

2021 State Government Finance Omnibus
Comparison of Senate and House Bills

		House – HF No. 1952, 3 rd Engrossment		SAME OR SIMILAR	Senate – SF No. 1831, 2 nd Engrossment	
R	Topic	Section	Summary		Section	Summary
		Article 7 – Military and Veterans Policy			Article 5 - Veterans and Military Affairs Policy	
R1	Veterans Suicide Prevention and Awareness Day	1		Same	Section 1 (10.578)	Clarifies the name of the Veterans Suicide Prevention and Awareness Day and requires the Commissioner of Veterans Affairs (hereinafter commissioner) to coordinate activities on the day of observance in October to raise awareness of, and promote the prevention of, veteran suicides.
R1	Veterans affairs publicity rep. authorized	2		Same	Section 2 (15.057)	Adds the Department of Veterans Affairs to the list of agencies that are exempt from the prohibition on using funds to pay the salary or expenses of a publicity representative.
R1	Adjutant general	3		Same	Section 4 (190.07)	<p>Makes changes to the adjutant general section of the military forces chapter of law.</p> <p>Subdivision 1 requires the governor to appoint an adjutant general within 120 days of vacancy, strikes language restricting candidates to members of the National Guard in this state, and requires that the adjutant general hold the rank of colonel or above.</p> <p>Subdivision 2 requires that the adjutant general be promoted, if necessary, to the rank of major general on the date of the governor’s appointment.</p> <p>Subdivision 3 specifies that the adjutant general serves a single term of seven years.</p>

						Subdivision 4 is a new subdivision specifying protocols when there is a vacancy. The governor may appoint a person as acting adjutant general, and if the governor does not appoint a person, the deputy adjutant general becomes the temporary adjutant general.
R2	Veterans stable housing initiative	4		Same	Section 5 (196.081)	Allows the commissioner to establish a veterans stable housing initiative, to provide resources and support to homeless veterans. Private data on individuals maintained in the Homeless Veteran Registry may be shared with members of the Minnesota Interagency Council on Homelessness and Homeless Veteran Registry partners to expedite the coordination of homeless efforts.
R2-R8	Minnesota GI bill	5 to 8		Same except technical differences; staff recommends house	Sections 6 to 9 (197.791, subds. 4, 5, 5a, 5b)	Makes technical changes and restructures subdivisions for clarity related to Minnesota GI postsecondary educational assistance, apprenticeship and on-the-job training benefits, and other professional and educational benefits.
R8	Veterans supplemental programs	9		Same except technical differences; staff recommends senate	Section 10 (198.006)	Amends supplemental programs for veterans. New paragraph (b) allows the commissioner to work with federal, state, local, and private entities to expand the availability of dental services for veterans home residents. New paragraph (c) allows the commissioner to provide adult day care center programs and collect fees from program participants. The commissioner is authorized to apply for and accept federal funding for purposes of providing adult day care center programs.

R8	Cost of care for residents of veterans homes	10	Establishes requirements for the commissioner of veterans affairs to calculate the personal needs allowance for domiciliary residents.	No comparable provision		
R8-R18	Veterans restorative sentencing option	11	<p>Subd. 1. Offenses as a result of military service; presentence supervision procedures.</p> <p>(a) Requires sentencing courts to determine if a defendant is a current or past service member and suffering from trauma or mental health issues if the defendant: (1) is charged with a severity level 7 or lower offense; and (2) claims the offense was committed due to a service connected sexual trauma, traumatic brain injury, PTSD, substance abuse, or mental health condition.</p> <p>(b) Requires defendants who request a restorative justice sentence to provide clear and convincing evidence of their service-connected trauma to the court and prosecutor.</p> <p>(c) Requires a court to place an offender who meets the criteria established in paragraph (a) and who pleads guilty to the offense on probation while staying adjudication of the case. Provides guidance on veterans receiving a subsequent restorative justice sentence for a new offense.</p> <p>(d) Permits the court to proceed with adjudication if the veteran violates the terms of the veteran’s probation.</p>	<p>Similar, but with fundamental differences.</p> <p>(Identical provisions in House and Senate Judiciary Omnibus Bills.)</p>	Section 11 (609.1056)	<p>Subd. 1. Offenses as a result of military service; presentence supervision procedures.</p> <p>Paragraph (a) requires the court to, prior to entering a plea of guilty for a person charged with certain criminal offenses who alleges that the offense was committed as a result of a service-related disorder, make a determination as to whether the defendant is a member of the United States Military and whether the defendant may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health conditions as a result of the person’s service. This subdivision does not apply to offenses under subdivision 2, paragraph (f).</p> <p>Paragraph (b) requires a defendant who requests to be sentenced under this section to release or authorize access to military service reports and records relating to the alleged conditions stemming from service, and specifies how the records will be used in the court proceedings. Based on the record, the court shall make a finding on whether the defendant suffers from a diagnosable condition and whether the condition stems from service in the United States Military. Requires the court to order a Rule 25 assessment or a mental health assessment under certain circumstances.</p> <p>Paragraph (c) provides that if a defendant under this subdivision pleads guilty, the court shall defer</p>

		<p>(e) Encourages the court to require the veteran to attend a treatment program.</p> <p>(f) Makes a veteran eligible for sentence credits for time spent in residential treatment.</p> <p>(g) Provides guidance to the court in selecting a treatment program for the veteran.</p> <p>(h) Directs the court and treatment program to collaborate with veteran service officers and the U.S. Department of Veterans Affairs.</p> <p>(i) Provides guidance on how veterans sentenced under this section should be treated in Veterans Court.</p> <p>(j) Requires veterans sentenced under this section to forfeit their right to administrative review of DWI driver’s license sanctions.</p> <p>Subd. 2. Restorative justice for military veterans; dismissal of charges. Establishes guidelines for discharging a veteran sentenced under subdivision 1 and restoring the veteran to the “community of law abiding citizens.” The records of a case discharged under this subdivision are “not public” and may only be opened in a limited number of circumstances. Prohibits the dismissal of a case that requires predatory offender registration.</p> <p>Subd. 3. Optional veterans treatment court program; procedures for eligible defendants. Authorizes veterans treatment</p>		<p>further proceedings, without entering a judgment of guilty with the consent of the defendant, prosecutor, and victim, and place the defendant on probation. If the veteran previously received a stay of adjudication for a felony under this section, the court is given discretion to impose a sentence consistent with this section or deny the use of this section.</p> <p>Paragraph (d) provides that if probation is violated, the court may enter an adjudication of guilt.</p> <p>Paragraph (e) allows the court to order the defendant to attend a treatment program for a period not to exceed the time that the defendant would have served in a correctional facility or jail, however, the court may extend the probation in order to complete court-ordered treatment.</p> <p>Paragraph (f) provides guidance to the court in choosing a treatment program. If an appropriate treatment provider is not available in the offender’s county, the Minnesota Department of Veterans Affairs (MDVA) shall coordinate with the United States Department of Veterans Affairs to locate a treatment program and sources to fund the treatment.</p> <p>Paragraph (g) requires the court and treatment program, when available, to collaborate with MDVA and the United States Department of Veterans Affairs to maximize benefits and services.</p>
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R18	Revisor instruction	12		Same	Section 12	Contains a technical revisor instruction to renumber subdivisions.
	Topic	Section	Summary		Section	Summary
R		Article 8 – Data Access				Article
R18	Offenders; transfer to civil authorities; service member data	1	Requires that law enforcement data on National Guard members must be released to the adjutant general upon request of the Office of the Staff Judge Advocate.	No comparable provision		
	Topic	Section	Summary		Section	Summary
R		Article 9 – Practice of Military Law; Military Judge System				Article
R19	Practice of military law	1	Establishes the criteria for a military lawyer who is not a member of the Minnesota bar to practice in the state.	No comparable provision		
R19	Establishment	2	Conforming change related to section 3.	No comparable provision		
R19	Qualifications of military judge	3	Broadens the group of military attorneys who may serve as military judges in the state.	No comparable provision		
R20	Qualifications of counsel	4	Broadens the group of military attorneys who may serve as trial and defense counsel in military actions.	No comparable provision		

	Topic	Section	Summary		Section	Summary
R		Article 10 – Military Code Jurisdictional Changes			Article	
R20	Military service in Minnesota	1	Expands the application of personal jurisdiction over military members for purpose of the MCMJ.	No comparable provision		
R21	Offenses subject to court-martial	2	Specifies that the punitive articles of the United States Code of Military Justice may be prosecuted in courts-martial in this state.	No comparable provision		
	Topic	Section	Summary		Section	Summary
R		Article 11 – Military Trial Procedure			Article	
R21	Governor may prescribe rules	1	Adds a cross-reference to the US-UCMJ.	No comparable provision		
R21	Three-year limitation	2	Amends the military statute of limitation for punitive matters.	No comparable provision		
	Topic	Section	Summary		Section	Summary
R		Article 12 – Military Sentences			Article	

R21	Action on findings	1	Directs the courts-martial convening authority to issue a final order at the end of a courts-martial and promptly serve the order on the accused.	No comparable provision		
R22	Appeal forwarded	2	Clarifies the appeal process in courts-martials.	No comparable provision		
R22	Review by state appellate authority	3	Subd. 1. Certiorari. Dictates that the Minnesota Supreme Court shall hear appeals under the MCMJ. Subd. 2. Service of writ. Establishes the procedure for service of a writ of certiorari.	No comparable provision		
R23	Certiorari; administrative decisions	4	Contains a conforming change to reflect that the supreme court will hear courts-martial appeals.			
	Topic	Section	Summary		Section	Summary
R		Article 13 – Military Punitive Articles Updates			Article	
R23	Purely military offenses	1	Details the Bureau of Criminal Apprehension (BCA) to investigate military offenses when the governor or adjutant general so requests. Adds new military specific offenses to the existing list of “purely military offenses.”	No comparable provision		
R23	Maximum limits	2	Subd. 1. Punishment limits. Places limits on sentences for violation of the MCMJ.	No comparable provision		

			Subd. 2. Level of offense. Defines what constitutes a felony under the MCMJ. Specifies the level of offense that attaches to assimilated crimes.			
R24	Under the influence of alcohol or controlled substance while on duty; sleeping on post; leaving post before relief	3	Authorizes a courts-martial for service members who are determined to be under the influence of a controlled substance while on duty.	No comparable provision		
R24	Search warrants	4	Empowers Minnesota licensed peace officers to enforce a military search warrant for offenses that occurred while a service member is in active service.	No comparable provision		
R25	Sections to be explained	5	Requires that enlisted members for the National Guard receive annual notice of the military’s courts-martial authority over service members.	No comparable provision		
R25	Prohibited activities with military recruit or trainee by person in position of special trust	6	<p>Subd. 1. Definitions. Defines terms used in this section.</p> <p>Subd. 2. Abuse of training leadership position. Adds the new offense of abuse of a training leadership position to the MCMJ.</p> <p>Subd. 3. Abuse of position as military recruiter. Adds the new offense of abuse of a military recruiting position to the MCMJ.</p> <p>Subd. 4. Consent. Prohibits defendants from raising consent of the victim as a defense to charges under this section.</p>	No comparable provision		

R26	Nonconsensual distribution of intimate images	7	<p>Subd. 1. Definitions. Defines terms used in this section.</p> <p>Subd. 2. Crime defined. Adds the new offense of nonconsensual distribution of intimate images to the MCMJ.</p>	No comparable provision		
R28	Fraudulent use of credit cards, debit cards, and other access devices	8	<p>Subd. 1. Crime defined. Adds the offense of fraudulent use of credit cards, debit cards, and other access devices to the MCMJ.</p> <p>Subd. 2. Access device defined. Defines “access device” for purpose of this section.</p>	No comparable provision		
R28	Unauthorized use of government computer	9	<p>Subd. 1. Definitions. Defines terms used in this section.</p> <p>Subd. 2. Crime defined. Adds the offense of unauthorized use of a government computer to the MCMJ.</p>	No comparable provision		
R29	Retaliation	10	<p>Subd. 1. Definitions. Defines terms used in this section.</p> <p>Subd. 2. Crimes defined. Adds the offense of retaliating against a person for: (1) reporting, or planning to report, a criminal offense; or (2) making, or planning to make, a protected communication, to the MCMJ.</p>	No comparable provision		
R30	Repealer	11	Repeals a personal jurisdiction statute that would be obsolete if the statutory changes proposed in this bill are enacted.	No comparable provision		