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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3872

02/15/2024 Authored by Becker-Finn, Frazier, Finke, Feist, Moller and others
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to judiciary; amending certain court actions regarding possession of
1.3 property, suspension of license for uninsured vehicle, and debts subject to revenue
1.4 recapture; modifying definition of court examiner; providing for electronic service
1.5 of order for protection or restraining order; requiring employer to release employee
1.6 from work for prospective jury service; authorizing district court to publish notice
1.7 on Minnesota judicial branch website; appropriating money for psychological
1.8 services, cybersecurity, court interpreter services, juror per diem, and courthouse
1.9 security; amending Minnesota Statutes 2022, sections 117.042; 171.182,
1.10 subdivisions 2, 3; 253B.02, subdivision 4d; 331A.02, by adding a subdivision;
1.11 480.15, subdivision 10c; 518B.01, subdivision 8; 593.50, subdivision 1; 609.748,
1.12 subdivision 5; 645.11; Minnesota Statutes 2023 Supplement, section 611.41,
1.13 subdivision 7.

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

1.15 Section 1. Minnesota Statutes 2022, section 117.042, is amended to read:

1.16 117.042 POSSESSION.

1.17 Whenever the petitioner shall require title and possession of all or part of the owner's
1.18 property prior to the filing of an award by the court appointed commissioners, the petitioner
1.19 shall, at least 90 days prior to the date on which possession is to be taken, notify the owner
1.20 of the intent to possess by notice served by certified mail and before taking title and
1.21 possession shall pay to the owner or deposit with the court an amount equal to petitioner's
1.22 approved appraisal of value. Amounts deposited with the court shall be paid out under the
1.23 direction of the court. If it is deemed necessary to deposit the above amount with the court
1.24 the petitioner may apply to the court for an order transferring title and possession of the
1.25 property or properties involved from the owner to the petitioner. In all other cases, petitioner
1.26 has the right to the title and possession after the filing of the award by the court appointed
1.27 commissioners as follows:

- 2.1 (1) if appeal is waived by the parties upon payment of the award;
- 2.2 (2) if appeal is not waived by the parties upon payment or deposit of three-fourths of
- 2.3 the award to be deposited with the court administrator. The amount deposited If the amount
- 2.4 exceeds \$10,000, it shall be deposited by the court administrator in an interest bearing
- 2.5 account no later than ~~the~~ five business ~~day~~ days next following the day on which the amount
- 2.6 was deposited with the court. All interest credited to the amount deposited from the date of
- 2.7 deposit shall be paid to the ultimate recipient of the amount deposited.

2.8 Nothing in this section shall limit rights granted in section 117.155.

2.9 Sec. 2. Minnesota Statutes 2022, section 171.182, subdivision 2, is amended to read:

2.10 Subd. 2. **Copy of judgment to commissioner.** If a person fails within 30 days to satisfy

2.11 a judgment, the court administrator, upon affidavit of the judgment creditor that the judgment

2.12 has not been satisfied, shall immediately ~~forward to~~ notify the commissioner ~~a certified~~

2.13 ~~copy of the judgment and affidavit of identification~~ that the judgment has not been satisfied.

2.14 If the judgment debtor named in a ~~certified copy of a~~ judgment reported to the

2.15 commissioner is a nonresident, the commissioner shall ~~transmit a certified copy of the~~

2.16 ~~judgment to~~ notify the official in charge of the issuance of drivers' licenses of the state of

2.17 which the judgment debtor is a resident.

2.18 Sec. 3. Minnesota Statutes 2022, section 171.182, subdivision 3, is amended to read:

2.19 Subd. 3. **Conditions.** (a) The commissioner, upon ~~receipt of a certified copy~~ notification

2.20 of a judgment, shall suspend the license or the nonresident's operating privilege of the person

2.21 against whom judgment was rendered if:

2.22 (1) at the time of the accident the person did not maintain the reparation security required

2.23 by section 65B.48; and

2.24 (2) the judgment has not been satisfied.

2.25 (b) Suspensions under this section are subject to the notice requirements of section

2.26 171.18, subdivision 2.

2.27 Sec. 4. Minnesota Statutes 2022, section 253B.02, subdivision 4d, is amended to read:

2.28 Subd. 4d. **Court examiner.** "Court examiner" means a person appointed to serve the

2.29 court, and who is a physician or ~~licensed~~ psychologist who has a doctoral degree in

2.30 psychology, and is either licensed in Minnesota or who holds current authority to practice

2.31 in Minnesota under an approved interstate compact.

3.1 Sec. 5. Minnesota Statutes 2022, section 331A.02, is amended by adding a subdivision to
3.2 read:

3.3 Subd. 6. **District court.** The district court may publish its own notices, orders, and
3.4 process for judicial proceedings on the Minnesota judicial branch website.

3.5 Sec. 6. Minnesota Statutes 2022, section 480.15, subdivision 10c, is amended to read:

3.6 Subd. 10c. **Uniform collections policies and procedures for courts.** (a) The state court
3.7 administrator under the direction of the Judicial Council may promulgate uniform collections
3.8 policies and procedures for the courts and may contract with credit bureaus, public and
3.9 private collection agencies, the Department of Revenue, and other public or private entities
3.10 providing collection services as necessary for the collection of court debts. The court
3.11 collection process and procedures are not subject to section 16A.1285. Court debts referred
3.12 to the Department of Revenue for collection are not subject to section 16D.07. Court debts
3.13 referred to the Department of Revenue for revenue recapture are not subject to section
3.14 270A.08 or 270A.09.

3.15 (b) Court debt means an amount owed to the state directly or through the judicial branch
3.16 on account of a fee, duty, rent, service, overpayment, fine, assessment, surcharge, court
3.17 cost, penalty, restitution, damages, interest, bail bond, forfeiture, reimbursement, liability
3.18 owed, an assignment to the judicial branch, recovery of costs incurred by the judicial branch,
3.19 or any other source of indebtedness to the judicial branch as well as amounts owed to other
3.20 public or private entities for which the judicial branch acts in providing collection services,
3.21 or any other amount owed to the judicial branch.

3.22 (c) The courts must pay for the collection services of public or private collection entities
3.23 as well as the cost of one or more court employees to provide collection interface services
3.24 between the Department of Revenue, the courts, and one or more collection entities from
3.25 the money collected. The portion of the money collected which must be paid to the collection
3.26 entity as collection fees and costs and the portion of the money collected which must be
3.27 paid to the courts or Department of Revenue for collection services are appropriated from
3.28 the fund to which the collected money is due.

3.29 (d) As determined by the state court administrator, collection costs shall be added to the
3.30 debts referred to a public or private collection entity for collection.

3.31 Collection costs shall include the fees of the collection entity, and may include, if
3.32 separately provided, skip tracing fees, credit bureau reporting charges, fees assessed by any
3.33 public entity for obtaining information necessary for debt collection, or other

4.1 collection-related costs. Collection costs shall also include the costs of one or more court
4.2 employees employed by the state court administrator to provide a collection interface
4.3 between the collection entity, the Department of Revenue, and the courts.

4.4 If the collection entity collects an amount less than the total due, the payment is applied
4.5 proportionally to collection costs and the underlying debt. Collection costs in excess of
4.6 collection agency fees and court employee collection interface costs must be deposited in
4.7 the general fund as nondedicated receipts.

4.8 Sec. 7. Minnesota Statutes 2022, section 518B.01, subdivision 8, is amended to read:

4.9 Subd. 8. **Service; alternate service; publication; notice.** (a) The petition and any order
4.10 issued under this section other than orders for dismissal shall be served on the respondent
4.11 personally, or if the respondent appears remotely for a hearing and is notified at the hearing
4.12 by the judicial officer that an order for protection will issue, the order may be served on the
4.13 respondent electronically or by first class mail, as ordered by the court. Orders for dismissal
4.14 may be served personally or by certified mail. In lieu of personal service of an order for
4.15 protection, a law enforcement officer may serve a person with a short-form notification as
4.16 provided in subdivision 8a.

4.17 (b) When service is made out of this state and in the United States, it may be proved by
4.18 the affidavit of the person making the service. When service is made outside the United
4.19 States, it may be proved by the affidavit of the person making the service, taken before and
4.20 certified by any United States minister, charge d'affaires, commissioner, consul, or
4.21 commercial agent, or other consular or diplomatic officer of the United States appointed to
4.22 reside in the other country, including all deputies or other representatives of the officer
4.23 authorized to perform their duties; or before an office authorized to administer an oath with
4.24 the certificate of an officer of a court of record of the country in which the affidavit is taken
4.25 as to the identity and authority of the officer taking the affidavit.

4.26 (c) If personal service cannot be made, the court may order service of the petition and
4.27 any order issued under this section by alternate means, or by publication, which publication
4.28 must be made as in other actions. The application for alternate service must include the last
4.29 known location of the respondent; the petitioner's most recent contacts with the respondent;
4.30 the last known location of the respondent's employment; the names and locations of the
4.31 respondent's parents, siblings, children, and other close relatives; the names and locations
4.32 of other persons who are likely to know the respondent's whereabouts; and a description of
4.33 efforts to locate those persons.

5.1 The court shall consider the length of time the respondent's location has been unknown,
5.2 the likelihood that the respondent's location will become known, the nature of the relief
5.3 sought, and the nature of efforts made to locate the respondent. The court shall order service
5.4 by first class mail, forwarding address requested, to any addresses where there is a reasonable
5.5 possibility that mail or information will be forwarded or communicated to the respondent.

5.6 The court may also order publication, within or without the state, but only if it might
5.7 reasonably succeed in notifying the respondent of the proceeding. Service shall be deemed
5.8 complete 14 days after mailing or 14 days after court-ordered publication.

5.9 (d) A petition and any order issued under this section, including the short-form
5.10 notification, must include a notice to the respondent that if an order for protection is issued
5.11 to protect the petitioner or a child of the parties, upon request of the petitioner in any
5.12 parenting time proceeding, the court shall consider the order for protection in making a
5.13 decision regarding parenting time.

5.14 Sec. 8. Minnesota Statutes 2022, section 593.50, subdivision 1, is amended to read:

5.15 Subdivision 1. **Juror protection.** An employer must release an employee from the
5.16 employee's regular work schedule, including any shift work, to permit the employee to
5.17 attend court for prospective jury service. An employer shall not require an employee to
5.18 work an alternative work schedule, deprive an employee of employment, or threaten or
5.19 otherwise coerce the employee with respect thereto to employment status, because the
5.20 employee receives a summons, responds thereto, serves as a juror, or attends court for
5.21 prospective jury service.

5.22 Sec. 9. Minnesota Statutes 2022, section 609.748, subdivision 5, is amended to read:

5.23 Subd. 5. **Restraining order.** (a) The court may issue a restraining order that provides
5.24 any or all of the following:

5.25 (1) orders the respondent to cease or avoid the harassment of another person; or

5.26 (2) orders the respondent to have no contact with another person.

5.27 (b) The court may issue an order under paragraph (a) if all of the following occur:

5.28 (1) the petitioner has filed a petition under subdivision 3;

5.29 (2) a peace officer has served respondent with a copy of the temporary restraining order
5.30 obtained under subdivision 4, and with notice of the right to request a hearing, or service
5.31 has been made by publication under subdivision 3, paragraph (b); and

6.1 (3) the court finds at the hearing that there are reasonable grounds to believe that the
6.2 respondent has engaged in harassment.

6.3 A restraining order may be issued only against the respondent named in the petition; except
6.4 that if the respondent is an organization, the order may be issued against and apply to all of
6.5 the members of the organization. If the court finds that the petitioner has had two or more
6.6 previous restraining orders in effect against the same respondent or the respondent has
6.7 violated a prior or existing restraining order on two or more occasions, relief granted by the
6.8 restraining order may be for a period of up to 50 years. In all other cases, relief granted by
6.9 the restraining order must be for a fixed period of not more than two years. When a referee
6.10 presides at the hearing on the petition, the restraining order becomes effective upon the
6.11 referee's signature.

6.12 (c) An order issued under this subdivision must be personally served upon the respondent,
6.13 or if the respondent appears remotely for a hearing and is notified at the hearing by the
6.14 judicial officer that a restraining order will issue, the order may be served on the respondent
6.15 electronically or by first class mail, as ordered by the court.

6.16 (d) If the court orders relief for a period of up to 50 years under paragraph (a), the
6.17 respondent named in the restraining order may request to have the restraining order vacated
6.18 or modified if the order has been in effect for at least five years and the respondent has not
6.19 violated the order. Application for relief under this paragraph must be made in the county
6.20 in which the restraining order was issued. Upon receipt of the request, the court shall set a
6.21 hearing date. Personal service must be made upon the petitioner named in the restraining
6.22 order not less than 30 days before the date of the hearing. At the hearing, the respondent
6.23 named in the restraining order has the burden of proving by a preponderance of the evidence
6.24 that there has been a material change in circumstances and that the reasons upon which the
6.25 court relied in granting the restraining order no longer apply and are unlikely to occur. If
6.26 the court finds that the respondent named in the restraining order has met the burden of
6.27 proof, the court may vacate or modify the order. If the court finds that the respondent named
6.28 in the restraining order has not met the burden of proof, the court shall deny the request and
6.29 no request may be made to vacate or modify the restraining order until five years have
6.30 elapsed from the date of denial. An order vacated or modified under this paragraph must
6.31 be personally served on the petitioner named in the restraining order.

7.1 Sec. 10. Minnesota Statutes 2023 Supplement, section 611.41, subdivision 7, is amended
7.2 to read:

7.3 Subd. 7. **Court examiner.** "Court examiner" means a person appointed to serve the
7.4 court ~~by examining a defendant whose competency is at issue~~ and who is a physician or
7.5 ~~licensed~~ psychologist who has a doctoral degree in psychology, and is either licensed in
7.6 Minnesota or who holds current authority to practice in Minnesota under an approved
7.7 interstate compact.

7.8 Sec. 11. Minnesota Statutes 2022, section 645.11, is amended to read:

7.9 **645.11 PUBLISHED NOTICE.**

7.10 Unless otherwise specifically provided, the words "published notice," when used in
7.11 reference to the giving of notice in any proceeding or the service of any summons, order,
7.12 or process in judicial proceedings, mean the publication in full of the notice, or other paper
7.13 referred to, in the regular issue of a qualified newspaper, once each week for the number
7.14 of weeks specified. If the district court is required to publish its own notice, the notice may
7.15 be by publication on the Minnesota judicial branch website. When the publication day of
7.16 any newspaper falls upon Thanksgiving Day, or upon any legal holiday, the publication of
7.17 notice in any proceeding or the publication of any summons, order, or process in judicial
7.18 proceedings, may be made either the day before or the day after Thanksgiving Day, or such
7.19 legal holiday. When the published notice contains a description of real estate which is located
7.20 within the legal limits of any city, which city is situated in more than one county, such
7.21 published notice may be published in any legal newspaper within such city.

7.22 Sec. 12. **JUDICIARY APPROPRIATION.**

7.23 Subdivision 1. **Psychological services.** \$14,575,000 in fiscal year 2024 and \$14,575,000
7.24 in fiscal year 2025 are appropriated from the general fund to the supreme court for the
7.25 psychological and psychiatric examiner services program. This appropriation is for the
7.26 delivery of statutorily mandated psychological examinations for civil commitment, criminal
7.27 competency, and criminal responsibility evaluations. This is an ongoing appropriation.

7.28 Subd. 2. **Cybersecurity.** \$1,750,000 in fiscal year 2024 and \$1,750,000 in fiscal year
7.29 2025 are appropriated from the general fund to the supreme court to continue development
7.30 of the judicial branch cybersecurity program. This is an ongoing appropriation.

7.31 Subd. 3. **District court; interpreter services.** \$1,525,000 in fiscal year 2024 and
7.32 \$1,525,000 in fiscal year 2025 are appropriated from the general fund to the supreme court

8.1 for district courts to meet the increasing need for contract interpreters in court proceedings,
8.2 and to increase the hourly payment rate for contract court interpreters. This is an ongoing
8.3 appropriation.

8.4 Subd. 4. **District court; juror per diem increase and additional services.** \$10,024,000
8.5 in fiscal year 2024 and \$10,024,000 in fiscal year 2025 are appropriated from the general
8.6 fund to the supreme court for district courts to increase the jury per diem, increase mileage
8.7 reimbursement to jurors, provide vicarious trauma services to jurors, and support the
8.8 increased cost of jury trials. This is an ongoing appropriation.

8.9 Subd. 5. **Courthouse security.** \$500,000 in fiscal year 2025 is appropriated from the
8.10 general fund to the supreme court for a competitive grant program for courthouse safety
8.11 and security improvements. This appropriation is onetime.

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