1,185,000 in fiscal year 2023 is for bias response community equity outreach. The general fund base for this appropriation is \$1,001,000 in fiscal year 2024 and \$1,001,000 in fiscal year 2025.

(d) Equity and Inclusion Strategic Compliance

\$228,000 in fiscal year 2023 is for equity and inclusion strategic compliance.

(e) Equity and Inclusion Strategic Compliance Data Consultant

\$250,000 in fiscal year 2023 is for an equity and inclusion strategic compliance data consultant. These funds are available until June 30, 2024. This is a onetime appropriation.

Sec. 8. **BOARD OF APPELLATE COUNSEL FOR PARENTS****\$-0-****\$699,000****Establishment**

\$699,000 in fiscal year 2023 is to establish and operate the Board of Appellate Counsel for Parents and appellate counsel program. The ongoing base for this program is \$1,835,000 beginning in fiscal year 2024.

ARTICLE 9
CIVIL POLICY WITH FISCAL IMPACT

Section 1. **[260C.419] STATE BOARD OF APPELLATE COUNSEL FOR PARENTS.**

Subdivision 1. **Structure; membership.** (a) The State Board of Appellate Counsel for Parents is established in the judicial branch. The board is not subject to the administrative control of the judiciary. The board shall consist of seven members, including:

(1) three public members appointed by the governor;

(2) one member appointed by the state Indian Affairs Council; and

(3) three members appointed by the supreme court, at least one of whom must have experience representing parents in juvenile court and who include two attorneys admitted to practice law in the state and one public member.

(b) The appointing authorities may not appoint any of the following to be a member of the State Board of Appellate Counsel for Parents:

(1) a person who is a judge;

(2) a person serving as a guardian ad litem or counsel for a guardian ad litem;

(3) a person who serves as counsel for children in juvenile court;

(4) a person under contract with or employed by the Department of Human Services or a county department of human or social services; or

(5) a current city or county attorney or assistant city or county attorney.

(c) All members shall demonstrate an interest in maintaining a high quality, independent appellate defense system for parents in juvenile protection proceedings who are unable to obtain adequate representation. At least three members of the board shall be from judicial districts other than the First, Second, Fourth, and Tenth Judicial Districts. To the extent practicable, the membership of the board must include persons with disabilities, reflect the ethnic diversity of the state, take into consideration race and gender, and include persons from throughout the state. The members shall be well acquainted with representing parents in appellate proceedings related to child protection matters as well as the laws that affect a parent appellate attorney's work, including chapter 260C, the Minnesota Rules of Juvenile Protection Procedure, the Minnesota Rules of Civil Appellate Procedure, the Indian Child Welfare Act, and the Minnesota Indian Family Preservation Act. The terms, compensation, and removal of members shall be as provided in section 15.0575. The members shall elect the chair from among the membership for a term of two years.

Subd. 2. Head appellate counsel for parents; assistant and contracted attorneys. (a) Beginning January 1, 2024, and for every four years after that date, the State Board of Appellate Counsel for Parents shall appoint a head appellate counsel in charge of appellate services, who shall provide for sufficient appellate counsel for parents and other personnel necessary to discharge the functions of the office. The head appellate counsel shall serve a four-year term and may be removed only for cause upon the order of the State Board of Appellate Counsel for Parents. The head appellate counsel shall be a full-time qualified attorney, licensed to practice law in this state, and serve in the unclassified service of the state. Vacancies of the office shall be filled by the appointing authority for the unexpired term. The head appellate counsel shall devote full time to the performance of duties and shall not engage in the general practice of law. The compensation of the head appellate counsel shall be set by the State Board of Appellate Counsel for Parents and shall be commensurate with county attorneys in the state.

(b) Consistent with the decisions of the State Board of Appellate Counsel for Parents, the head appellate counsel shall employ assistants or hire independent contractors to serve as appellate counsel for parents. Each assistant appellate counsel and independent contractor serves at the pleasure of the head appellate counsel. The compensation of assistant appellate counsel and independent contractors shall be set by the State Board of Appellate Counsel for Parents and shall be commensurate with assistant county attorneys in the state.

(c) A person serving as appellate counsel shall be a qualified attorney licensed to practice law in this state. A person serving as appellate counsel practicing in Tribal court shall be a licensed attorney qualified to practice law in Tribal courts in the state. Assistant appellate counsel and contracted appellate counsel may engage in the general practice of law where not employed or contracted to provide services on a full-time basis.

Subd. 3. **Program administrator.** The State Board of Appellate Counsel for Parents shall appoint a program administrator who must be chosen solely on the basis of training, experience, and other qualifications and who serves at the pleasure of the board. The program administrator need not be licensed to practice law. The program administrator shall attend all meetings of the board, but may not vote, and shall:

(1) enforce all resolutions, standards, rules, regulations, policies, and orders of the board;

(2) present to the board and the head appellate counsel plans, studies, and reports prepared for the board's and the head appellate counsel's purposes and recommend to the board and the head appellate counsel for adoption measures necessary to enforce or carry out the powers and duties of the board and the head appellate counsel or to efficiently administer the affairs of the board and the head appellate counsel;

(3) keep the board fully advised as to the board's financial condition and prepare and submit to the board the annual appellate counsel for parents program and the State Board of Appellate Counsel for Parents budget and other financial information as requested by the board;

(4) recommend to the board the adoption of rules and regulations necessary for the efficient operation of the board and the state appellate counsel for parents program;

(5) work cooperatively and collaboratively with sovereign Tribal Nations in the state;

(6) work cooperatively and collaboratively with counties to implement the appellate counsel program; and

(7) perform other duties prescribed by the board.

Subd. 4. **Duties and responsibilities.** (a) The State Board of Appellate Counsel for Parents shall create and administer a statewide, independent appellate counsel program to represent indigent parents who are eligible for the appointment of counsel under section 260C.163, subdivision 3, on appeal in juvenile protection matters.

(b) The board shall approve and recommend to the legislature a budget for the board and the appellate counsel for parents program.

(c) The board shall establish procedures for distribution of funding under this section to the appellate program.

(d) The head appellate counsel with the approval of the board shall establish appellate program standards, administrative policies, procedures, and rules consistent with statute, rules of court, and laws that affect appellate counsel's work. The standards must include but are not limited to:

(1) standards needed to maintain and operate an appellate counsel for parents program, including requirements regarding the qualifications, training, and size of the legal and supporting staff for an appellate counsel program;

(2) standards for appellate counsel caseloads;

(3) standards and procedures for the eligibility of appointment, assessment, and collection of the costs for legal representation provided by appellate counsel;

(4) standards for contracts between contracted appellate counsel and the state appellate counsel program for the legal representation of indigent persons;

(5) standards prescribing minimum qualifications of counsel appointed under the board's authority or by the courts; and

(6) standards ensuring the independent, competent, and efficient representation of clients whose cases present conflicts of interest.

(e) The board may:

(1) propose statutory changes to the legislature and rule changes to the supreme court that are in the best interests of the operation of the appellate counsel for parents program; and

(2) require the reporting of statistical data, budget information, and other cost factors by the appellate counsel for parents program.

Subd. 5. Limitation. In no event shall the board or its members interfere with the discretion, judgment, or zealous advocacy of counsel in their handling of individual cases as a part of the judicial branch of government.

Subd. 6. Budget; county opt-in. The establishment of the office and its employees and support staff and the board shall be funded by the state. Counties must utilize this office to provide appellate representation to indigent parents in their county who are seeking an appeal.

Subd. 7. Collection of costs; appropriation. If any of the costs provided by appellate counsel are assessed and collected or otherwise reimbursed from any source, payments shall be deposited in the general fund.

Sec. 2. Minnesota Statutes 2021 Supplement, section 357.021, subdivision 1a, is amended to read:

Subd. 1a. Transmittal of fees to commissioner of management and budget. (a) Every person, including the state of Minnesota and all bodies politic and corporate, who shall transact any business in the district court, shall pay to the court administrator of said court the sundry fees prescribed in subdivision 2. Except as provided in paragraph (d), the court administrator shall transmit the fees monthly to the commissioner of management and budget for deposit in the state treasury and credit to the general fund. ~~\$30~~ \$45 of each fee collected in a dissolution action under subdivision 2, clause (1), must be deposited by the commissioner of management and budget in the special revenue fund and is appropriated to the commissioner of employment and economic development for the Minnesota Family Resiliency Partnership under section 116L.96.

(b) In a county which has a screener-collector position, fees paid by a county pursuant to this subdivision shall be transmitted monthly to the county treasurer, who shall apply the fees first to reimburse the county for the amount of the salary paid for the screener-collector position. The balance of the fees collected shall then be forwarded to the commissioner of management and budget for deposit in the state treasury and credited to the general fund. In a county in a judicial district under section 480.181, subdivision 1, paragraph (b), which has a screener-collector position, the fees paid by a county shall be transmitted monthly to the commissioner of management and budget for deposit in the state treasury and credited to the general fund. A screener-collector position for purposes of this paragraph is an employee whose function is to increase the collection of fines and to review the incomes of potential clients of the public defender, in order to verify eligibility for that service.

(c) No fee is required under this section from the public authority or the party the public authority represents in an action for:

(1) child support enforcement or modification, medical assistance enforcement, or establishment of parentage in the district court, or in a proceeding under section 484.702;

(2) civil commitment under chapter 253B;

(3) the appointment of a public conservator or public guardian or any other action under chapters 252A and 525;

(4) wrongfully obtaining public assistance under section 256.98 or 256D.07, or recovery of overpayments of public assistance;

(5) court relief under chapters 260, 260A, 260B, and 260C;

(6) forfeiture of property under sections 169A.63 and 609.531 to 609.5317;

(7) recovery of amounts issued by political subdivisions or public institutions under sections 246.52, 252.27, 256.045, 256.25, 256.87, 256B.042, 256B.14, 256B.15, 256B.37, 260B.331, and 260C.331, or other sections referring to other forms of public assistance;

(8) restitution under section 611A.04; or

(9) actions seeking monetary relief in favor of the state pursuant to section 16D.14, subdivision 5.

(d) \$20 from each fee collected for child support modifications under subdivision 2, clause (13), must be transmitted to the county treasurer for deposit in the county general fund and \$35 from each fee shall be credited to the state general fund. The fees must be used by the county to pay for child support enforcement efforts by county attorneys.

(e) No fee is required under this section from any federally recognized Indian Tribe or its representative in an action for:

(1) child support enforcement or modification, medical assistance enforcement, or establishment of parentage in the district court or in a proceeding under section 484.702;

(2) civil commitment under chapter 253B;

(3) the appointment of a public conservator or public guardian or any other action under chapters 252A and 525; or

(4) court relief under chapters 260, 260A, 260B, 260C, and 260D.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 3. Minnesota Statutes 2020, section 357.021, subdivision 2, is amended to read:

Subd. 2. **Fee amounts.** The fees to be charged and collected by the court administrator shall be as follows:

(1) In every civil action or proceeding in said court, including any case arising under the tax laws of the state that could be transferred or appealed to the Tax Court, the plaintiff, petitioner, or other moving party shall pay, when the first paper is filed for that party in said action, a fee of \$285, except in marriage dissolution actions the fee is \$315.

The defendant or other adverse or intervening party, or any one or more of several defendants or other adverse or intervening parties appearing separately from the others, shall pay, when the first paper is filed for that party in said action, a fee of \$285, except in marriage dissolution actions the fee is \$315. This subdivision does not apply to the filing of an Application for Discharge of Judgment. Section 548.181 applies to an Application for Discharge of Judgment.

The party requesting a trial by jury shall pay \$100.

The fees above stated shall be the full trial fee chargeable to said parties irrespective of whether trial be to the court alone, to the court and jury, or disposed of without trial, and shall include the entry of judgment in the action, but does not include copies or certified copies of any papers so filed or proceedings under chapter 103E, except the provisions therein as to appeals.

- (2) Certified copy of any instrument from a civil or criminal proceeding, \$14, ~~and \$8 for an uncertified copy.~~
- (3) Issuing a subpoena, \$16 for each name.
- (4) Filing a motion or response to a motion in civil, family, excluding child support, and guardianship cases, \$75.
- (5) Issuing an execution and filing the return thereof; issuing a writ of attachment, injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically mentioned, \$55.
- (6) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from another court, \$40.
- (7) Filing and entering a satisfaction of judgment, partial satisfaction, or assignment of judgment, \$5.
- (8) Certificate as to existence or nonexistence of judgments docketed, \$5 for each name certified to.
- (9) Filing and indexing trade name; or recording basic science certificate; or recording certificate of physicians, osteopathic physicians, chiropractors, veterinarians, or optometrists, \$5.
- (10) For the filing of each partial, final, or annual account in all trusteeships, \$55.
- (11) For the deposit of a will, \$27.
- (12) For recording notary commission, \$20.
- (13) Filing a motion or response to a motion for modification of child support, a fee of \$50.
- (14) All other services required by law for which no fee is provided, such fee as compares favorably with those herein provided, or such as may be fixed by rule or order of the court.
- (15) In addition to any other filing fees under this chapter, a surcharge in the amount of \$75 must be assessed in accordance with section 259.52, subdivision 14, for each adoption petition filed in district court to fund the fathers' adoption registry under section 259.52.

The fees in clauses (3) and (5) need not be paid by a public authority or the party the public authority represents. No fee may be charged for an uncertified copy of an instrument from a civil or criminal proceeding.

Sec. 4. Minnesota Statutes 2020, section 484.85, is amended to read:

484.85 DISPOSITION OF FINES, FEES, AND OTHER MONEY; ACCOUNTS; RAMSEY COUNTY DISTRICT COURT.

(a) In all cases prosecuted in Ramsey County District Court by an attorney for a municipality or subdivision of government within Ramsey County for violation of a statute; an ordinance; or a charter provision, rule, or regulation of a city; all fines, penalties, and forfeitures collected by the court administrator shall be deposited in the state

treasury and distributed according to this paragraph. Except where a different disposition is provided by section 299D.03, subdivision 5, or other law, on or before the last day of each month, the court shall pay over all fines, penalties, and forfeitures collected by the court administrator during the previous month as follows:

~~(1) for offenses committed within the city of St. Paul, two-thirds paid to the treasurer of the city of St. Paul municipality or subdivision of government within Ramsey County and one-third credited to the state general fund; and,~~

~~(2) for offenses committed within any other municipality or subdivision of government within Ramsey County, one half paid to the treasurer of the municipality or subdivision of government and one half credited to the state general fund.~~

All other fines, penalties, and forfeitures collected by the district court shall be distributed by the courts as provided by law.

(b) Fines, penalties, and forfeitures shall be distributed as provided in paragraph (a) when:

(1) a city contracts with the county attorney for prosecutorial services under section 484.87, subdivision 3; or

(2) the attorney general provides assistance to the city attorney under section 484.87, subdivision 5.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 5. Minnesota Statutes 2020, section 517.08, subdivision 1c, is amended to read:

Subd. 1c. **Disposition of license fee.** (a) Of the civil marriage license fee collected pursuant to subdivision 1b, paragraph (a), \$25 must be retained by the county. The local registrar must pay \$90 to the commissioner of management and budget to be deposited as follows:

(1) ~~\$55~~ \$40 in the general fund;

(2) \$3 in the state government special revenue fund to be appropriated to the commissioner of public safety for parenting time centers under section 119A.37;

(3) \$2 in the special revenue fund to be appropriated to the commissioner of health for developing and implementing the MN ENABL program under section 145.9255;

(4) ~~\$25~~ \$40 in the special revenue fund is appropriated to the commissioner of employment and economic development for the Minnesota Family Resiliency Partnership under section 116L.96; and

(5) \$5 in the special revenue fund, which is appropriated to the Board of Regents of the University of Minnesota for the Minnesota couples on the brink project under section 137.32.

(b) Of the \$40 fee under subdivision 1b, paragraph (b), \$25 must be retained by the county. The local registrar must pay \$15 to the commissioner of management and budget to be deposited as follows:

(1) \$5 as provided in paragraph (a), clauses (2) and (3); and

(2) \$10 in the special revenue fund is appropriated to the commissioner of employment and economic development for the Minnesota Family Resiliency Partnership under section 116L.96.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 6. Minnesota Statutes 2020, section 590.01, subdivision 4, is amended to read:

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

(1) the entry of judgment of conviction or sentence if no direct appeal is filed; or

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

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

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

(2) the petitioner alleges the existence of newly discovered evidence, including scientific evidence, that could not have been ascertained by the exercise of due diligence by the petitioner or petitioner's attorney within the two-year time period for filing a postconviction petition, and the evidence is not cumulative to evidence presented at trial, is not for impeachment purposes, and establishes by a clear and convincing standard that the petitioner is innocent of the offense or offenses for which the petitioner was convicted;

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

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

(5) the petitioner establishes to the satisfaction of the court that the petition is not frivolous and is in the interests of justice; ~~or~~

(6) the petitioner is either placed into immigration removal proceedings, or detained for the purpose of removal from the United States, or received notice to report for removal, as a result of a conviction that was obtained by relying on incorrect advice or absent advice from counsel on immigration consequences.

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

ARTICLE 10 GOVERNMENT DATA PRACTICES AND PRIVACY

Section 1. Minnesota Statutes 2020, section 5B.02, is amended to read:

5B.02 DEFINITIONS.

(a) For purposes of this chapter and unless the context clearly requires otherwise, the definitions in this section have the meanings given them.

(b) "Address" means an individual's work address, school address, or residential street address, as specified on the individual's application to be a program participant under this chapter.

(c) "Applicant" means an adult, a parent or guardian acting on behalf of an eligible minor, or a guardian acting on behalf of an incapacitated person, as defined in section 524.5-102.

(d) "Domestic violence" means an act as defined in section 518B.01, subdivision 2, paragraph (a), and includes a threat of such acts committed against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law enforcement officers.

(e) "Eligible person" means an adult, a minor, or an incapacitated person, as defined in section 524.5-102 for whom there is good reason to believe (1) that the eligible person is a victim of domestic violence, sexual assault, or harassment or stalking, or (2) that the eligible person fears for the person's safety, the safety of another person who resides in the same household, or the safety of persons on whose behalf the application is made. An individual must reside in Minnesota in order to be an eligible person. A person registered or required to register as a predatory offender under section 243.166 or 243.167, or the law of another jurisdiction, is not an eligible person.

(f) "Mail" means first class letters and flats delivered via the United States Postal Service, including priority, express, and certified mail, and excluding ~~packages, parcels,~~ (1) periodicals; and catalogues, and (2) packages and parcels unless they are clearly identifiable as nonrefrigerated pharmaceuticals or clearly indicate that they are sent by the federal government or a state or county government agency of the continental United States, Hawaii, District of Columbia, or United States territories.

(g) "Program participant" means an individual certified as a program participant under section 5B.03.

(h) "Harassment" or "stalking" means acts criminalized under section 609.749 and includes a threat of such acts committed against an individual, regardless of whether these acts or threats have been reported to law enforcement officers.

Sec. 2. Minnesota Statutes 2020, section 5B.05, is amended to read:

5B.05 USE OF DESIGNATED ADDRESS.

(a) When a program participant presents the address designated by the secretary of state to any person or entity, that address must be accepted as the address of the program participant. The person may not require the program participant to submit any address that could be used to physically locate the participant either as a substitute or in addition to the designated address, or as a condition of receiving a service or benefit, unless the service or benefit would be impossible to provide without knowledge of the program participant's physical location. Notwithstanding a person's or entity's knowledge of a program participant's physical location, the person or entity must use the program participant's designated address for all mail correspondence with the program participant.

(b) A program participant may use the address designated by the secretary of state as the program participant's work address.

(c) The Office of the Secretary of State shall forward all mail sent to the designated address to the proper program participants.

(d) If a program participant has notified a person in writing, on a form prescribed by the program, that the individual is a program participant and of the requirements of this section, the person must not knowingly disclose the participant's name or address identified by the participant on the notice. If identified on the notice, the individual receiving the notice must not knowingly disclose the program participant's name, home address, work address, or school address, unless the person to whom the address is disclosed also lives, works, or goes to school at the address disclosed, or the participant has provided written consent to disclosure of the participant's name, home address, work address, or school address for the purpose for which the disclosure will be made. This paragraph applies to the actions and reports of guardians ad litem, except that guardians ad litem may disclose the program participant's name. This paragraph does not apply to records of the judicial branch governed by rules adopted by the supreme court or government entities governed by section 13.045.

Sec. 3. Minnesota Statutes 2020, section 5B.10, subdivision 1, is amended to read:

Subdivision 1. **Display by landlord.** If a program participant has notified the program participant's landlord in writing that the individual is a program participant and of the requirements of this section, a local ordinance ~~or the landlord~~ must not require the display of, and the landlord shall not display, the program participant's name at an address otherwise protected under this chapter.

Sec. 4. Minnesota Statutes 2020, section 13.045, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** As used in this section:

(1) "program participant" has the meaning given in section 5B.02, paragraph (g);

(2) "location data" means ~~any~~ data the participant specifies that may be used to physically locate a program participant, ~~including but not limited to~~ such as the program participant's residential address, work address, ~~and~~ or school address, and that is collected, received, or maintained by a government entity prior to the date a program participant's certification expires, or the date the entity receives notice that the program participant has withdrawn from the program, whichever is earlier;

(3) "identity data" means data that may be used to identify a program participant, including the program participant's name, phone number, e-mail address, address designated under chapter 5B, Social Security number, or driver's license number, and that is collected, received, or maintained by a government entity before the date a program participant's certification expires, or the date the entity receives notice that the program participant has withdrawn from the program, whichever is earlier;

(4) "county recorder" means the county official who performs the functions of the county recorder or registrar of titles to record a document as part of the county real estate document recording system, regardless of title or office; and

(5) "real property records" means any record of data that is maintained ~~by a county~~ as part of the county real estate document recording system for use by the public, data on assessments, data on real or personal property taxation, and other data on real property.

Sec. 5. Minnesota Statutes 2020, section 13.045, subdivision 2, is amended to read:

Subd. 2. **Notification of certification.** (a) A program participant may ~~submit a notice, in writing, to~~ notify the responsible authority of any government entity other than the county recorder ~~in writing, on a form prescribed by the secretary of state,~~ that the participant is certified in the Safe at Home address confidentiality program pursuant to chapter 5B. The notice must include the program participant's name, ~~names of other program participants in the household,~~ date of birth, address designated under chapter 5B, program participant signature, signature of the participant's parent or guardian if the participant is a minor, date the program participant's certification in the program expires, and any other information specified by the secretary of state. A program participant may submit a subsequent notice of certification, if the participant's certification is renewed. The contents of the notification of certification are private data on individuals. A notice provided pursuant to this paragraph is a request to protect location data unless the participant requests that specific identity data also be protected.

(b) ~~To affect real property records, including but not limited to documents maintained in a public recording system, data on assessments and taxation, and other data on real property,~~ a program participant must submit a real property notice in writing to the county recorder in the county where the property identified in the real property notice is located. To affect real property records maintained by any other government entity, a program participant must submit a real property notice in writing to the other government entity's responsible authority. A real property notice must be on a form prescribed by the secretary of state and must include:

(1) the full legal name of the program participant, including middle name;

- (2) the last four digits of the program participant's Social Security number;
- (3) the participant's date of birth;
- ~~(3)~~ (4) the designated address of the program participant as assigned by the secretary of state, including lot number;
- ~~(4) the date the program participant's certification in the program expires;~~
- (5) the legal description and street address, if any, of the real property affected by the notice;
- (6) the address of the Office of the Secretary of State; and
- (7) the signature of the program participant.

Only one parcel of real property may be included in each notice, but more than one notice may be presented ~~to the county recorder~~. The ~~county recorder~~ recipient of the notice may require a program participant to provide additional information necessary to identify the records of the program participant or the real property described in the notice. A program participant must submit a subsequent real property notice for the real property if the participant's ~~certification is renewed~~ legal name changes. The real property notice is private data on individuals.

Sec. 6. Minnesota Statutes 2020, section 13.045, subdivision 3, is amended to read:

Subd. 3. **Classification of identity and location data; amendment of records; sharing and dissemination.**

(a) Identity and location data ~~on~~ for which a program participant ~~who submits a notice~~ seeks protection under subdivision 2, paragraph (a), that are not otherwise classified by law are private data on individuals. ~~Notwithstanding any provision of law to the contrary, private or confidential location data on a program participant who submits a notice under subdivision 2, paragraph (a), may not be shared with any other government entity or nongovernmental entity except as provided in paragraph (b).~~

~~(b) Private or confidential location data on a program participant must not be shared or disclosed by a government entity. Notwithstanding any provision of law to the contrary, private or confidential location data on a program participant who submits a notice under subdivision 2, paragraph (a), may not be shared with any other government entity or nongovernmental entity unless:~~

- (1) the program participant has expressly consented in writing to sharing or dissemination of the data for the purpose for which the sharing or dissemination will occur;
- (2) the data are subject to sharing or dissemination pursuant to court order under section 13.03, subdivision 6;
- (3) the data are subject to sharing pursuant to section 5B.07, subdivision 2;
- (4) the location data related to county of residence are needed to provide public assistance or other government services, or to allocate financial responsibility for the assistance or services;
- (5) the data are necessary to perform a government entity's health, safety, or welfare functions, including the provision of emergency 911 services, the assessment and investigation of child or vulnerable adult abuse or neglect, or the assessment or inspection of services or locations for compliance with health, safety, or professional standards; or
- (6) the data are necessary to aid an active law enforcement investigation of the program participant.

(c) Data disclosed under paragraph (b), clauses (4) to (6), may be used only for the purposes authorized in this subdivision and may not be further disclosed to any other person or government entity. Government entities receiving or sharing private or confidential data under this subdivision shall establish procedures to protect the data from further disclosure.

(d) Real property record data are governed by subdivision 4a.

(e) Notwithstanding sections 15.17 and 138.17, a government entity may amend records to replace a participant's location data with the participant's designated address.

Sec. 7. Minnesota Statutes 2020, section 13.045, subdivision 4a, is amended to read:

Subd. 4a. **Real property records.** (a) If a program participant submits a notice ~~to a county recorder~~ under subdivision 2, paragraph (b), the ~~county recorder~~ government entity must not disclose the program participant's identity data in conjunction with the property identified in the written notice in the entity's real property records, unless:

(1) the program participant has consented to sharing or dissemination of the data for the purpose identified in a writing acknowledged by the program participant;

(2) the data are subject to sharing or dissemination pursuant to court order under section 13.03, subdivision 6; ~~or~~

(3) the secretary of state authorizes the sharing or dissemination of the data under subdivision 4b for the purpose identified in the authorization; or

(4) the data are shared with a government entity subject to this chapter for the purpose of administering assessment and taxation laws.

This subdivision does not prevent ~~the~~ a county recorder from returning original documents to the individuals that submitted the documents for recording. This subdivision does not prevent the public disclosure of the participant's name and address designated under chapter 5B in the county reception index if the participant's name and designated address are not disclosed in conjunction with location data. Each ~~county recorder~~ government entity shall establish procedures for recording or filing documents to comply with this subdivision. These procedures may include masking identity or location data and making documents or certificates of title containing the data private and not viewable except as allowed by this paragraph. The procedure must comply with the requirements of chapters 386, 507, 508, and 508A and other laws as appropriate, to the extent these requirements do not conflict with this section. The procedures must provide public notice of the existence of recorded documents and certificates of title that are not publicly viewable and the provisions for viewing them under this subdivision. Notice that a document or certificate is private and viewable only under this subdivision or subdivision 4b is deemed constructive notice of the document or certificate.

(b) ~~A real property notice is notice only to the county recorder. A notice that does not conform to the requirements of a real property notice under subdivision 2, paragraph (b), is not effective as a notice to the county recorder. On receipt of a real property notice, the county recorder shall provide a copy of the notice to the person who maintains the property tax records in that county, and~~ If the recipient of the real property notice is the county recorder, the county recorder shall notify the county's responsible authority and provide a copy to the secretary of state at the address specified in the notice. If the recipient of the notice is the responsible authority, the responsible authority shall provide a copy to the secretary of state at the address specified by the secretary of state in the notice.

(c) Paragraph (a) applies only to the records recorded or filed concurrently with the real property notice specified in subdivision 2, paragraph (b), and real property records affecting the same real property created or recorded subsequent to the ~~county's~~ government entity's receipt of the real property notice.

(d) The prohibition on disclosure in paragraph (a) continues until:

(1) the program participant has consented to the termination of the real property notice in a writing acknowledged by the program participant. Notification under this paragraph must be given by the government entity to the secretary of state within 90 days of the termination;

(2) the real property notice is terminated pursuant to a court order. Notification under this paragraph must be given by the government entity to the secretary of state within 90 days of the termination;

(3) the program participant no longer holds a record interest in the real property identified in the real property notice. Notification under this paragraph must be given by the government entity to the secretary of state within 90 days of the termination; or

(4) the secretary of state has given written notice to the ~~county recorder~~ government entity who provided the secretary of state with a copy of a participant's real property notice that the program participant's certification has terminated. Notification under this paragraph must be given by the secretary of state within 90 days of the termination.

Upon termination of the prohibition of disclosure, the ~~county recorder~~ government entity shall make publicly viewable all documents and certificates of title relative to the participant that were previously partially or wholly private and not viewable.

Sec. 8. **[13.204] POLITICAL SUBDIVISIONS LICENSING DATA.**

(a) The following data submitted to a political subdivision by a person seeking to obtain a license are classified as private data on individuals or nonpublic data:

(1) a tax return, as defined by section 270B.01, subdivision 2; and

(2) a bank account statement.

(b) Notwithstanding section 138.17, data collected by a political subdivision as part of a license application and classified under paragraph (a) must be destroyed no later than 90 days after a final decision on the license application.

Sec. 9. Minnesota Statutes 2020, section 13.32, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** As used in this section:

(a) "Educational data" means data on individuals maintained by a public educational agency or institution or by a person acting for the agency or institution which relates to a student.

Records of instructional personnel which are in the sole possession of the maker thereof and are not accessible or revealed to any other individual except a substitute teacher, and are destroyed at the end of the school year, shall not be deemed to be government data.

Records of a law enforcement unit of a public educational agency or institution which are maintained apart from education data and are maintained solely for law enforcement purposes, and are not disclosed to individuals other than law enforcement officials of the jurisdiction are not educational data; provided, that education records maintained by the educational agency or institution are not disclosed to the personnel of the law enforcement unit. The University of Minnesota police department is a law enforcement agency for purposes of section 13.82 and other sections of Minnesota Statutes dealing with law enforcement records. Records of organizations providing security services to a public educational agency or institution must be administered consistent with section 13.861.

Records relating to a student who is employed by a public educational agency or institution which are made and maintained in the normal course of business, relate exclusively to the individual in that individual's capacity as an employee, and are not available for use for any other purpose are classified pursuant to section 13.43.

(b) "Juvenile justice system" includes criminal justice agencies and the judiciary when involved in juvenile justice activities.

(c) "Parent" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

(d) "School-issued device" means hardware or software that a public educational agency or institution, acting independently or with a technology provider, provides to an individual student for that student's dedicated personal use. A school-issued device includes a device issued through a one-to-one program.

~~(e)~~ (e) "Student" means an individual currently or formerly enrolled or registered, applicants for enrollment or registration at a public educational agency or institution, or individuals who receive shared time educational services from a public agency or institution.

~~(f)~~ (f) "Substitute teacher" means an individual who performs on a temporary basis the duties of the individual who made the record, but does not include an individual who permanently succeeds to the position of the maker of the record.

(g) "Technology provider" means a person who:

(1) contracts with a public educational agency or institution, as part of a one-to-one program or otherwise, to provide a school-issued device for student use; and

(2) creates, receives, or maintains educational data pursuant or incidental to a contract with a public educational agency or institution.

EFFECTIVE DATE. This section is effective for the 2022-2023 school year and later.

Sec. 10. Minnesota Statutes 2020, section 13.32, subdivision 3, is amended to read:

Subd. 3. **Private data; when disclosure is permitted.** Except as provided in subdivision 5, educational data is private data on individuals and shall not be disclosed except as follows:

(a) pursuant to section 13.05;

(b) pursuant to a valid court order;

(c) pursuant to a statute specifically authorizing access to the private data;

(d) to disclose information in health, including mental health, and safety emergencies pursuant to the provisions of United States Code, title 20, section 1232g(b)(1)(I) and Code of Federal Regulations, title 34, section 99.36;

(e) pursuant to the provisions of United States Code, title 20, sections 1232g(b)(1), (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3), (b)(6), (b)(7), and (i), and Code of Federal Regulations, title 34, sections 99.31, 99.32, 99.33, 99.34, 99.35, and 99.39;

(f) to appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;

(g) when disclosure is required for institutions that participate in a program under title IV of the Higher Education Act, United States Code, title 20, section 1092;

(h) to the appropriate school district officials to the extent necessary under subdivision 6, annually to indicate the extent and content of remedial instruction, including the results of assessment testing and academic performance at a postsecondary institution during the previous academic year by a student who graduated from a Minnesota school district within two years before receiving the remedial instruction;

(i) to appropriate authorities as provided in United States Code, title 20, section 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the system to effectively serve, prior to adjudication, the student whose records are released; provided that the authorities to whom the data are released submit a written request for the data that certifies that the data will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student and the request and a record of the release are maintained in the student's file;

(j) to volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students;

(k) to provide student recruiting information, from educational data held by colleges and universities, as required by and subject to Code of Federal Regulations, title 32, section 216;

(l) to the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;

(m) with respect to Social Security numbers of students in the adult basic education system, to Minnesota State Colleges and Universities and the Department of Employment and Economic Development for the purpose and in the manner described in section 124D.52, subdivision 7;

(n) to the commissioner of education for purposes of an assessment or investigation of a report of alleged maltreatment of a student as mandated by chapter 260E. Upon request by the commissioner of education, data that are relevant to a report of maltreatment and are from charter school and school district investigations of alleged maltreatment of a student must be disclosed to the commissioner, including, but not limited to, the following:

- (1) information regarding the student alleged to have been maltreated;
- (2) information regarding student and employee witnesses;
- (3) information regarding the alleged perpetrator; and

(4) what corrective or protective action was taken, if any, by the school facility in response to a report of maltreatment by an employee or agent of the school or school district;

(o) when the disclosure is of the final results of a disciplinary proceeding on a charge of a crime of violence or nonforcible sex offense to the extent authorized under United States Code, title 20, section 1232g(b)(6)(A) and (B) and Code of Federal Regulations, title 34, sections 99.31 (a)(13) and (14);

(p) when the disclosure is information provided to the institution under United States Code, title 42, section 14071, concerning registered sex offenders to the extent authorized under United States Code, title 20, section 1232g(b)(7); ~~or~~

(q) when the disclosure is to a parent of a student at an institution of postsecondary education regarding the student's violation of any federal, state, or local law or of any rule or policy of the institution, governing the use or possession of alcohol or of a controlled substance, to the extent authorized under United States Code, title 20, section 1232g(i), and Code of Federal Regulations, title 34, section 99.31 (a)(15), and provided the institution has an information release form signed by the student authorizing disclosure to a parent. The institution must notify parents and students about the purpose and availability of the information release forms. At a minimum, the institution must distribute the information release forms at parent and student orientation meetings-;

(r) with Tribal Nations about Tribally enrolled or descendant students to the extent necessary for the Tribal Nation and school district or charter school to support the educational attainment of the student; or

(s) a student's name, home address, telephone number, e-mail address, or other personal contact information may be disclosed to a government entity that is determined to have a legitimate educational interest in the data and that is conducting a service, activity, or event sponsored by or endorsed by the educational agency or institution for students or former students.

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

Sec. 11. Minnesota Statutes 2020, section 13.32, subdivision 5, is amended to read:

Subd. 5. **Directory information.** ~~Information~~ (a) Educational data designated as directory information is public data on individuals to the extent required under federal law. Directory information must be designated pursuant to the provisions of:

(1) this subdivision; and

(2) United States Code, title 20, section 1232g, and Code of Federal Regulations, title 34, section 99.37, which are ~~were~~ in effect on January 3, 2012, ~~is public data on individuals, to the extent required under federal law.~~

(b) When conducting the directory information designation and notice process required by federal law, an educational agency or institution shall give parents and students notice of the right to refuse to let the agency or institution designate ~~any or all~~ specified data about the student as directory information. This notice may be given by any means reasonably likely to inform the parents and students of the right.

(c) An educational agency or institution may not designate a student's home address, telephone number, e-mail address, or other personal contact information as directory information under this subdivision. This paragraph does not apply to a postsecondary institution.

EFFECTIVE DATE. This section is effective the day following final enactment. Beginning upon the effective date of this section, a student's personal contact information subject to this section must be treated by an educational agency or institution as private educational data under Minnesota Statutes, section 13.32, regardless of whether that contact information was previously designated as directory information under Minnesota Statutes, section 13.32, subdivision 5.

Sec. 12. Minnesota Statutes 2020, section 13.32, is amended by adding a subdivision to read:

Subd. 13. **Technology providers.** (a) A technology provider is subject to the provisions of section 13.05, subdivision 11.

(b) All educational data created, received, maintained, or disseminated by a technology provider pursuant or incidental to a contract with a public educational agency or institution are not the technology provider's property.

(c) If educational data maintained by the technology provider are subject to a breach of the security of the data, as defined in section 13.055, the technology provider must, following discovery of the breach, disclose to the public educational agency or institution all information necessary to fulfill the requirements of section 13.055.

(d) Unless renewal of the contract is reasonably anticipated, within 30 days of the expiration of the contract, a technology provider must destroy or return to the appropriate public educational agency or institution all educational data created, received, or maintained pursuant or incidental to the contract.

(e) A technology provider must not sell, share, or disseminate educational data, except as provided by this section or as part of a valid delegation or assignment of its contract with a public educational agency or institution. An assignee or delegee that creates, receives, or maintains educational data is subject to the same restrictions and obligations under this section as the technology provider.

(f) A technology provider must not use educational data for any commercial purpose, including but not limited to marketing or advertising to a student or parent.

(g) A technology provider must establish written procedures to ensure appropriate security safeguards for educational data. These procedures must require that:

(1) the technology provider's employees or contractors have access to educational data only if authorized; and

(2) the technology provider's employees or contractors may be authorized to access educational data only if access is necessary to fulfill the official duties of the employee or contractor.

These written procedures are public data.

(h) Within 30 days of the start of each school year, a public educational agency or institution must give parents and students direct, timely notice, by United States mail, e-mail, or other direct form of communication, of any curriculum, testing, or assessment technology provider contract affecting a student's educational data. The notice must:

(1) identify each curriculum, testing, or assessment technology provider with access to educational data;

(2) identify the educational data affected by the curriculum, testing, or assessment technology provider contract; and

(3) include information about the contract inspection and, if applicable, the parent or student's ability to opt out of any program or activity that allows a curriculum, testing, or assessment technology provider to access a student's educational data.

(i) A public educational agency or institution must provide parents and students an opportunity to inspect a complete copy of any contract with a technology provider.

(j) A public educational agency or institution must not penalize or withhold an educational benefit from a parent or student who opts out of any program or activity that allows a technology provider to access a student's educational data.

EFFECTIVE DATE. This section is effective for the 2022-2023 school year and later.

Sec. 13. Minnesota Statutes 2020, section 13.32, is amended by adding a subdivision to read:

Subd. 14. **School-issued devices.** (a) Except as provided in paragraph (b), a government entity or technology provider must not electronically access or monitor:

(1) any location-tracking feature of a school-issued device;

(2) any audio or visual receiving, transmitting, or recording feature of a school-issued device; or

(3) student interactions with a school-issued device, including but not limited to keystrokes and web-browsing activity.

(b) A government entity or technology provider may only engage in activities prohibited by paragraph (a) if:

(1) the activity is limited to a noncommercial educational purpose for instruction by district employees, technical support by district employees, or exam-proctoring by staff contracted by a district, a vendor, or the Department of Education and notice is provided in advance;

(2) the activity is permitted under a judicial warrant;

(3) the public educational agency or institution is notified or becomes aware that the device is missing or stolen;

(4) the activity is necessary to respond to an imminent threat to life or safety and the access is limited to that purpose;

(5) the activity is necessary to comply with federal or state law; or

(6) the activity is necessary to participate in federal or state funding programs, including but not limited to the E-Rate program.

(c) If a government entity or technology provider interacts with a school-issued device as provided in paragraph (b), clause (4), it must, within 72 hours of the access, notify the student to whom the school-issued device was issued or that student's parent and provide a written description of the interaction, including which features of the device were accessed and a description of the threat. This notice is not required at any time when the notice itself would pose an imminent threat to life or safety, but must instead be given within 72 hours after that imminent threat has ceased.

EFFECTIVE DATE. This section is effective for the 2022-2023 school year and later.

Sec. 14. Minnesota Statutes 2020, section 13.32, is amended by adding a subdivision to read:

Subd. 15. **Application to postsecondary institutions; exemption.** (a) A postsecondary institution is exempt from subdivisions 13 and 14. This exemption extends to a technology provider for purposes of a contract with a postsecondary institution.

(b) Subdivisions 13 and 14 shall not apply to a nonprofit national assessment provider solely for purposes of providing access to employment, educational scholarships and programs, financial aid, or postsecondary educational opportunities, if the provider secures express digital or written consent of the student or the student's parent or guardian, in response to clear and conspicuous notice.

EFFECTIVE DATE. This section is effective for the 2022-2023 school year and later.

Sec. 15. **[13.463] EDUCATION SUPPORT SERVICES DATA.**

Subdivision 1. **Definition.** As used in this section, "education support services data" means data on individuals collected, created, maintained, used, or disseminated relating to programs administered by a government entity or entity under contract with a government entity designed to eliminate disparities and advance equities in educational achievement for youth by coordinating services available to participants, regardless of the youth's involvement with other government services. Education support services data does not include welfare data under section 13.46.

Subd. 2. **Classification.** (a) Unless otherwise provided by law, all education support services data are private data on individuals and must not be disclosed except according to section 13.05 or a court order.

(b) The responsible authority for a government entity maintaining education support services data must establish written procedures to ensure that only individuals authorized by law may enter, update, or access not public data collected, created, or maintained by the driver and vehicle services information system. An authorized individual's ability to enter, update, or access data in the system must correspond to the official duties or training level of the individual and to the statutory authorization granting access for that purpose. All queries and responses, and all actions in which education support services data are entered, updated, accessed, shared, or disseminated, must be recorded in a data audit trail. Data contained in the audit trail have the same classification as the underlying data tracked by the audit trail.

Sec. 16. Minnesota Statutes 2021 Supplement, section 299C.72, subdivision 2, is amended to read:

Subd. 2. **Criminal history check authorized.** (a) The criminal history check authorized by this section shall not be used in place of a statutorily mandated or authorized background check.

(b) An authorized law enforcement agency may conduct a criminal history check of an individual who is an applicant for employment, current employee, applicant for licensure, or current licensee. Prior to conducting the criminal history check, the authorized law enforcement agency must receive the informed consent of the individual.

(c) The authorized law enforcement agency ~~shall not~~ may disseminate criminal history data ~~and to either the hiring or licensing authority of the city or county requesting checks for applicants, licensees, or current employees. The authorized law enforcement agency and the hiring or licensing authority of the city or county must maintain #~~ criminal history data securely with the agency's office and act consistently with section 364.05. The authorized law enforcement agency can indicate whether the applicant for employment or applicant for licensure has a criminal history that would prevent hire, acceptance as a volunteer to a hiring authority, or would prevent the issuance of a license to the department that issues the license.

ARTICLE 11
UNIFORM CANADIAN JUDGMENTS

Section 1. **[548.64] SHORT TITLE.**

Sections 548.64 to 548.74 may be cited as the "Uniform Registration of Canadian Money Judgments Act."

Sec. 2. **[548.65] DEFINITIONS.**

In sections 548.64 to 548.74:

(1) "Canada" means the sovereign nation of Canada and its provinces and territories. "Canadian" has a corresponding meaning.

(2) "Canadian judgment" means a judgment of a court of Canada, other than a judgment that recognizes the judgment of another foreign country.

Sec. 3. **[548.66] APPLICABILITY.**

(a) Sections 548.64 to 548.74 apply to a Canadian judgment to the extent the judgment is within the scope of sections 548.54 to 548.63, if recognition of the judgment is sought to enforce the judgment.

(b) A Canadian judgment that grants both recovery of a sum of money and other relief may be registered under sections 548.64 to 548.74, but only to the extent of the grant of recovery of a sum of money.

(c) A Canadian judgment regarding subject matter both within and not within the scope of sections 548.64 to 548.74 may be registered under sections 548.64 to 548.74, but only to the extent the judgment is with regard to subject matter within the scope of sections 548.64 to 548.74.

Sec. 4. **[548.67] REGISTRATION OF CANADIAN JUDGMENT.**

(a) A person seeking recognition of a Canadian judgment described in section 548.66 to enforce the judgment may register the judgment in the office of the court administrator of a court in which an action for recognition of the judgment could be filed under section 548.59.

(b) A registration under paragraph (a) must be executed by the person registering the judgment or the person's attorney and include:

(1) a copy of the Canadian judgment authenticated in the same manner as a copy of a foreign judgment is authenticated in an action under section 548.59 as an accurate copy by the court that entered the judgment;

(2) the name and address of the person registering the judgment;

(3) if the person registering the judgment is not the person in whose favor the judgment was rendered, a statement describing the interest the person registering the judgment has in the judgment which entitles the person to seek its recognition and enforcement;

(4) the name and last-known address of the person against whom the judgment is being registered;

(5) if the judgment is of the type described in section 548.66, paragraph (b) or (c), a description of the part of the judgment being registered;

(6) the amount of the judgment or part of the judgment being registered, identifying:

(i) the amount of interest accrued as of the date of registration on the judgment or part of the judgment being registered, the rate of interest, the part of the judgment to which interest applies, and the date when interest began to accrue;

(ii) costs and expenses included in the judgment or part of the judgment being registered, other than an amount awarded for attorney fees; and

(iii) the amount of an award of attorney fees included in the judgment or part of the judgment being registered;

(7) the amount, as of the date of registration, of post-judgment costs, expenses, and attorney fees claimed by the person registering the judgment or part of the judgment;

(8) the amount of the judgment or part of the judgment being registered which has been satisfied as of the date of registration;

(9) a statement that:

(i) the judgment is final, conclusive, and enforceable under the law of the Canadian jurisdiction in which it was rendered;

(ii) the judgment or part of the judgment being registered is within the scope of sections 548.64 to 548.74; and

(iii) if a part of the judgment is being registered, the amounts stated in the registration under clauses (6), (7), and (8) relate to the part;

(10) if the judgment is not in English, a certified translation of the judgment into English; and

(11) the filing fee stated in section 548.30.

(c) On receipt of a registration that includes the documents, information, and filing fee required by paragraph (b), the court administrator shall file the registration, assign a docket number, and enter the Canadian judgment in the court's docket.

(d) A registration substantially in the following form complies with the registration requirements under paragraph (b) if the registration includes the attachments specified in the form:

REGISTRATION OF CANADIAN MONEY JUDGMENT

Complete and file this form, together with the documents required by Part V of this form, with the court administrator. When stating an amount of money, identify the currency in which the amount is stated.

PART I. IDENTIFICATION OF CANADIAN JUDGMENT

Canadian Court Rendering the Judgment:

.....

Case/Docket Number in Canadian Court:

.....

Name of Plaintiff(s):

.....

Name of Defendant(s):

.....

The Canadian Court entered the judgment:

on in in
[Date] [City] [Province or Territory]

The judgment includes an award for the payment of money in favor of

in the amount of

If only part of the Canadian judgment is subject to registration (see Minnesota Statutes, section 548.66, paragraphs (b) and (c)), describe the part of the judgment being registered:

.....

PART II. IDENTIFICATION OF PERSON REGISTERING JUDGMENT AND PERSON AGAINST WHOM JUDGMENT IS BEING REGISTERED

Provide the following information for all persons seeking to register the judgment under this registration and all persons against whom the judgment is being registered under this registration. Name of Person(s) Registering Judgment:

.....

If a person registering the judgment is not the person in whose favor the judgment was rendered, describe the interest the person registering the judgment has in the judgment which entitles the person to seek its recognition and enforcement:

.....

Address of Person(s) Registering Judgment:

.....

Additional Contact Information for Person(s) Registering Judgment (Optional):

Telephone Number: Fax Number:

E-mail Address:

Name of Attorney for Person(s) Registering Judgment, if any:

.....

Address:

Telephone Number: Fax Number:

E-mail Address:

Name of Person(s) Against Whom Judgment is Being Registered:

.....

Address of Person(s) Against Whom Judgment is Being Registered:

..... (provide the most recent address known)

Additional Contact Information for Person(s) Against Whom Judgment is Being Registered (Optional) (provide most recent information known):

Telephone Number: Fax Number:

E-mail Address:

PART III. CALCULATION OF AMOUNT FOR WHICH ENFORCEMENT IS SOUGHT

Identify the currency or currencies in which each amount is stated.

The amount of the Canadian judgment or part of the judgment being registered is:

.....

The amount of interest accrued as of the date of registration on the part of the judgment being registered is:

.....

The applicable rate of interest is:

The date when interest began to accrue is:

The part of the judgment to which the interest applies is:

The Canadian Court awarded costs and expenses relating to the part of the judgment being registered in the amount of:

.....

(exclude any amount included in the award of costs and expenses which represents an award of attorney fees).

The person registering the Canadian judgment claims post-judgment costs and expenses in the amount of:

.....

and post-judgment attorney fees in the amount of

.....

relating to the part of the judgment being registered (include only costs, expenses, and attorney fees incurred before registration).

The amount of the part of the judgment being registered which has been satisfied as of the date of registration is

.....

The total amount for which enforcement of the part of the judgment being registered is sought is

.....

PART IV. STATEMENT OF PERSON REGISTERING JUDGMENT

I,, state:

(Person Registering Judgment or Attorney for Person Registering Judgment)

1. The Canadian judgment is final, conclusive, and enforceable under the law of the Canadian jurisdiction in which it was rendered.

2. The Canadian judgment or part of the judgment being registered is within the scope of Minnesota Statutes, sections 548.64 to 548.74.

3. If only a part of the Canadian judgment is being registered, the amounts stated in Part III of this form relate to that part.

PART V. ITEMS REQUIRED TO BE INCLUDED WITH REGISTRATION

Attached are (check to signify required items are included):

..... A copy of the Canadian judgment authenticated in the same manner a copy of a foreign judgment is authenticated in an action under Minnesota Statutes, section 548.59, as an accurate copy by the Canadian court that entered the judgment.

..... If the Canadian judgment is not in English, a certified translation of the judgment into English.

..... The registration fee stated in Minnesota Statutes, section 548.30.

I declare that the information provided on this form is true and correct to the best of my knowledge and belief.

Submitted by:
Signature of Person Registering Judgment or
Attorney for Person Registering Judgment

Date of submission:

Sec. 5. [548.68] EFFECT OF REGISTRATION.

(a) Subject to paragraph (b), a Canadian judgment registered under section 548.67 has the same effect provided in section 548.60 for a judgment a court determines to be entitled to recognition.

(b) A Canadian judgment registered under section 548.67 may not be enforced by sale or other disposition of property, or by seizure of property or garnishment, until 31 days after notice under section 548.69 of registration is served. The court for cause may provide for a shorter or longer time. This paragraph does not preclude use of relief available under law of this state other than sections 548.64 to 548.74 to prevent dissipation, disposition, or removal of property.

Sec. 6. [548.69] NOTICE OF REGISTRATION.

(a) A person that registers a Canadian judgment under section 548.67 shall cause notice of registration to be served on the person against whom the judgment has been registered.

(b) Notice under this section must be served in the same manner that a summons and complaint must be served in an action seeking recognition under section 548.59 of a foreign-country money judgment.

(c) Notice under this section must include:

(1) the date of registration and court in which the judgment was registered;

(2) the docket number assigned to the registration;

(3) the name and address of:

(i) the person registering the judgment; and

(ii) the person's attorney, if any;

(4) a copy of the registration, including the documents required under section 548.67, paragraph (b); and

(5) a statement that:

(i) the person against whom the judgment has been registered, not later than 30 days after the date of service of notice, may petition the court to vacate the registration; and

(ii) the court for cause may provide for a shorter or longer time.

(d) Proof of service of notice under this section must be filed with the court administrator.

Sec. 7. [548.70] PETITION TO VACATE REGISTRATION.

(a) Not later than 30 days after notice under section 548.69 is served, the person against whom the judgment was registered may petition the court to vacate the registration. The court for cause may provide for a shorter or longer time for filing the petition.

(b) A petition under this section may assert only:

(1) a ground that could be asserted to deny recognition of the judgment under sections 548.54 to 548.63; or

(2) a failure to comply with a requirement of sections 548.64 to 548.74 for registration of the judgment.

(c) A petition filed under this section does not itself stay enforcement of the registered judgment.

(d) If the court grants a petition under this section, the registration is vacated, and any act under the registration to enforce the registered judgment is void.

(e) If the court grants a petition under this section on a ground under paragraph (b), clause (1), the court also shall render a judgment denying recognition of the Canadian judgment. A judgment rendered under this section has the same effect as a judgment denying recognition to a judgment on the same ground under sections 548.54 to 548.63.

Sec. 8. [548.71] STAY OF ENFORCEMENT OF JUDGMENT PENDING DETERMINATION OF PETITION.

A person that files a petition under section 548.70, paragraph (a), to vacate registration of a Canadian judgment may request the court to stay enforcement of the judgment pending determination of the petition. The court shall grant the stay if the person establishes a likelihood of success on the merits with regard to a ground listed in section 548.70, paragraph (b), for vacating a registration. The court may require the person to provide security in an amount determined by the court as a condition of granting the stay.

Sec. 9. [548.72] RELATIONSHIP TO UNIFORM FOREIGN-COUNTRY MONEY JUDGMENTS RECOGNITION ACT.

(a) Sections 548.64 to 548.74 supplement the Uniform Foreign-Country Money Judgments Recognition Act, and sections 548.54 to 548.63, other than section 548.59, apply to a registration under sections 548.64 to 548.74.

(b) A person may seek recognition of a Canadian judgment described in section 548.66 either:

(1) by registration under sections 548.64 to 548.74; or

(2) under section 548.59.

(c) Subject to paragraph (d), a person may not seek recognition in this state of the same judgment or part of a judgment described in section 548.66, paragraph (b) or (c), with regard to the same person under both sections 548.59 and 548.64 to 548.74.

(d) If the court grants a petition to vacate a registration solely on a ground under section 548.70, paragraph (b), clause (2), the person seeking registration may:

(1) if the defect in the registration can be cured, file a new registration under sections 548.64 to 548.74; or

(2) seek recognition of the judgment under section 548.59.

Sec. 10. **[548.73] UNIFORMITY OF APPLICATION AND INTERPRETATION.**

In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Sec. 11. **[548.74] TRANSITIONAL PROVISION.**

Sections 548.64 to 548.74 apply to the registration of a Canadian judgment entered in a proceeding that is commenced in Canada on or after the effective date of sections 548.64 to 548.74.

Sec. 12. **EFFECTIVE DATE.**

Sections 1 to 11 are effective January 1, 2023.

ARTICLE 12
HUMAN RIGHTS

Section 1. Minnesota Statutes 2020, section 363A.03, is amended by adding a subdivision to read:

Subd. 36a. **Race.** "Race" is inclusive of traits associated with race, including but not limited to hair texture and hair styles such as braids, locks, and twists.

Sec. 2. Minnesota Statutes 2020, section 363A.08, is amended by adding a subdivision to read:

Subd. 8. **Inquiries into pay history prohibited.** (a) "Pay history," as used in this subdivision, means any prior or current wage, salary, earnings, benefits, or any other compensation about an applicant for employment.

(b) An employer, employment agency, or labor organization shall not inquire into, consider, or require disclosure from any source the pay history of an applicant for employment for the purpose of determining wages, salary, earnings, benefits, or other compensation for that applicant. There is a rebuttable presumption that use of pay history received on an applicant for employment to determine the future wages, salary, earnings, benefits, or other compensation for that applicant is an unfair discriminatory employment practice under subdivisions 1 to 3. The general prohibition against inquiring into the pay history of an applicant does not apply if the job applicant's pay history is a matter of public record under federal or state law, unless the employer, employment agency, or labor organization sought access to those public records with the intent of obtaining pay history of the applicant for the purpose of determining wages, salary, earnings, benefits, or other compensation for that applicant.

(c) Nothing in this subdivision shall prevent an applicant for employment from voluntarily and without prompting disclosing pay history for the purposes of negotiating wages, salary, benefits, or other compensation. If an applicant for employment voluntarily and without prompting discloses pay history to a prospective employer, employment agency, or labor organization, nothing in this subdivision shall prohibit that employer, employment agency, or labor organization from considering or acting on that voluntarily disclosed salary history information to support a wage or salary higher than initially offered by the employer, employment agency, or labor organization.

(d) Nothing in this subdivision limits, prohibits, or prevents a person from bringing a charge, grievance, or any other cause of action alleging wage discrimination because of race, color, creed, religion, national origin, sex, gender identity, marital status, status with regard to public assistance, familial status, membership or activity in a local commission, disability, sexual orientation, or age, as otherwise provided in this chapter.

(e) Nothing in this subdivision shall be construed to prevent an employer from:

(1) providing information about the wages, benefits, compensation, or salary offered in relation to a position; or

(2) inquiring about or otherwise engaging in discussions with an applicant about the applicant's expectations or requests with respect to wages, salary, benefits, or other compensation.

EFFECTIVE DATE. This section is effective January 1, 2023. For employment covered by collective bargaining agreements, this section is not effective until the date of implementation of the applicable collective bargaining agreement that is after January 1, 2023.

Sec. 3. Minnesota Statutes 2020, section 363A.11, subdivision 2, is amended to read:

Subd. 2. **General prohibitions.** This subdivision lists general prohibitions against discrimination on the basis of disability. For purposes of this subdivision, "individual" or "class of individuals" refers to the clients or customers of the covered public accommodation that enter into the contractual, licensing, or other arrangement.

(1) It is discriminatory to:

(i) subject an individual or class of individuals on the basis of a disability of that individual or class, directly or through contractual, licensing, or other arrangements, to a denial of the opportunity of the individual or class to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations of an entity;

(ii) afford an individual or class of individuals on the basis of the disability of that individual or class, directly or through contractual, licensing, or other arrangements, with the opportunity to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations that are not equal to those afforded to other individuals; ~~and~~

(iii) provide an individual or class of individuals, on the basis of a disability of that individual or class, directly or through contractual, licensing, or other arrangements, with goods, services, facilities, privileges, advantages, or accommodations that are different or separate from those provided to other individuals, unless the action is necessary to provide the individual or class of individuals with goods, services, facilities, privileges, advantages, or accommodations, or other opportunities that are as effective as those provided to others; ~~and~~

(iv) not provide a deaf or hard-of-hearing individual or class of deaf or hard-of-hearing individuals with closed-captioned television when television services are provided to other individuals.

(2) Goods, services, facilities, privileges, advantages, and accommodations must be afforded to an individual with a disability in the most integrated setting appropriate to the needs of the individual.

(3) Notwithstanding the existence of separate or different programs or activities provided in accordance with sections 363A.08 to 363A.19, and 363A.28, subdivision 10, the individual with a disability may not be denied the opportunity to participate in the programs or activities that are not separate or different.

(4) An individual or entity may not, directly or through contractual or other arrangements, use standards or criteria and methods of administration:

(i) that have the effect of discriminating on the basis of disability; or

(ii) that perpetuate the discrimination of others who are subject to common administrative control.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 4. Minnesota Statutes 2020, section 363A.21, subdivision 1, is amended to read:

Subdivision 1. **Housing.** The provisions of section 363A.09 shall not apply to:

(1) rooms in a temporary or permanent residence home run by a nonprofit organization, if the discrimination is by sex; or

(2) the rental by a resident owner or occupier of a one-family accommodation of a room or rooms in the accommodation to another person or persons if the discrimination is by sex, marital status, status with regard to public assistance, sexual orientation, or disability. Except as provided elsewhere in this chapter or other state or federal law, no person or group of persons selling, renting, or leasing property is required to modify the property in any way, or exercise a higher degree of care for a person having a disability than for a person who does not have a disability; nor shall this chapter be construed to relieve any person or persons of any obligations generally imposed on all persons regardless of any disability in a written lease, rental agreement, or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations of the lease, agreement, or contract; ~~or~~.

~~(3) the rental by a resident owner of a unit in a dwelling containing not more than two units, if the discrimination is on the basis of sexual orientation.~~

Sec. 5. Minnesota Statutes 2021 Supplement, section 363A.50, is amended to read:

363A.50 NONDISCRIMINATION IN ACCESS TO TRANSPLANTS.

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given unless the context clearly requires otherwise.

(b) "Anatomical gift" has the meaning given in section 525A.02, subdivision 4.

(c) "Auxiliary aids and services" include, but are not limited to:

(1) qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments and to non-English-speaking individuals;

(2) qualified readers, taped texts, texts in accessible electronic format, or other effective methods of making visually delivered materials available to individuals with visual impairments;

(3) the provision of information in a format that is accessible for individuals with cognitive, neurological, developmental, intellectual, or physical disabilities;

(4) the provision of supported decision-making services; and

(5) the acquisition or modification of equipment or devices.

(d) "Covered entity" means:

(1) any licensed provider of health care services, including licensed health care practitioners, hospitals, nursing facilities, laboratories, intermediate care facilities, psychiatric residential treatment facilities, institutions for individuals with intellectual or developmental disabilities, and prison health centers; or

(2) any entity responsible for matching anatomical gift donors to potential recipients.

(e) "Disability" has the meaning given in section 363A.03, subdivision 12.

(f) "Organ transplant" means the transplantation or infusion of a part of a human body into the body of another for the purpose of treating or curing a medical condition.

(g) "Qualified individual" means an individual who, with or without available support networks, the provision of auxiliary aids and services, or reasonable modifications to policies or practices, meets the essential eligibility requirements for the receipt of an anatomical gift.

(h) "Reasonable modifications" include, but are not limited to:

(1) communication with individuals responsible for supporting an individual with postsurgical and post-transplantation care, including medication; and

(2) consideration of support networks available to the individual, including family, friends, and home and community-based services, including home and community-based services funded through Medicaid, Medicare, another health plan in which the individual is enrolled, or any program or source of funding available to the individual, in determining whether the individual is able to comply with post-transplant medical requirements.

(i) "Supported decision making" has the meaning given in section 524.5-102, subdivision 16a.

Subd. 2. **Prohibition of discrimination.** (a) A covered entity may not, on the basis of a qualified individual's race, ethnicity, mental disability, or physical disability:

(1) deem an individual ineligible to receive an anatomical gift or organ transplant;

(2) deny medical or related organ transplantation services, including evaluation, surgery, counseling, and postoperative treatment and care;

(3) refuse to refer the individual to a transplant center or other related specialist for the purpose of evaluation or receipt of an anatomical gift or organ transplant;

(4) refuse to place an individual on an organ transplant waiting list or place the individual at a lower-priority position on the list than the position at which the individual would have been placed if not for the individual's race, ethnicity, or disability; or

(5) decline insurance coverage for any procedure associated with the receipt of the anatomical gift or organ transplant, including post-transplantation and postinfusion care.

(b) Notwithstanding paragraph (a), a covered entity may take an individual's disability into account when making treatment or coverage recommendations or decisions, solely to the extent that the physical or mental disability has been found by a physician, following an individualized evaluation of the potential recipient to be medically significant to the provision of the anatomical gift or organ transplant. The provisions of this section may not be deemed to require referrals or recommendations for, or the performance of, organ transplants that are not medically appropriate given the individual's overall health condition.

(c) If an individual has the necessary support system to assist the individual in complying with post-transplant medical requirements, an individual's inability to independently comply with those requirements may not be deemed to be medically significant for the purposes of paragraph (b).

(d) A covered entity must make reasonable modifications to policies, practices, or procedures, when such modifications are necessary to make services such as transplantation-related counseling, information, coverage, or treatment available to qualified individuals with disabilities, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of such services.

(e) A covered entity must take such steps as may be necessary to ensure that no qualified individual with a disability is denied services such as transplantation-related counseling, information, coverage, or treatment because of the absence of auxiliary aids and services, unless the entity can demonstrate that taking such steps would fundamentally alter the nature of the services being offered or result in an undue burden. A covered entity is not required to provide supported decision-making services.

(f) A covered entity must otherwise comply with the requirements of Titles II and III of the Americans with Disabilities Act of 1990, the Americans with Disabilities Act Amendments Act of 2008, and the Minnesota Human Rights Act.

(g) The provisions of this section apply to each part of the organ transplant process.

Subd. 3. **Remedies.** In addition to all other remedies available under this chapter, any individual who has been subjected to discrimination in violation of this section may initiate a civil action in a court of competent jurisdiction to enjoin violations of this section.

Sec. 6. **REPEALER.**

Minnesota Statutes 2020, sections 363A.20, subdivision 3; and 363A.27, are repealed.

ARTICLE 13
OTHER CIVIL LAW POLICY

Section 1. Minnesota Statutes 2021 Supplement, section 169A.63, subdivision 8, is amended to read:

Subd. 8. **Administrative forfeiture procedure.** (a) A motor vehicle used to commit a designated offense or used in conduct resulting in a designated license revocation is subject to administrative forfeiture under this subdivision.

(b) Within 60 days from when a motor vehicle is seized under subdivision 2, or within a reasonable time after seizure, the appropriate agency shall serve the driver or operator of the vehicle with a notice of the seizure and intent to forfeit the vehicle. Additionally, when a motor vehicle is seized under subdivision 2, or within a reasonable time after that, all persons known to have an ownership, possessory, or security interest in the vehicle must be notified of

the seizure and the intent to forfeit the vehicle. For those vehicles required to be registered under chapter 168, the notification to a person known to have a security interest in the vehicle is required only if the vehicle is registered under chapter 168 and the interest is listed on the vehicle's title. Upon motion by the appropriate agency or prosecuting authority, a court may extend the time period for sending notice for a period not to exceed 90 days for good cause shown. Notice mailed by certified mail to the address shown in Department of Public Safety records is sufficient notice to the registered owner of the vehicle. For motor vehicles not required to be registered under chapter 168, notice mailed by certified mail to the address shown in the applicable filing or registration for the vehicle is sufficient notice to a person known to have an ownership, possessory, or security interest in the vehicle. Otherwise, notice may be given in the manner provided by law for service of a summons in a civil action.

(c) The notice must be in writing and contain:

(1) a description of the vehicle seized;

(2) the date of seizure; and

(3) notice of the right to obtain judicial review of the forfeiture and of the procedure for obtaining that judicial review, printed in English. This requirement does not preclude the appropriate agency from printing the notice in other languages in addition to English.

Substantially the following language must appear conspicuously in the notice:

"WARNING: If you were the person arrested when the property was seized, you will automatically lose the above-described property and the right to be heard in court if you do not file a lawsuit and serve the prosecuting authority within 60 days. You may file your lawsuit in conciliation court if the property is worth \$15,000 or less; otherwise, you must file in district court. You do not have to pay a filing fee for your lawsuit.

WARNING: If you have an ownership interest in the above-described property and were not the person arrested when the property was seized, you will automatically lose the above-described property and the right to be heard in court if you do not notify the prosecuting authority of your interest in writing within 60 days."

(d) If notice is not sent in accordance with paragraph (b), and no time extension is granted or the extension period has expired, the appropriate agency shall return the vehicle to the owner. An agency's return of property due to lack of proper notice does not restrict the agency's authority to commence a forfeiture proceeding at a later time.

(e) Within 60 days following service of a notice of seizure and forfeiture under this subdivision, a claimant may file a demand for a judicial determination of the forfeiture. The demand must be in the form of a civil complaint and must be filed with the court administrator in the county in which the seizure occurred, together with proof of service of a copy of the complaint on the prosecuting authority having jurisdiction over the forfeiture. The claimant may serve the complaint by certified mail or any means permitted by court rules. If the value of the seized property is \$15,000 or less, the claimant may file an action in conciliation court for recovery of the seized vehicle. A copy of the conciliation court statement of claim ~~must~~ may be served personally or ~~by mail~~ as permitted by the Rules of Conciliation Court Procedure on the prosecuting authority having jurisdiction over the forfeiture within 60 days following service of the notice of seizure and forfeiture under this subdivision. The claimant does not have to pay the court filing fee.

No responsive pleading is required of the prosecuting authority and no court fees may be charged for the prosecuting authority's appearance in the matter. The prosecuting authority may appear for the appropriate agency. Pleadings, filings, and methods of service are governed by the Rules of Civil Procedure and, where applicable, by the Rules of Conciliation Court Procedure.

(f) The complaint must be captioned in the name of the claimant as plaintiff and the seized vehicle as defendant, and must state with specificity the grounds on which the claimant alleges the vehicle was improperly seized, the claimant's interest in the vehicle seized, and any affirmative defenses the claimant may have. Notwithstanding any law to the contrary, an action for the return of a vehicle seized under this section may not be maintained by or on behalf of any person who has been served with a notice of seizure and forfeiture unless the person has complied with this subdivision.

(g) If the claimant makes a timely demand for a judicial determination under this subdivision, the forfeiture proceedings must be conducted as provided under subdivision 9.

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

Sec. 2. Minnesota Statutes 2020, section 259.11, is amended to read:

259.11 ORDER; FILING COPIES.

(a) Upon meeting the requirements of section 259.10, the court shall grant the application unless: (1) it finds that there is an intent to defraud or mislead; (2) section 259.13 prohibits granting the name change; or (3) in the case of the change of a minor child's name, the court finds that such name change is not in the best interests of the child. The court shall set forth in the order the name and age of the applicant's spouse and each child of the applicant, if any, and shall state a description of the lands, if any, in which the applicant and the spouse and children, if any, claim to have an interest. The court administrator shall file such order, and record the same in the judgment book. If lands be described therein, a certified copy of the order shall be filed for record, by the applicant, with the county recorder of each county wherein any of the same are situated. Before doing so the court administrator shall present the same to the county auditor who shall enter the change of name in the auditor's official records and note upon the instrument, over an official signature, the words "change of name recorded." Any such order shall not be filed, nor any certified copy thereof be issued, until the applicant shall have paid to the county recorder and court administrator the fee required by law. No application shall be denied on the basis of the marital status of the applicant.

(b) When a person applies for a name change, the court shall determine whether the person has a criminal history in this or any other state. The court may conduct a search of national records through the Federal Bureau of Investigation by submitting a set of fingerprints and the appropriate fee to the Bureau of Criminal Apprehension. If it is determined that the person has a criminal history in this or any other state, the court shall, within ten days after the name change application is granted, report the name change to the Bureau of Criminal Apprehension. The person whose name is changed shall also report the change to the Bureau of Criminal Apprehension within ten days. The court granting the name change application must explain this reporting duty in its order. Any person required to report the person's name change to the Bureau of Criminal Apprehension who fails to report the name change as required under this paragraph is guilty of a gross misdemeanor.

(c) Paragraph (b) does not apply to ~~either~~:

(1) a request for a name change as part of an application for a marriage license under section 517.08; ~~or~~

(2) a request for a name change in conjunction with a marriage dissolution under section 518.27; or

(3) a request for a name change filed under section 259.14.

Sec. 3. **[259.14] POSTDISSOLUTION NAME CHANGE.**

(a) A person who has resided in this state for at least six months and obtained the person's most recent final marriage dissolution from a district court in this state may apply to the district court in the county where the person resides to change the person's name to the legal name on the person's birth certificate. A person applying for a name change must submit a certified copy of the certificate of dissolution issued pursuant to section 518.148 and a certified copy of the person's birth certificate.

(b) A court shall not require a person applying for a name change to pay filing fees for an application submitted pursuant to this section. Notwithstanding section 259.10, a court shall not require the person applying for a name change to provide proof of the person's identity by two witnesses unless the proof of identity is necessary to determine whether the person has an intent to defraud or mislead the court.

(c) Upon meeting the requirements of this section, the court shall grant the application for a name change unless the court finds that (1) the person has an intent to defraud or mislead the court; or (2) section 259.13 prohibits granting the name change. The court shall notify the person applying for a name change that using a different surname without complying with section 259.13, if applicable, is a gross misdemeanor.

Sec. 4. **[325E.72] DIGITAL FAIR REPAIR.**

Subdivision 1. **Short title.** This act may be cited as the "Digital Fair Repair Act."

Subd. 2. **Definitions.** (a) For the purposes of this section, the following terms have the meanings given.

(b) "Authorized repair provider" means an individual or business who is unaffiliated with an original equipment manufacturer and who has (1) an arrangement with the original equipment manufacturer, for a definite or indefinite period, under which the original equipment manufacturer grants to the individual or business a license to use a trade name, service mark, or other proprietary identifier to offer the services of diagnosis, maintenance, or repair of digital electronic equipment under the name of the original equipment manufacturer, or (2) other arrangements with the original equipment manufacturer to offer diagnostic, maintenance, or repair services on behalf of the original equipment manufacturer. An original equipment manufacturer that offers diagnostic, maintenance, or repair services for the original equipment manufacturer's digital electronic equipment is considered an authorized repair provider with respect to the digital electronic equipment if the original equipment manufacturer does not have an arrangement described in this paragraph with an unaffiliated individual or business.

(c) "Digital electronic equipment" or "equipment" means any product that depends for its functioning, in whole or in part, on digital electronics embedded in or attached to the product.

(d) "Documentation" means a manual, diagram, reporting output, service code description, schematic diagram, or similar information provided to an authorized repair provider to affect the services of diagnosis, maintenance, or repair of digital electronic equipment.

(e) "Embedded software" means any programmable instructions provided on firmware delivered with digital electronic equipment or with a part for the equipment to operate equipment. Embedded software includes all relevant patches and fixes made by the manufacturer of the equipment or part for these purposes.

(f) "Fair and reasonable terms" for obtaining a part, tool, or documentation means at costs and terms, including convenience of delivery and rights of use, equivalent to what is offered by the original equipment manufacturer to an authorized repair provider, using the net costs that would be incurred by an authorized repair provider to obtain an equivalent part, tool, or documentation from the original equipment manufacturer, accounting for any discounts, rebates, or other incentive programs in arriving at the actual net costs. For documentation, including any relevant updates, fair and reasonable terms means at no charge, except that when the documentation is requested in physical printed form a fee for the reasonable actual costs to prepare and send the copy may be charged.

(g) "Firmware" means a software program or set of instructions programmed on digital electronic equipment or on a part for the equipment to allow the equipment or part to communicate with other computer hardware.

(h) "Independent repair provider" means an individual or business operating in Minnesota that (1) does not have an arrangement described in paragraph (b) with an original equipment manufacturer, (2) is not affiliated with any individual or business that has an arrangement described in paragraph (b), and (3) is engaged in the services of diagnosis, maintenance, or repair of digital electronic equipment. An original equipment manufacturer or, with respect to the original equipment manufacturer, an individual or business that has an arrangement with the original equipment manufacturer or is affiliated with an individual or business that has such an arrangement with that original equipment manufacturer is considered an independent repair provider for purposes of the instances it engages in the services of diagnosis, maintenance, or repair of digital electronic equipment that is not manufactured by or sold under the name of the original equipment manufacturer.

(i) "Manufacturer of motor vehicle equipment" means a business engaged in the business of manufacturing or supplying components used to manufacture, maintain, or repair a motor vehicle.

(j) "Motor vehicle" means a vehicle that is designed to transport persons or property on a street or highway and is certified by the manufacturer under all applicable federal safety and emissions standards and requirements for distribution and sale in the United States. Motor vehicle does not include:

(1) a motorcycle; or

(2) a recreational vehicle or an auto home equipped for habitation.

(k) "Motor vehicle dealer" means an individual or business that, in the ordinary course of business, (1) is engaged in the business of selling or leasing new motor vehicles to an individual or business pursuant to a franchise agreement, (2) has obtained a license under section 168.27, and (3) is engaged in the services of diagnosis, maintenance, or repair of motor vehicles or motor vehicle engines pursuant to the franchise agreement.

(l) "Motor vehicle manufacturer" means a business engaged in the business of manufacturing or assembling new motor vehicles.

(m) "Original equipment manufacturer" means a business engaged in the business of selling or leasing to any individual or business new digital electronic equipment manufactured by or on behalf of the original equipment manufacturer.

(n) "Owner" means an individual or business that owns or leases digital electronic equipment purchased or used in Minnesota.

(o) "Part" means any replacement part, either new or used, made available by an original equipment manufacturer to affect the services of maintenance or repair of digital electronic equipment manufactured or sold by the original equipment manufacturer.

(p) "Trade secret" has the meaning given in section 325C.01, subdivision 5.

Subd. 3. Requirements. (a) For digital electronic equipment and parts for the equipment sold or used in Minnesota, an original equipment manufacturer must make available on fair and reasonable terms any documentation, parts, and tools, inclusive of any updates to information or embedded software, to any independent repair provider or to the owner of digital electronic equipment manufactured by or on behalf of, or sold by, the original equipment manufacturer for purposes of diagnosis, maintenance, or repair. Nothing in this section requires an original equipment manufacturer to make available a part if the part is no longer available to the original equipment manufacturer.

(b) For equipment that contains an electronic security lock or other security-related function, the original equipment manufacturer must make available to the owner and to independent repair providers, on fair and reasonable terms, any special documentation, tools, and parts needed to reset the lock or function when disabled in the course of diagnosis, maintenance, or repair of the equipment. Documentation, tools, and parts may be made available through appropriate secure release systems.

Subd. 4. **Enforcement by attorney general.** A violation of this section is an unlawful practice under section 325D.44. All remedies, penalties, and authority granted to the attorney general under chapter 8 are available to the attorney general to enforce this section.

Subd. 5. **Limitations.** (a) Nothing in this section requires an original equipment manufacturer to divulge a trade secret to an owner or an independent service provider, except as necessary to provide documentation, parts, and tools on fair and reasonable terms.

(b) Nothing in this section alters the terms of any arrangement described in subdivision 2, paragraph (b), in force between an authorized repair provider and an original equipment manufacturer, including but not limited to the performance or provision of warranty or recall repair work by an authorized repair provider on behalf of an original equipment manufacturer pursuant to such arrangement. A provision in the terms of an arrangement described in subdivision 2, paragraph (b), that purports to waive, avoid, restrict, or limit the original equipment manufacturer's obligations to comply with this section is void and unenforceable.

(c) Nothing in this section requires an original equipment manufacturer or an authorized repair provider to provide to an owner or independent repair provider access to information, other than documentation, that is provided by the original equipment manufacturer to an authorized repair provider pursuant to the terms of an arrangement described in subdivision 2, paragraph (b).

Subd. 6. **Exclusions.** (a) Nothing in this section applies to (1) a motor vehicle manufacturer, manufacturer of motor vehicle equipment, or motor vehicle dealer acting in that capacity, or (2) any product or service of a motor vehicle manufacturer, manufacturer of motor vehicle equipment, or motor vehicle dealer acting in that capacity.

(b) Nothing in this section applies to manufacturers or distributors of a medical device as defined in the Federal Food, Drug, and Cosmetic Act, United States Code, title 21, section 301 et seq., or a digital electronic product or software manufactured for use in a medical setting, including diagnostic, monitoring, or control equipment or any product or service that they offer.

Subd. 7. **Applicability.** This section applies to equipment sold or in use on or after January 1, 2023.

EFFECTIVE DATE. This section is effective January 1, 2023.

Sec. 5. Minnesota Statutes 2020, section 357.17, is amended to read:

357.17 NOTARIES PUBLIC.

(a) The maximum fees to be charged and collected by a notary public shall be as follows:

(1) for protest of nonpayment of note or bill of exchange or of nonacceptance of such bill; where protest is legally necessary, and copy thereof, \$5;

(2) for every other protest and copy, \$5;

(3) for making and serving every notice of nonpayment of note or nonacceptance of bill and copy thereof, \$5;

(4) for any affidavit or paper for which provision is not made herein, \$5 per folio, and \$1 per folio for copies;

(5) for each oath administered, \$5;

(6) for acknowledgments of deeds and for other services authorized by law, the legal fees allowed other officers for like services;

(7) for recording each instrument required by law to be recorded by the notary, \$5 per folio.

(b) A notary public may charge a fee for performing a marriage in excess of the fees in paragraph (a) if the notary is commissioned pursuant to chapter 359.

Sec. 6. Minnesota Statutes 2020, section 359.04, is amended to read:

359.04 POWERS.

Every notary public so appointed, commissioned, and qualified shall have power throughout this state to administer all oaths required or authorized to be administered in this state; to take and certify all depositions to be used in any of the courts of this state; to take and certify all acknowledgments of deeds, mortgages, liens, powers of attorney, and other instruments in writing or electronic records; to receive, make out, and record notarial protests; to perform civil marriages consistent with this chapter and chapter 517; and to perform online remote notarial acts in compliance with the requirements of sections 358.645 and 358.646.

Sec. 7. [359.115] CIVIL MARRIAGE OFFICIANT.

A notary public shall have the power to solemnize civil marriages throughout the state if the notary public has filed a copy of the notary public's notary commission with the local registrar of a county in this state. When a local registrar records a commission for a notary public, the local registrar shall provide a certificate of filing to the notary whose commission is recorded. A notary public shall endorse and record the county where the notary public's commission is recorded upon each certificate of civil marriage granted by the notary.

Sec. 8. Minnesota Statutes 2020, section 517.04, is amended to read:

517.04 PERSONS AUTHORIZED TO PERFORM CIVIL MARRIAGES.

Civil marriages may be solemnized throughout the state by an individual who has attained the age of 21 years and is a judge of a court of record, a retired judge of a court of record, a court administrator, a retired court administrator with the approval of the chief judge of the judicial district, a former court commissioner who is employed by the court system or is acting pursuant to an order of the chief judge of the commissioner's judicial district, a notary commissioned pursuant to chapter 359, the residential school superintendent of the Minnesota State Academy for the Deaf and the Minnesota State Academy for the Blind, a licensed or ordained minister of any religious denomination, or by any mode recognized in section 517.18. For purposes of this section, a court of record includes the Office of Administrative Hearings under section 14.48.

Sec. 9. Minnesota Statutes 2020, section 517.08, subdivision 1b, is amended to read:

Subd. 1b. **Term of license; fee; premarital education.** (a) The local registrar shall examine upon oath the parties applying for a license relative to the legality of the contemplated civil marriage. Examination upon oath of the parties under this section may include contemporaneous video or audio transmission or receipt of a verified statement signed by both parties attesting to the legality of the marriage. The local registrar may accept civil marriage license applications, signed by both parties, by mail, facsimile, or electronic filing. Both parties must

present proof of age to the local registrar. ~~If one party is unable to appear in person, the party appearing may complete the absent applicant's information. The local registrar shall provide a copy of the civil marriage application to the party who is unable to appear, who must verify the accuracy of the appearing party's information in a notarized statement. The verification statement must be accompanied by a copy of proof of age of the party.~~ The civil marriage license must not be released until ~~the verification statement and~~ proof of age has been received by the local registrar. If the local registrar is satisfied that there is no legal impediment to it, including the restriction contained in section 259.13, the local registrar shall issue the license, containing the full names of the parties before and after the civil marriage, and county and state of residence, with the county seal attached, and make a record of the date of issuance. The license shall be valid for a period of six months. Except as provided in paragraph (b), the local registrar shall collect from the applicant a fee of \$115 for administering the oath, issuing, recording, and filing all papers required, and preparing and transmitting to the state registrar of vital records the reports of civil marriage required by this section. If the license should not be used within the period of six months due to illness or other extenuating circumstances, it may be surrendered to the local registrar for cancellation, and in that case a new license shall issue upon request of the parties of the original license without fee. A local registrar who knowingly issues or signs a civil marriage license in any manner other than as provided in this section shall pay to the parties aggrieved an amount not to exceed \$1,000.

(b) The civil marriage license fee for parties who have completed at least 12 hours of premarital education is \$40. In order to qualify for the reduced license fee, the parties must submit at the time of applying for the civil marriage license a statement that is signed, dated, and notarized or marked with a church seal from the person who provided the premarital education on their letterhead confirming that it was received. The premarital education must be provided by a licensed or ordained minister or the minister's designee, a person authorized to solemnize civil marriages under section 517.18, or a person authorized to practice marriage and family therapy under section 148B.33. The education must include the use of a premarital inventory and the teaching of communication and conflict management skills.

(c) The statement from the person who provided the premarital education under paragraph (b) must be in the following form:

"I, (name of educator), confirm that (names of both parties) received at least 12 hours of premarital education that included the use of a premarital inventory and the teaching of communication and conflict management skills. I am a licensed or ordained minister, a person authorized to solemnize civil marriages under Minnesota Statutes, section 517.18, or a person licensed to practice marriage and family therapy under Minnesota Statutes, section 148B.33."

The names of the parties in the educator's statement must be identical to the legal names of the parties as they appear in the civil marriage license application. Notwithstanding section 138.17, the educator's statement must be retained for seven years, after which time it may be destroyed.

(d) If section 259.13 applies to the request for a civil marriage license, the local registrar shall grant the civil marriage license without the requested name change. Alternatively, the local registrar may delay the granting of the civil marriage license until the party with the conviction:

(1) certifies under oath that 30 days have passed since service of the notice for a name change upon the prosecuting authority and, if applicable, the attorney general and no objection has been filed under section 259.13; or

(2) provides a certified copy of the court order granting it. The parties seeking the civil marriage license shall have the right to choose to have the license granted without the name change or to delay its granting pending further action on the name change request.

EFFECTIVE DATE. This section is effective retroactively from January 1, 2021.

Sec. 10. Minnesota Statutes 2020, section 604.21, is amended to read:

604.21 INDEMNITY AGREEMENTS IN DESIGN PROFESSIONAL SERVICES CONTRACTS VOID.

(a) A provision contained in, or executed in connection with, a design professional services contract is void and unenforceable to the extent it attempts to require an indemnitor to indemnify, to hold harmless, or to defend an indemnitee from or against liability for loss or damage resulting from the negligence or fault of anyone other than the indemnitor or others for whom the indemnitor is legally liable.

(b) For purposes of this section, "design professional services contract" means a contract under which some portion of the work or services is to be performed or supervised by a person licensed under section 326.02, and is furnished in connection with any actual or proposed maintenance of or improvement to real property, highways, roads, or bridges.

(c) This section does not apply to the extent that the obligation to indemnify, to hold harmless, or to defend an indemnitee is ~~able to be~~ covered by insurance.

(d) This section does not apply to agreements referred to in section 337.03 or 337.04.

(e) A provision contained in, or executed in connection with, a design professional services contract for any actual or proposed maintenance of, or improvement to, real property, highways, roads, or bridges located in Minnesota that makes the contract subject to the laws of another state or requires that any litigation, arbitration, or other dispute resolution process on the contract occur in another state is void and unenforceable.

(f) This section supersedes any other inconsistent provision of law.

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

Sec. 11. Minnesota Statutes 2021 Supplement, section 609.5314, subdivision 3, is amended to read:

Subd. 3. **Judicial determination.** (a) Within 60 days following service of a notice of seizure and forfeiture under this section, a claimant may file a demand for a judicial determination of the forfeiture. The demand must be in the form of a civil complaint and must be filed with the court administrator in the county in which the seizure occurred, together with proof of service of a copy of the complaint on the prosecuting authority for that county. The claimant may serve the complaint on the prosecuting authority by certified mail or any means permitted by court rules. If the value of the seized property is \$15,000 or less, the claimant may file an action in conciliation court for recovery of the seized property. A copy of the conciliation court statement of claim may be served personally or as permitted by the Rules of Conciliation Court Procedure on the prosecuting authority having jurisdiction over the forfeiture within 60 days following service of the notice of seizure and forfeiture under this subdivision. The claimant does not have to pay the court filing fee. No responsive pleading is required of the prosecuting authority and no court fees may be charged for the prosecuting authority's appearance in the matter. The district court administrator shall schedule the hearing as soon as practicable after, and in any event no later than 90 days following, the conclusion of the criminal prosecution. The proceedings are governed by the Rules of Civil Procedure and, where applicable, by the Rules of Conciliation Court Procedure.

(b) The complaint must be captioned in the name of the claimant as plaintiff and the seized property as defendant, and must state with specificity the grounds on which the claimant alleges the property was improperly seized and the plaintiff's interest in the property seized. Notwithstanding any law to the contrary, an action for the return of property seized under this section may not be maintained by or on behalf of any person who has been served with a notice of seizure and forfeiture unless the person has complied with this subdivision.

(c) If the claimant makes a timely demand for judicial determination under this subdivision, the appropriate agency must conduct the forfeiture under section 609.531, subdivision 6a. The limitations and defenses set forth in section 609.5311, subdivision 3, apply to the judicial determination.

(d) If a demand for judicial determination of an administrative forfeiture is filed under this subdivision and the court orders the return of the seized property, the court may order sanctions under section 549.211. If the court orders payment of these costs, they must be paid from forfeited money or proceeds from the sale of forfeited property from the appropriate law enforcement and prosecuting agencies in the same proportion as they would be distributed under section 609.5315, subdivision 5.

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

Sec. 12. Minnesota Statutes 2020, section 609.748, subdivision 2, is amended to read:

Subd. 2. **Restraining order; court jurisdiction.** (a) A person who is a victim of harassment or the victim's guardian or conservator may seek a restraining order from the district court in the manner provided in this section.

(b) The parent, guardian or conservator, or stepparent of a minor who is a victim of harassment may seek a restraining order from the district court on behalf of the minor.

(c) A minor may seek a restraining order if the minor demonstrates that the minor is emancipated and the court finds that the order is in the best interests of the emancipated minor. A minor demonstrates the minor is emancipated by a showing that the minor is living separate and apart from parents and managing the minor's own financial affairs, and shows, through an instrument in writing or other agreement or by the conduct of the parties, that all parents who have a legal parent and child relationship with the minor have relinquished control and authority over the minor.

(d) An application for relief under this section may be filed in the county of residence of either party or in the county in which the alleged harassment occurred. There are no residency requirements that apply to a petition for a harassment restraining order.

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

Delete the title and insert:

"A bill for an act relating to state government; providing policy for general crimes and public safety, law enforcement, controlled substances, corrections and sentencing, and judiciary; modifying wine shipment policy; providing for public safety communicators; modifying interstate compact for juveniles; establishing Office for Missing and Murdered Black Women and Girls; establishing reward fund for information on missing and murdered Indigenous relatives; providing for community supervision reform; modifying certain expungement law; establishing clemency review commission; establishing supervision standards committee for probation, supervised release, and community supervision; establishing a State Board of Appellate Counsel for Parents; modifying certain fees; eliminating fee for uncertified copies of instruments from civil or criminal proceedings; modifying time limit for postconviction relief for petitioners with immigration consequences; appropriating money for the courts, State Guardian Ad Litem Board, Board of Public Defense, human rights, and State Board of Appellate Counsel for Parents; modifying various data practices, human rights, and civil law provisions; classifying data; adopting the Uniform Registration of Canadian Money Judgments Act; establishing task forces and boards; providing for grants; imposing penalties; requiring reports; providing for rulemaking; appropriating money; amending Minnesota Statutes 2020, sections 5B.02; 5B.05; 5B.10, subdivision 1; 13.045, subdivisions 1, 2, 3, 4a; 13.32, subdivisions 1, 3, 5, by adding subdivisions; 13.6905, by adding a subdivision; 13.825, subdivision 2; 13.871, subdivision 14; 152.01, subdivisions 9a, 12a, 16, by adding subdivisions; 152.021, subdivision 2; 152.022, subdivision 2; 152.023, subdivision 2; 152.025, subdivision 4; 152.027, subdivision 4; 152.0271; 152.096, subdivision 1; 152.18,

subdivisions 1, 3; 152.32, by adding a subdivision; 214.10, subdivision 10; 241.01, subdivision 3a; 241.021, subdivisions 2a, 2b, by adding subdivisions; 241.272; 241.90; 242.192; 243.05, subdivision 1; 243.1606; 244.05, subdivisions 3, 5; 244.09, subdivisions 5, 10; 244.19, subdivisions 1, 5; 244.195, subdivision 1, by adding subdivisions; 244.20; 244.21; 256I.04, subdivision 2g; 259.11; 260.515; 260B.163, subdivision 1; 260B.176, subdivision 2, by adding a subdivision; 260B.198, subdivision 1; 260C.007, subdivision 6; 299A.01, subdivision 2, by adding a subdivision; 299A.49, subdivision 2; 299A.50, subdivision 1; 299A.51; 299A.706; 299A.78, subdivision 1; 299A.79, subdivision 3; 299C.10, subdivision 1; 299C.111; 299C.17; 299C.46, subdivision 1; 299C.65, subdivisions 1a, 3a; 299F.362; 326.3361, subdivision 2; 340A.304; 340A.417; 357.021, subdivision 2; 357.17; 359.04; 363A.03, by adding a subdivision; 363A.08, by adding a subdivision; 363A.11, subdivision 2; 363A.21, subdivision 1; 401.01; 401.02; 401.04; 401.09; 401.10; 401.11; 401.12; 401.14, subdivisions 1, 3; 401.15, subdivision 2; 401.16; 403.02, by adding a subdivision; 484.85; 517.04; 517.08, subdivisions 1b, 1c; 541.073, subdivision 2; 573.02, subdivision 1; 590.01, subdivision 4; 604.21; 609.165, subdivisions 1a, 1b; 609.281, subdivisions 3, 4, 5; 609.282, subdivision 1, by adding a subdivision; 609.748, subdivision 2; 609.87, by adding a subdivision; 609.89, subdivision 1; 609A.01; 609A.02, by adding a subdivision; 609A.03, subdivisions 5, 9; 611A.03, subdivision 1; 626.76, by adding a subdivision; 626.843, subdivision 1, by adding subdivisions; 626.8473, subdivision 3; 626.89, subdivision 17; 626.93, by adding a subdivision; 626A.35, by adding a subdivision; 629.341, subdivisions 3, 4; 629.72, subdivision 6; 638.01; 641.15, subdivision 2; Minnesota Statutes 2021 Supplement, sections 152.01, subdivision 18; 169A.63, subdivision 8; 253B.18, subdivision 5a; 253D.14, subdivision 2; 299C.72, subdivision 2; 357.021, subdivision 1a; 363A.50; 401.06; 403.11, subdivision 1; 609.02, subdivision 16; 609.5314, subdivision 3; 609A.03, subdivision 7a; 628.26; Laws 2021, First Special Session chapter 11, article 1, section 15, subdivision 3; article 2, section 12; proposing coding for new law in Minnesota Statutes, chapters 13; 152; 244; 259; 260C; 299A; 299C; 325E; 340A; 359; 403; 548; 609A; 638; repealing Minnesota Statutes 2020, sections 244.18; 244.19, subdivisions 6, 7, 8; 244.22; 244.24; 244.30; 299A.49, subdivision 7; 363A.20, subdivision 3; 363A.27; 401.025; 403.02, subdivision 17c; 609.102, subdivisions 1, 2, 2a; 609.281, subdivision 2; 609.293, subdivisions 1, 5; 609.34; 609.36; 638.02; 638.03; 638.04; 638.05; 638.06; 638.07; 638.075; 638.08."

The motion prevailed and the amendment was adopted.

Mariani moved to amend S. F. No. 2673, the third engrossment, as amended, as follows:

Page 11, line 13, delete "Statewide Response"

Page 11, line 14, delete "to Substance" and after "Abuse" insert "of Controlled Substances"

Page 11, line 16, delete "Statewide Response to"

Page 11, line 17, delete "Substance" and after "Abuse" insert "of Controlled Substances"

Page 19, line 11, after "communications" insert ", programs that improve visitation opportunities for families."

Page 19, line 14, delete "through" and insert a period

Page 19, delete lines 15 and 16

Page 70, line 18, delete "Half" insert "At least half" and delete everything after "provided"

Page 70, line 19, delete everything before "for"

Page 73, line 17, delete "Half" and insert "At least half" and delete everything after "to" and insert "counties, cities, towns, and federally recognized Indian Tribes."

Page 73, delete lines 18 and 19

Page 73, line 27, delete everything after "(c)" and insert "The funding may only be used for"

Page 73, line 28, delete everything before the colon

Page 87, line 16, after "means" insert "civil unrest or a protest event"

Page 87, lines 17, 18, and 19, delete "an event"

Page 113, line 11, after "meaningful" insert "language"

Page 143, line 27, delete everything after "examine" and insert "Minnesota's felony murder doctrine and aiding and abetting liability scheme"

Page 143, line 28, delete everything before the period

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Moller moved to amend S. F. No. 2673, the third engrossment, as amended, as follows:

Page 59, after line 18, insert:

"Sec. 39. Minnesota Statutes 2020, section 609.746, subdivision 1, is amended to read:

Subdivision 1. **Surreptitious intrusion; observation device.** (a) A person is guilty of a gross misdemeanor who:

(1) enters upon another's property;

(2) surreptitiously gazes, stares, or peeps in the window or any other aperture of a house or place of dwelling of another; and

(3) does so with intent to intrude upon or interfere with the privacy of a member of the household.

(b) A person is guilty of a gross misdemeanor who:

(1) enters upon another's property;

(2) surreptitiously installs or uses any device for observing, photographing, recording, amplifying, or broadcasting sounds or events through the window or any other aperture of a house or place of dwelling of another; and

(3) does so with intent to intrude upon or interfere with the privacy of a member of the household.

(c) A person is guilty of a gross misdemeanor who:

(1) surreptitiously gazes, stares, or peeps in the window or other aperture of a sleeping room in a hotel, as defined in section 327.70, subdivision 3, a tanning booth, or other place where a reasonable person would have an expectation of privacy and has exposed or is likely to expose their intimate parts, as defined in section 609.341, subdivision 5, or the clothing covering the immediate area of the intimate parts; and

(2) does so with intent to intrude upon or interfere with the privacy of the occupant.

(d) A person is guilty of a gross misdemeanor who:

(1) surreptitiously installs or uses any device for observing, photographing, recording, amplifying, or broadcasting sounds or events through the window or other aperture of a sleeping room in a hotel, as defined in section 327.70, subdivision 3, a tanning booth, or other place where a reasonable person would have an expectation of privacy and has exposed or is likely to expose their intimate parts, as defined in section 609.341, subdivision 5, or the clothing covering the immediate area of the intimate parts; and

(2) does so with intent to intrude upon or interfere with the privacy of the occupant.

(e) A person is guilty of a gross misdemeanor who:

(1) uses any device for observing, photographing, recording, amplifying, or broadcasting sounds or events with the intent to capture an image of a private area of an individual without the individual's consent; and

(2) does so with intent to intrude upon or interfere with the privacy of the occupant.

~~(e)~~ (f) A person is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both, if the person:

(1) violates this subdivision after a previous conviction under this subdivision or section 609.749; or

(2) violates this subdivision against a minor under the age of 18, knowing or having reason to know that the minor is present.

~~(g)~~ (g) A person is guilty of a felony and may be sentenced to imprisonment for not more than four years or to payment of a fine of not more than \$5,000, or both, if: (1) the person violates paragraph (b) ~~or~~ (d), or (e) against a minor victim under the age of 18; (2) the person is more than 36 months older than the minor victim; (3) the person knows or has reason to know that the minor victim is present; and (4) the violation is committed with sexual intent.

~~(g)~~ (h) Paragraphs (b) ~~and~~ (d), and (e) do not apply to law enforcement officers or corrections investigators, or to those acting under their direction, while engaged in the performance of their lawful duties. Paragraphs (c) ~~and~~ (d), and (e) do not apply to conduct in: (1) a medical facility; or (2) a commercial establishment if the owner of the establishment has posted conspicuous signs warning that the premises are under surveillance by the owner or the owner's employees.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Feist moved to amend S. F. No. 2673, the third engrossment, as amended, as follows:

Page 43, after line 10, insert:

"Sec. 20. **[299C.055] LEGISLATIVE REPORT ON FUSION CENTER ACTIVITIES.**

(a) The superintendent must prepare an annual report for the public and the legislature on the Minnesota Fusion Center (MNFC) that includes general information about the MNFC; the types of activities it monitors; the scale of information it collects; the local, state, and federal agencies with which it shares information; and the quantifiable benefits it produces. None of the reporting requirements in this section supersede chapter 13 or any other state or federal law. The superintendent must report on activities for the preceding calendar year unless another time period is specified. The report must include the following information, to the extent allowed by other law:

- (1) the MNFC's operating budget for the current biennium, number of staff, and their duties;
 - (2) the number of publications generated and an overview of the type of information provided in them, including products such as law enforcement briefs, partner briefs, risk and threat assessments, and operational reports;
 - (3) a summary of audit findings for the MNFC and what corrective actions were taken pursuant to audits;
 - (4) the number of data requests received by the MNFC and a general description of those requests;
 - (5) the types of surveillance and data analysis technologies utilized by the MNFC, such as artificial intelligence or social media analysis tools;
 - (6) a description of the commercial and governmental databases utilized by the MNFC to the extent permitted by law;
 - (7) the number of suspicious activity reports (SARs) received and processed by the MNFC;
 - (8) the number of suspicious activity reports received and processed by the MNFC that were converted into Bureau of Criminal Apprehension case files, that were referred to the Federal Bureau of Investigation, or that were referred to local law enforcement agencies;
 - (9) the number of suspicious activity reports received and processed by the MNFC that involve an individual on the Terrorist Screening Center watchlist;
 - (10) the number of requests for information (RFIs) that the MNFC received from law enforcement agencies and the number of responses to federal requests for requests for information;
 - (11) the names of the federal agencies the MNFC received data from or shared data with;
 - (12) the names of the agencies that submitted suspicious activity reports;
 - (13) a summary description of the MNFC's activities with the Joint Terrorism Task Force; and
 - (14) the number of investigations aided by the MNFC's use of suspicious activity reports and requests for information.
- (b) The agency must use existing appropriations to fund preparation of reports required under this section.

(c) The report shall be provided to the chairs and ranking minority members of the committees of the house of representatives and senate with jurisdiction over data practices and public safety issues, and shall be posted on the MNFC website by February 15 each year beginning on February 15, 2023."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Raleigh moved to amend S. F. No. 2673, the third engrossment, as amended, as follows:

Page 5, after line 14, insert:

"(e) National Incident Management System Training

Within six months of taking office, each mayor and city administrator of a city of the first class must complete a certified course in incident command under the National Incident Management System (NIMS). This requirement does not apply to persons who have completed this training within five years of assuming the duties of mayor or city administrator."

Mariani moved to amend the Raleigh amendment to S. F. No. 2673, the third engrossment, as amended, as follows:

Page 1, line 6, delete "six months" and insert "one year"

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Raleigh amendment, as amended, to S. F. No. 2673, the third engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

The Speaker called Wolgamott to the Chair.

O'Neill moved to amend S. F. No. 2673, the third engrossment, as amended, as follows:

Page 18, delete lines 14 to 20 and insert:

"(b) Mail Scanners

\$1,500,000 in fiscal year 2023 is to purchase mail scanners capable of screening incoming mail for illegal drugs and other forms of contraband. This is a onetime appropriation."

A roll call was requested and properly seconded.

The question was taken on the O'Neill amendment and the roll was called. There were 61 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Akland	Daudt	Gruenhagen	Lislegard	Olson, B.	Scott
Albright	Davids	Haley	Lucero	O'Neill	Swedzinski
Anderson	Demuth	Hamilton	Lueck	Petersburg	Theis
Backer	Dettmer	Heinrich	McDonald	Pfarr	Torkelson
Bahr	Drazkowski	Heintzeman	Mueller	Pierson	Urdahl
Baker	Erickson	Igo	Munson	Poston	West
Bennett	Franke	Johnson	Nash	Quam	
Bliss	Franson	Jurgens	Nelson, N.	Raleigh	
Boe	Garofalo	Kiel	Neu Brindley	Rasmusson	
Burkel	Green	Koznick	Novotny	Robbins	
Daniels	Grossell	Kresha	O'Driscoll	Schomacker	

Those who voted in the negative were:

Acomb	Elkins	Her	Lillie	Noor	Thompson
Agbaje	Feist	Hollins	Lippert	Olson, L.	Vang
Bahner	Fischer	Hornstein	Long	Pelowski	Wazlawik
Becker-Finn	Frazier	Howard	Mariani	Pinto	Winkler
Berg	Frederick	Huot	Marquart	Pryor	Wolgamott
Bernardy	Freiberg	Jordan	Masin	Reyer	Xiong, J.
Bierman	Gomez	Keeler	Moller	Richardson	Xiong, T.
Carlson	Greenman	Klevorn	Moran	Sandell	Youakim
Christensen	Hansen, R.	Koegel	Morrison	Sandstede	Spk. Hortman
Davnie	Hanson, J.	Kotzya-Witthuhn	Mortensen	Schultz	
Ecklund	Hassan	Lee	Murphy	Stephenson	
Edelson	Hausman	Liebling	Nelson, M.	Sundin	

The motion did not prevail and the amendment was not adopted.

Backer moved to amend S. F. No. 2673, the third engrossment, as amended, as follows:

Page 8, delete lines 18 to 35

Page 9, delete lines 1 to 5

Page 13, delete lines 19 to 34

Page 14, delete lines 1 to 15

Reletter the paragraphs in sequence

Page 16, after line 27, insert:

“(c) Statewide Public Safety Radio Communication System Equipment Grants

\$100,607,000 is for the director of the Emergency Communication Networks Division, in consultation with the Statewide Emergency Communication Board, to issue grants to local government units

and federally recognized Tribal entities participating in the statewide Allied Radio Matrix for Emergency Response (ARMER) public safety radio communication system established under Minnesota Statutes, section 403.36. The grants must be used to upgrade portable radios and mobile radios that are interoperable with the ARMER system. Each local government unit may receive only one grant. The grant is contingent upon a match of at least five percent from nonstate funds. Of this amount, up to \$150,000 may be used to administer the grant program. This appropriation is available until June 30, 2024."

A roll call was requested and properly seconded.

The Speaker resumed the Chair.

The question was taken on the Backer amendment and the roll was called. There were 62 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Akland	Daudt	Gruenhagen	Lislegard	O'Driscoll	Schomacker
Albright	Davids	Haley	Lucero	Olson, B.	Scott
Anderson	Demuth	Hamilton	Lueck	O'Neill	Swedzinski
Backer	Dettmer	Heinrich	McDonald	Petersburg	Theis
Bahr	Drazkowski	Heintzeman	Mortensen	Pfarr	Torkelson
Baker	Erickson	Igo	Mueller	Pierson	Urdahl
Bennett	Franke	Johnson	Munson	Poston	West
Bliss	Franson	Jurgens	Nash	Quam	
Boe	Garofalo	Kiel	Nelson, N.	Raleigh	
Burkel	Green	Koznick	Neu Brindley	Rasmusson	
Daniels	Grossell	Kresha	Novotny	Robbins	

Those who voted in the negative were:

Acomb	Elkins	Her	Lillie	Olson, L.	Vang
Agbaje	Feist	Hollins	Lippert	Pelowski	Wazlawik
Bahner	Fischer	Hornstein	Long	Pinto	Winkler
Becker-Finn	Frazier	Howard	Mariani	Pryor	Wolgamott
Berg	Frederick	Huot	Marquart	Reyer	Xiong, J.
Bernardy	Freiberg	Jordan	Masin	Richardson	Xiong, T.
Bierman	Gomez	Keeler	Moller	Sandell	Youakim
Carlson	Greenman	Klevorn	Moran	Sandstede	Spk. Hortman
Christensen	Hansen, R.	Koegel	Morrison	Schultz	
Davnie	Hanson, J.	Kotyza-Witthuhn	Murphy	Stephenson	
Ecklund	Hassan	Lee	Nelson, M.	Sundin	
Edelson	Hausman	Liebling	Noor	Thompson	

The motion did not prevail and the amendment was not adopted.

Franson moved to amend S. F. No. 2673, the third engrossment, as amended, as follows:

Page 64, after line 32, insert:

"Sec. 46. **[629.532] PROHIBITED ACTIVITIES; BAIL ABATEMENT.**

(a) A nonprofit corporation is prohibited from organizing or registering under chapter 317A to engage in providing payment to a person or to a state court in order to satisfy a bail condition determined by the court.

(b) This section may be cited as the "Bail Abatement Nonprofit Exclusion (BANE) Act."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Franson amendment and the roll was called. There were 63 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Akland	Daudt	Gruenhagen	Lislegard	Novotny	Robbins
Albright	Davids	Haley	Lucero	O'Driscoll	Schomacker
Anderson	Demuth	Hamilton	Lueck	Olson, B.	Scott
Backer	Dettmer	Heinrich	McDonald	O'Neill	Swedzinski
Bahr	Drazkowski	Heintzeman	Mekeland	Petersburg	Theis
Baker	Erickson	Igo	Mortensen	Pfarr	Torkelson
Bennett	Franke	Johnson	Mueller	Pierson	Urdahl
Bliss	Franson	Jurgens	Munson	Poston	West
Boe	Garofalo	Kiel	Nash	Quam	
Burkel	Green	Koznick	Nelson, N.	Raleigh	
Daniels	Grossell	Kresha	Neu Brindley	Rasmusson	

Those who voted in the negative were:

Acomb	Edelson	Hassan	Kotzya-Witthuhn	Morrison	Sandstede
Agbaje	Elkins	Hausman	Lee	Murphy	Schultz
Bahner	Feist	Her	Liebling	Nelson, M.	Sundin
Becker-Finn	Fischer	Hollins	Lillie	Noor	Thompson
Berg	Frazier	Hornstein	Lippert	Olson, L.	Vang
Bernardy	Frederick	Howard	Long	Pelowski	Wazlawik
Bierman	Freiberg	Huot	Mariani	Pinto	Winkler
Carlson	Gomez	Jordan	Marquart	Pryor	Xiong, J.
Christensen	Greenman	Keeler	Masin	Reyer	Xiong, T.
Davnie	Hansen, R.	Klevorn	Moller	Richardson	Youakim
Ecklund	Hanson, J.	Koegel	Moran	Sandell	Spk. Hortman

The motion did not prevail and the amendment was not adopted.

Albright was excused for the remainder of today's session.

Novotny moved to amend S. F. No. 2673, the third engrossment, as amended, as follows:

Page 6, after line 14, insert:

"(f) Forensic Scientist

\$128,000 in fiscal 2023 is to hire an additional forensic scientist.
The base is \$113,000 beginning in fiscal year 2024."

Page 13, line 20, delete "\$55,000,000" and insert "\$54,863,000"

Page 18, line 7, delete "5,252,000" and insert "5,261,000"

Page 18, line 11, delete "\$6,204,000" and insert "\$6,219,000"

Page 18, line 12, delete "\$6,186,000" and insert "\$6,211,000"

Page 97, after line 8, insert:

"Sec. 7. Minnesota Statutes 2020, section 152.01, is amended by adding a subdivision to read:

Subd. 25. **Fentanyl.** As used in sections 152.021 to 152.025, "fentanyl" includes fentanyl, carfentanil, and any fentanyl analogs and fentanyl-related substances listed in section 152.02, subdivisions 2 and 3.

Sec. 8. Minnesota Statutes 2020, section 152.021, subdivision 1, is amended to read:

Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the first degree if:

(1) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of 17 grams or more containing cocaine or methamphetamine;

(2) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ten grams or more containing cocaine or methamphetamine and:

(i) the person or an accomplice possesses on their person or within immediate reach, or uses, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm; or

(ii) the offense involves two aggravating factors;

(3) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ten grams or more containing heroin or fentanyl;

(4) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of 50 grams or more containing a narcotic drug other than cocaine, heroin, fentanyl, or methamphetamine;

(5) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of 50 grams or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 200 or more dosage units; or

(6) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of 25 kilograms or more containing marijuana or Tetrahydrocannabinols.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date."

Page 97, line 21, after "heroin" insert "or fentanyl"

Page 97, line 23, before the second "or" insert "fentanyl."

Page 98, after line 4, insert:

"Sec. 8. Minnesota Statutes 2020, section 152.022, subdivision 1, is amended to read:

Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the second degree if:

(1) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ten grams or more containing a narcotic drug other than heroin or fentanyl;

(2) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of three grams or more containing cocaine or methamphetamine and:

(i) the person or an accomplice possesses on their person or within immediate reach, or uses, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm; or

(ii) the offense involves three aggravating factors;

(3) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of three grams or more containing heroin or fentanyl;

(4) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ten grams or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 50 or more dosage units;

(5) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ten kilograms or more containing marijuana or Tetrahydrocannabinols;

(6) the person unlawfully sells any amount of a Schedule I or II narcotic drug to a person under the age of 18, or conspires with or employs a person under the age of 18 to unlawfully sell the substance; or

(7) the person unlawfully sells any of the following in a school zone, a park zone, a public housing zone, or a drug treatment facility:

(i) any amount of a Schedule I or II narcotic drug, lysergic acid diethylamide (LSD), 3,4-methylenedioxyamphetamine, or 3,4-methylenedioxymethamphetamine;

(ii) one or more mixtures containing methamphetamine or amphetamine; or

(iii) one or more mixtures of a total weight of five kilograms or more containing marijuana or Tetrahydrocannabinols.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date."

Page 98, line 17, after "heroin" insert "or fentanyl"

Page 98, line 19, before the second "or" insert "fentanyl."

Page 99, line 6, after "heroin" insert "or fentanyl"

Page 99, line 8, after "heroin" insert "or fentanyl"

Page 100, line 1, after "heroin" insert ", fentanyl,"

Page 100, line 4, after "heroin" insert "or fentanyl"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Adjust amounts accordingly

Mariani moved to amend the Novotny amendment to S. F. No. 2673, the third engrossment, as amended, as follows:

Page 2, delete lines 22 to 30

Page 3, delete lines 1 to 31

Page 4, delete lines 1 to 3

A roll call was requested and properly seconded.

The question was taken on the Mariani amendment to the Novotny amendment and the roll was called. There were 67 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Acomb	Elkins	Her	Lillie	Olson, L.	Wazlawik
Agbaje	Feist	Hollins	Lippert	Pelowski	Winkler
Bahner	Fischer	Hornstein	Long	Pinto	Wolgamott
Becker-Finn	Frazier	Howard	Mariani	Pryor	Xiong, J.
Berg	Frederick	Huot	Marquart	Reyer	Xiong, T.
Bernardy	Freiberg	Jordan	Masin	Richardson	Youakim
Bierman	Gomez	Keeler	Moller	Sandell	Spk. Hortman
Carlson	Greenman	Klevorn	Moran	Schultz	
Christensen	Hansen, R.	Koegel	Morrison	Stephenson	
Davnie	Hanson, J.	Kotyza-Witthuhn	Murphy	Sundin	
Ecklund	Hassan	Lee	Nelson, M.	Thompson	
Edelson	Hausman	Liebling	Noor	Vang	

Those who voted in the negative were:

Akland	Boe	Draskowski	Gruenhagen	Jurgens	McDonald
Anderson	Burkel	Erickson	Haley	Kiel	Mekeland
Backer	Daniels	Franke	Hamilton	Koznick	Mortensen
Bahr	Daudt	Franson	Heinrich	Kresha	Mueller
Baker	Davids	Garofalo	Heintzeman	Lislegard	Munson
Bennett	Demuth	Green	Igo	Lucero	Nash
Bliss	Dettmer	Grossell	Johnson	Lueck	Nelson, N.

Neu Brindley	O'Neill	Poston	Robbins	Swedzinski	West
Novotny	Petersburg	Quam	Sandstede	Theis	
O'Driscoll	Pfarr	Raleigh	Schomacker	Torkelson	
Olson, B.	Pierson	Rasmusson	Scott	Urdahl	

The motion prevailed and the amendment to the amendment was adopted.

Novotny withdrew his amendment, as amended, to S. F. No. 2673, the third engrossment, as amended.

Daudt moved to amend S. F. No. 2673, the third engrossment, as amended, as follows:

Page 13, line 19, delete "Local" and delete "Innovation" and insert "Safety"

Page 13, line 20, delete "local" and insert "grants to local law enforcement agencies for crime prevention programs for the purpose of providing public safety. Any unencumbered balance at the end of fiscal year 2023 does not cancel but is available for the purposes of this section until spent. This is a onetime appropriation."

Page 13, delete lines 21 to 25

Page 13, line 28, after "to" insert "local law enforcement agencies for"

Page 70, delete section 49 and insert:

"Sec. 49. **EMERGENCY COMMUNITY SAFETY GRANTS.**

Subdivision 1. **Grants; purpose.** The commissioner of public safety shall award grants to local law enforcement agencies for the prevention and investigating of violent crimes in the state. If a chief law enforcement officer of a local law enforcement agency believes violence interrupters or violence interruption programs operated by another entity is reputable and helpful in preventing crime, the agency may use a portion of the grant funds to partner with or support violence interrupters or violence interruption programs.

Subd. 2. **Reporting required.** The recipient of a grant under this section shall file a report with the commissioner of public safety by December 15 of each calendar year in which funds were received or used. Reports must itemize the expenditures made, indicate the purpose of those expenditures, and describe the ultimate disposition, if any, of each case. The report must be on forms and pursuant to procedures developed by the commissioner."

Page 74, delete section 51 and insert:

"Sec. 51. **COMMUNITY SAFETY GRANTS.**

Subdivision 1. **Grants; purpose.** The commissioner of public safety shall award grants to local law enforcement agencies for the prevention and investigating of violent crimes in the state. If a chief law enforcement officer of a local law enforcement agency believes violence interrupters or violence interruption programs operated by another entity is reputable and helpful in preventing crime, the agency may use a portion of the grant funds to partner with or support violence interrupters or violence interruption programs.

Subd. 2. **Reporting required.** The recipient of a grant under this section shall file a report with the commissioner of public safety by December 15 of each calendar year in which funds were received or used. Reports must itemize the expenditures made, indicate the purpose of those expenditures, and describe the ultimate disposition, if any, of each case. The report must be on forms and pursuant to procedures developed by the commissioner."

Amend the title accordingly

A roll call was requested and properly seconded.

Wolgamott was excused between the hours of 7:25 p.m. and 9:00 p.m.

Davids was excused for the remainder of today's session.

The question was taken on the Daudt amendment and the roll was called. There were 62 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Akland	Demuth	Hamilton	Lueck	Olson, B.	Scott
Anderson	Dettmer	Heinrich	McDonald	O'Neill	Stephenson
Backer	Drazkowski	Heintzeman	Mekeland	Petersburg	Swedzinski
Bahr	Erickson	Igo	Mortensen	Pfarr	Theis
Baker	Franke	Johnson	Mueller	Pierson	Torkelson
Bennett	Franson	Jurgens	Munson	Poston	Urdahl
Bliss	Garofalo	Kiel	Nash	Quam	West
Boe	Green	Koznick	Nelson, N.	Raleigh	
Burkel	Grossell	Kresha	Neu Brindley	Rasmusson	
Daniels	Gruenhagen	Lislegard	Novotny	Robbins	
Daudt	Haley	Lucero	O'Driscoll	Schomacker	

Those who voted in the negative were:

Acomb	Edelson	Hassan	Kotzya-Witthuhn	Morrison	Sandstede
Agbaje	Elkins	Hausman	Lee	Murphy	Schultz
Bahner	Feist	Her	Liebling	Nelson, M.	Sundin
Becker-Finn	Fischer	Hollins	Lillie	Noor	Thompson
Berg	Frazier	Hornstein	Lippert	Olson, L.	Vang
Bernardy	Frederick	Howard	Long	Pelowski	Wazlawik
Bierman	Freiberg	Huot	Mariani	Pinto	Winkler
Carlson	Gomez	Jordan	Marquart	Pryor	Xiong, J.
Christensen	Greenman	Keeler	Masin	Reyer	Xiong, T.
Davnie	Hansen, R.	Klevorn	Moller	Richardson	Youakim
Ecklund	Hanson, J.	Koegel	Moran	Sandell	Spk. Hortman

The motion did not prevail and the amendment was not adopted.

S. F. No. 2673, A bill for an act relating to public safety; amending certain statutes regarding public safety, criminal justice, and corrections; establishing new crimes and expanding existing ones; modifying sentencing provisions; modifying fees; requiring reporting; authorizing pilot projects; providing for grant programs; appropriating money for the judiciary, public safety, public defenders, sentencing guidelines, and corrections; amending Minnesota Statutes 2020, sections 13A.02, subdivisions 1, 2; 144.6586, subdivision 2; 152.01, by adding a subdivision; 152.021, subdivisions 1, 2; 152.022, subdivisions 1, 2; 152.023, subdivision 2; 152.025, subdivision 4; 169A.44; 169A.51, subdivisions 3, 4, by adding a subdivision; 171.174; 171.177, subdivisions 1, 3, 4, 5, 8, 12, 14; 171.306, by adding a subdivision; 244.01, subdivision 8; 244.05, subdivisions 4, 5; 244.09, subdivisions 2, 11, by adding subdivisions; 244.101, subdivision 1; 244.14, subdivision 3; 244.171, subdivision 4; 299A.41, subdivisions 3, 4, by adding a subdivision; 357.021, subdivision 2; 517.08, subdivision 1c; 609.035, subdivision 1, by adding a subdivision; 609.106, subdivision 2; 609.1095, subdivisions 2, 3, 4, by adding a subdivision; 609.11, subdivision 8, by adding a subdivision; 609.115, subdivision 2a; 609.2231, subdivisions 2, 3; 609.35; 609.487, subdivision 5, by adding a subdivision; 609.52, subdivisions 3, 3a; 609.527, subdivision 1, by adding a subdivision; 609.582, subdivisions 3, 4; 609B.205; 626.15; 626.8452, by adding subdivisions; Minnesota Statutes 2021 Supplement, sections 357.021, subdivision 1a; 609.135, subdivision 2; 609.2325, subdivision 1; 609.5151; proposing coding for new law in Minnesota Statutes, chapters 299A; 388; 609; 617; 626.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 68 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Acomb	Edelson	Hausman	Liebling	Noor	Vang
Agbaje	Elkins	Her	Lillie	Olson, L.	Wazlawik
Bahner	Feist	Hollins	Lippert	Pinto	Winkler
Becker-Finn	Fischer	Hornstein	Long	Pryor	Wolgamott
Berg	Frazier	Howard	Mariani	Reyer	Xiong, J.
Bernardy	Frederick	Huot	Marquart	Richardson	Xiong, T.
Bierman	Freiberg	Jordan	Masin	Sandell	Youakim
Boldon	Gomez	Keeler	Moller	Sandstede	Spk. Hortman
Carlson	Greenman	Klevorn	Moran	Schultz	
Christensen	Hansen, R.	Koegel	Morrison	Stephenson	
Davnie	Hanson, J.	Kotyza-Witthuhn	Murphy	Sundin	
Ecklund	Hassan	Lee	Nelson, M.	Thompson	

Those who voted in the negative were:

Akland	Demuth	Hamilton	Lueck	O'Neill	Scott
Anderson	Dettmer	Heinrich	McDonald	Pelowski	Swedzinski
Backer	Drazkowski	Heintzeman	Mekeland	Petersburg	Theis
Bahr	Erickson	Igo	Mortensen	Pfarr	Torkelson
Baker	Franke	Johnson	Mueller	Pierson	Urdahl
Bennett	Franson	Jurgens	Munson	Poston	West
Bliss	Garofalo	Kiel	Nash	Quam	
Boe	Green	Koznick	Nelson, N.	Raleigh	
Burkel	Grossell	Kresha	Neu Brindley	Rasmusson	
Daniels	Gruenhagen	Lislegard	Novotny	Robbins	
Daudt	Haley	Lucero	Olson, B.	Schomacker	

The bill was passed, as amended, and its title agreed to.

There being no objection, the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Madam Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 3086 and 4476.

CAL R. LUDEMAN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 3086, A bill for an act relating to transportation; modifying allocation of state general sales tax revenue related to motor vehicle repair and replacement parts; dedicating sales tax revenue to small cities assistance account and town road account; amending Minnesota Statutes 2020, section 297A.94.

The bill was read for the first time and referred to the Committee on Transportation Finance and Policy.

S. F. No. 4476, A bill for an act relating to redistricting; adjusting the district boundaries of Senate Districts 15 and 16; adjusting the house of representatives district boundaries within Senate Districts 15, 16, and 58; proposing coding for new law in Minnesota Statutes, chapter 2.

The bill was read for the first time and referred to the Committee on Redistricting.

MOTIONS AND RESOLUTIONS

Koegel moved that the name of Schultz be added as an author on H. F. No. 3768. The motion prevailed.

Sandstede moved that the name of Kotyza-Witthuhn be added as an author on H. F. No. 4522. The motion prevailed.

Igo moved that the name of Poston be added as an author on H. F. No. 4841. The motion prevailed.

ADJOURNMENT

Winkler moved that when the House adjourns today it adjourn until 11:00 a.m., Tuesday, May 3, 2022. The motion prevailed.

Winkler moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:00 a.m., Tuesday, May 3, 2022.

PATRICK D. MURPHY, Chief Clerk, House of Representatives

