

113.23

**ARTICLE 5**

113.24

**CORRECTIONS AND SENTENCING**

113.25 Section 1. Minnesota Statutes 2020, section 13.871, subdivision 14, is amended to read:

113.26 Subd. 14. **Expungement petitions.** (a) Provisions regarding the classification and sharing  
113.27 of data contained in a petition for expungement of a criminal record are included in section  
113.28 609A.03.

113.29 (b) Provisions regarding the classification and sharing of data related to automatic  
113.30 expungements are included in sections 299C.097 and 609A.015.

113.31 **EFFECTIVE DATE.** This section is effective January 1, 2024.

114.1 Sec. 2. Minnesota Statutes 2020, section 152.18, subdivision 1, is amended to read:

114.2 Subdivision 1. **Deferring prosecution for certain first time drug offenders.** (a) A  
114.3 court may defer prosecution as provided in paragraph (c) for any person found guilty, after  
114.4 trial or upon a plea of guilty, of a violation of section 152.023, subdivision 2, 152.024,  
114.5 subdivision 2, 152.025, subdivision 2, or 152.027, subdivision 2, 3, 4, or 6, paragraph (d),  
114.6 for possession of a controlled substance, who:

114.7 (1) has not previously participated in or completed a diversion program authorized under  
114.8 section 401.065;

114.9 (2) has not previously been placed on probation without a judgment of guilty and  
114.10 thereafter been discharged from probation under this section; and

114.11 (3) has not been convicted of a felony violation of this chapter, including a felony-level  
114.12 attempt or conspiracy, or been convicted by the United States or another state of a similar  
114.13 offense that would have been a felony under this chapter if committed in Minnesota, unless  
114.14 ten years have elapsed since discharge from sentence.

114.15 (b) The court must defer prosecution as provided in paragraph (c) for any person found  
114.16 guilty of a violation of section 152.025, subdivision 2, who:

114.17 (1) meets the criteria listed in paragraph (a), clauses (1) to (3); and

114.18 (2) has not previously been convicted of a felony offense under any state or federal law  
114.19 or of a gross misdemeanor under section 152.025.

114.20 (c) In granting relief under this section, the court shall, without entering a judgment of  
114.21 guilty and with the consent of the person, defer further proceedings and place the person  
114.22 on probation upon such reasonable conditions as it may require and for a period, not to  
114.23 exceed the maximum sentence provided for the violation. The court may give the person  
114.24 the opportunity to attend and participate in an appropriate program of education regarding  
114.25 the nature and effects of alcohol and drug abuse as a stipulation of probation. Upon violation  
114.26 of a condition of the probation, the court may enter an adjudication of guilt and proceed as

114.27 otherwise provided. The court may, in its discretion, dismiss the proceedings against the  
114.28 person and discharge the person from probation before the expiration of the maximum  
114.29 period prescribed for the person's probation. If during the period of probation the person  
114.30 does not violate any of the conditions of the probation, then upon expiration of the period  
114.31 the court shall discharge the person and dismiss the proceedings against that person.  
114.32 Discharge and dismissal under this subdivision shall be without court adjudication of guilt,  
114.33 but a not public record of it shall be retained by the Bureau of Criminal Apprehension for  
115.1 the purpose of use by the courts in determining the merits of subsequent proceedings against  
115.2 the person. The not public record may also be opened only upon court order for purposes  
115.3 of a criminal investigation, prosecution, or sentencing. Upon receipt of notice that the  
115.4 proceedings were dismissed, the Bureau of Criminal Apprehension shall notify the arresting  
115.5 or citing law enforcement agency and direct that agency to seal its records related to the  
115.6 charge. Upon request by law enforcement, prosecution, or corrections authorities, the bureau  
115.7 shall notify the requesting party of the existence of the not public record and the right to  
115.8 seek a court order to open it pursuant to this section. The court shall forward a record of  
115.9 any discharge and dismissal under this subdivision to the bureau which shall make and  
115.10 maintain the not public record of it as provided under this subdivision. The discharge or  
115.11 dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities  
115.12 imposed by law upon conviction of a crime or for any other purpose.

115.13 For purposes of this subdivision, "not public" has the meaning given in section 13.02,  
115.14 subdivision 8a.

115.15 **EFFECTIVE DATE.** This section is effective January 1, 2024.

115.16 Sec. 3. Minnesota Statutes 2020, section 241.021, subdivision 2a, is amended to read:

115.17 Subd. 2a. **Affected municipality; notice.** The commissioner must not ~~issue~~ grant a  
115.18 license without giving 30 calendar days' written notice to any affected municipality or other  
115.19 political subdivision unless the facility has a licensed capacity of six or fewer persons and  
115.20 is occupied by either the licensee or the group foster home parents. The notification must  
115.21 be given before the license is first ~~issuance of a license~~ granted and annually after that time  
115.22 if annual notification is requested in writing by any affected municipality or other political  
115.23 subdivision. State funds must not be made available to or be spent by an agency or department  
115.24 of state, county, or municipal government for payment to a foster care facility licensed under  
115.25 subdivision 2 until the provisions of this subdivision have been complied with in full.

115.26 Sec. 4. Minnesota Statutes 2020, section 241.021, subdivision 2b, is amended to read:

115.27 Subd. 2b. **Licensing; facilities; juveniles from outside state.** The commissioner may  
115.28 not:

115.29 (1) issue grant a license under this section to operate a correctional facility for the  
115.30 detention or confinement of juvenile offenders if the facility accepts juveniles who reside  
115.31 outside of Minnesota without an agreement with the entity placing the juvenile at the facility  
115.32 that obligates the entity to pay the educational expenses of the juvenile; or

116.1 (2) renew a license under this section to operate a correctional facility for the detention  
116.2 or confinement of juvenile offenders if the facility accepts juveniles who reside outside of  
116.3 Minnesota without an agreement with the entity placing the juvenile at the facility that  
116.4 obligates the entity to pay the educational expenses of the juvenile.

116.5 Sec. 5. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to  
116.6 read:

116.7 Subd. 2c. **Searches.** The commissioner shall not grant a license to any county,  
116.8 municipality, or agency to operate a facility for the detention, care, and training of delinquent  
116.9 children and youth unless the county, municipality, or agency institutes a policy strictly  
116.10 prohibiting the visual inspection of breasts, buttocks, or genitalia of children and youth  
116.11 received by the facility except during a health care procedure conducted by a medically  
116.12 licensed person.

116.13 Sec. 6. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to  
116.14 read:

116.15 Subd. 2d. **Disciplinary room time.** The commissioner shall not grant a license to any  
116.16 county, municipality, or agency to operate a facility for the detention, care, and training of  
116.17 delinquent children and youth unless the county, municipality, or agency institutes a policy  
116.18 strictly prohibiting the use of disciplinary room time for children and youth received by the  
116.19 facility.

116.20 Sec. 7. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to  
116.21 read:

116.22 Subd. 4c. **Language access.** The commissioner of corrections shall take reasonable steps  
116.23 to provide meaningful language access to limited English proficient (LEP) individuals  
116.24 incarcerated, detained, or supervised by the Department of Corrections. The commissioner  
116.25 shall develop written policy and annual training to implement language access for LEP  
116.26 individuals.

116.27 Sec. 8. Minnesota Statutes 2020, section 241.90, is amended to read:

116.28 **241.90 OFFICE OF OMBUDSPERSON; CREATION; QUALIFICATIONS;**  
116.29 **FUNCTION.**

116.30 The Office of Ombudsperson for the Department of Corrections is hereby created. The  
116.31 ~~ombudsperson shall serve at the pleasure of~~ ombudsperson shall be appointed by the governor in the unclassified  
117.1 service, and may be removed only for just cause. The ombudsperson shall be selected without  
117.2 regard to political affiliation, and shall be a person highly competent and qualified to analyze  
117.3 questions of law, administration, and public policy. No person may serve as ombudsperson  
117.4 while holding any other public office. The ombudsperson for corrections shall be accountable  
117.5 to the governor and shall have the authority to investigate decisions, acts, and other matters  
117.6 of the Department of Corrections so as to promote the highest attainable standards of  
117.7 competence, efficiency, and justice in the administration of corrections.

117.8 Sec. 9. Minnesota Statutes 2020, section 242.192, is amended to read:

117.9 **242.192 CHARGES TO COUNTIES.**

117.10 (a) The commissioner shall charge counties or other appropriate jurisdictions ~~65 percent~~  
117.11 ~~of the per diem cost of confinement, excluding educational costs and nonbillable service,~~  
117.12 ~~of juveniles at the Minnesota Correctional Facility-Red Wing and of juvenile females~~  
117.13 ~~committed to the commissioner of corrections. This charge applies to juveniles committed~~  
117.14 ~~to the commissioner of corrections and juveniles admitted to the Minnesota Correctional~~  
117.15 ~~Facility-Red Wing under established admissions criteria. This charge applies to both counties~~  
117.16 ~~that participate in the Community Corrections Act and those that do not. The commissioner~~  
117.17 ~~shall determine the per diem cost of confinement based on projected population, pricing~~  
117.18 ~~incentives, and market conditions. All money received under this section must be deposited~~  
117.19 ~~in the state treasury and credited to the general fund.~~

117.20 (b) The first 65 percent of all money received under paragraph (a) must be deposited in  
117.21 the state treasury and credited to the general fund. The next 35 percent of all money received  
117.22 under paragraph (a) must be credited to the prevention services account, which is hereby  
117.23 established in the special revenue fund. Interest earned in the account accrues to the account.  
117.24 Funds in the prevention services account are annually appropriated to the commissioner of  
117.25 public safety to provide grants for prevention services and dual status youth programs.  
117.26 Recipients must use funds to prevent juveniles from entering the criminal or juvenile justice  
117.27 system or provide services for youth who are in both the child welfare and juvenile justice  
117.28 systems.

117.29 Sec. 10. **[244.049] INDETERMINATE SENTENCE RELEASE BOARD.**

117.30 Subdivision 1. **Establishment; membership.** (a) The Indeterminate Sentence Release  
117.31 Board is established to review eligible cases and make release decisions for inmates serving  
117.32 indeterminate sentences under the authority of the commissioner.

117.33 (b) The board shall consist of five members as follows:

118.1 (1) four persons appointed by the governor from two recommendations of each of the  
118.2 majority leaders and minority leaders of the house of representatives and the senate; and

118.3 (2) the commissioner of corrections who shall serve as chair.

118.4 (c) The members appointed from the legislative recommendations must meet the  
118.5 following qualifications at a minimum:

118.6 (1) a bachelor's degree in criminology, corrections, or a related social science, or a law  
118.7 degree;

118.8 (2) five years of experience in corrections, a criminal justice or community corrections  
118.9 field, rehabilitation programming, behavioral health, or criminal law; and

- 118.10 (3) demonstrated knowledge of victim issues and correctional processes.
- 118.11 Subd. 2. **Terms; compensation.** (a) Members of the board shall serve four-year staggered
- 118.12 terms except that the terms of the initial members of the board must be as follows:
- 118.13 (1) two members must be appointed for terms that expire January 1, 2024; and
- 118.14 (2) two members must be appointed for terms that expire January 1, 2026.
- 118.15 (b) A member is eligible for reappointment.
- 118.16 (c) Vacancies on the board shall be filled in the same manner as the initial appointments
- 118.17 under subdivision 1.
- 118.18 (d) Member compensation and removal of members on the board shall be as provided
- 118.19 in section 15.0575.
- 118.20 Subd. 3. **Quorum; administrative duties.** (a) The majority of members constitutes a
- 118.21 quorum.
- 118.22 (b) The commissioner of corrections shall provide the board with personnel, supplies,
- 118.23 equipment, office space, and other administrative services necessary and incident to the
- 118.24 discharge of the functions of the board.
- 118.25 Subd. 4. **Limitation.** Nothing in this section supersedes the commissioner's authority
- 118.26 to revoke an inmate's release for a violation of the inmate's terms of release or impairs the
- 118.27 power of the Board of Pardons to grant a pardon or commutation in any case.
- 118.28 Subd. 5. **Report.** On or before February 15 each year, the board shall submit to the
- 118.29 legislative committees with jurisdiction over criminal justice policy a written report detailing
- 118.30 the number of inmates reviewed and identifying persons granted release in the preceding
- 119.1 year. The report shall also include the board's recommendations for policy modifications
- 119.2 that influence the board's duties.
- 119.3 Sec. 11. Minnesota Statutes 2020, section 244.05, subdivision 5, is amended to read:
- 119.4 Subd. 5. **Supervised release, life sentence.** (a) The ~~commissioner of corrections~~ board
- 119.5 may, under rules ~~promulgated~~ adopted by the commissioner and upon majority vote of the
- 119.6 board members, give supervised release to an inmate serving a mandatory life sentence
- 119.7 under section 609.185, paragraph (a), clause (3), (5), or (6); 609.3455, subdivision 3 or 4;
- 119.8 609.385; or Minnesota Statutes 2004, section 609.109, subdivision 3, after the inmate has
- 119.9 served the minimum term of imprisonment specified in subdivision 4.
- 119.10 (b) The ~~commissioner~~ board shall require the preparation of a community investigation
- 119.11 report and shall consider the findings of the report when making a supervised release decision
- 119.12 under this subdivision. The report shall reflect the sentiment of the various elements of the
- 119.13 community toward the inmate, both at the time of the offense and at the present time. The
- 119.14 report shall include the views of the sentencing judge, the prosecutor, any law enforcement
- 119.15 personnel who may have been involved in the case, and any successors to these individuals

119.16 who may have information relevant to the supervised release decision. The report shall also  
119.17 include the views of the victim and the victim's family unless the victim or the victim's  
119.18 family chooses not to participate.

119.19 (c) The commissioner shall make reasonable efforts to notify the victim, in advance, of  
119.20 the time and place of the inmate's supervised release review hearing. The victim has a right  
119.21 to submit an oral or written statement at the review hearing. The statement may summarize  
119.22 the harm suffered by the victim as a result of the crime and give the victim's recommendation  
119.23 on whether the inmate should be given supervised release at this time. The ~~commissioner~~  
119.24 board must consider the victim's statement when making the supervised release decision.

119.25 (d) When considering whether to give supervised release to an inmate serving a life  
119.26 sentence under section 609.3455, subdivision 3 or 4, the ~~commissioner~~ board shall consider,  
119.27 at a minimum, the following: the risk the inmate poses to the community if released, the  
119.28 inmate's progress in treatment, the inmate's behavior while incarcerated, psychological or  
119.29 other diagnostic evaluations of the inmate, the inmate's criminal history, and any other  
119.30 relevant conduct of the inmate while incarcerated or before incarceration. The ~~commissioner~~  
119.31 board may not give supervised release to the inmate unless:

119.32 (1) while in prison:

119.33 (i) the inmate has successfully completed appropriate sex offender treatment;

120.1 (ii) the inmate has been assessed for chemical dependency needs and, if appropriate, has  
120.2 successfully completed chemical dependency treatment; and

120.3 (iii) the inmate has been assessed for mental health needs and, if appropriate, has  
120.4 successfully completed mental health treatment; and

120.5 (2) a comprehensive individual release plan is in place for the inmate that ensures that,  
120.6 after release, the inmate will have suitable housing and receive appropriate aftercare and  
120.7 community-based treatment. The comprehensive plan also must include a postprison  
120.8 employment or education plan for the inmate.

120.9 (e) As used in this subdivision:

120.10 (1) "board" means the Indeterminate Sentence Release Board under section 244.049;

120.11 and

120.12 (2) "victim" means the individual who suffered harm as a result of the inmate's crime  
120.13 or, if the individual is deceased, the deceased's surviving spouse or next of kin.

120.14 Sec. 12. Minnesota Statutes 2020, section 244.09, subdivision 10, is amended to read:

120.15 Subd. 10. **Research director.** The commission may select and employ a research director  
120.16 who shall perform the duties the commission directs, including the hiring of any clerical  
120.17 help and other employees as the commission shall approve. The research director ~~and other~~  
120.18 ~~staff~~ shall be in the unclassified service of the state ~~and their~~. The compensation of the

120.19 research director and other staff shall be established pursuant to chapter 43A. They shall  
120.20 be reimbursed for the expenses necessarily incurred in the performance of their official  
120.21 duties in the same manner as other state employees.

120.22 Sec. 13. Minnesota Statutes 2020, section 260B.163, subdivision 1, is amended to read:

120.23 Subdivision 1. **General.** (a) Except for hearings arising under section 260B.425, hearings  
120.24 on any matter shall be without a jury and may be conducted in an informal manner, except  
120.25 that a child who is prosecuted as an extended jurisdiction juvenile has the right to a jury  
120.26 trial on the issue of guilt. The rules of evidence promulgated pursuant to section 480.0591  
120.27 and the law of evidence shall apply in adjudicatory proceedings involving a child alleged  
120.28 to be delinquent, an extended jurisdiction juvenile, or a juvenile petty offender, and hearings  
120.29 conducted pursuant to section 260B.125 except to the extent that the rules themselves provide  
120.30 that they do not apply.

121.1 (b) When a continuance or adjournment is ordered in any proceeding, the court may  
121.2 make any interim orders as it deems in the best interests of the minor in accordance with  
121.3 the provisions of sections 260B.001 to 260B.421.

121.4 (c) Except as otherwise provided in this paragraph, the court shall exclude the general  
121.5 public from hearings under this chapter and shall admit only those persons who, in the  
121.6 discretion of the court, have a direct interest in the case or in the work of the court. The  
121.7 court shall permit the victim of a child's delinquent act to attend any related delinquency  
121.8 proceeding, except that the court may exclude the victim:

121.9 (1) as a witness under the Rules of Criminal Procedure; and

121.10 (2) from portions of a certification hearing to discuss psychological material or other  
121.11 evidence that would not be accessible to the public.

121.12 The court shall open the hearings to the public in ~~delinquency or extended jurisdiction~~  
121.13 juvenile proceedings where the child is alleged to have committed an offense or has been  
121.14 proven to have committed an offense that would be a felony if committed by an adult and  
121.15 the child was at least 16 years of age at the time of the offense, except that the court may  
121.16 exclude the public from portions of a certification hearing to discuss psychological material  
121.17 or other evidence that would not be accessible to the public in an adult proceeding.

121.18 (d) In all delinquency cases a person named in the charging clause of the petition as a  
121.19 person directly damaged in person or property shall be entitled, upon request, to be notified  
121.20 by the court administrator in writing, at the named person's last known address, of (1) the  
121.21 date of the certification or adjudicatory hearings, and (2) the disposition of the case.

121.22 Sec. 14. Minnesota Statutes 2020, section 260B.176, is amended by adding a subdivision  
121.23 to read:

121.24 Subd. 1a. **Risk assessment instrument.** If a peace officer or probation or parole officer  
121.25 who took a child into custody does not release the child as provided in subdivision 1, the  
121.26 peace officer or probation or parole officer shall communicate with or deliver the child to

121.27 a juvenile secure detention facility to determine whether the child should be released or  
121.28 detained. Before detaining a child, the supervisor of the facility shall use an objective and  
121.29 racially, ethnically, and gender-responsive juvenile detention risk assessment instrument  
121.30 developed by the commissioner of corrections, county, group of counties, or judicial district,  
121.31 in consultation with the state coordinator or coordinators of the Minnesota Juvenile Detention  
121.32 Alternatives Initiative. The risk assessment instrument must assess the likelihood that a  
121.33 child released from preadjudication detention under this section or section 260B.178 would  
122.1 endanger others or not return for a court hearing. The instrument must identify the appropriate  
122.2 setting for a child who might endanger others or not return for a court hearing pending  
122.3 adjudication, with either continued detention or placement in a noncustodial  
122.4 community-based supervision setting. The instrument must also identify the type of  
122.5 noncustodial community-based supervision setting necessary to minimize the risk that a  
122.6 child who is released from custody will endanger others or not return for a court hearing.  
122.7 If, after using the instrument, a determination is made that the child should be released, the  
122.8 person taking the child into custody or the supervisor of the facility shall release the child  
122.9 as provided in subdivision 1.

122.10 **EFFECTIVE DATE.** This section is effective August 15, 2022.

122.11 Sec. 15. Minnesota Statutes 2020, section 260B.176, subdivision 2, is amended to read:

122.12 Subd. 2. **Reasons for detention.** (a) If the child is not released as provided in subdivision  
122.13 1, the person taking the child into custody shall notify the court as soon as possible of the  
122.14 detention of the child and the reasons for detention.

122.15 (b) No child may be detained in a secure detention facility after being taken into custody  
122.16 for a delinquent act as defined in section 260B.007, subdivision 6, unless the child is over  
122.17 the age of 12.

122.18 ~~(b)~~ (c) No child may be detained in a juvenile secure detention facility or shelter care  
122.19 facility longer than 36 hours, excluding Saturdays, Sundays, and holidays, after being taken  
122.20 into custody for a delinquent act as defined in section 260B.007, subdivision 6, unless a  
122.21 petition has been filed and the judge or referee determines pursuant to section 260B.178  
122.22 that the child shall remain in detention.

122.23 ~~(c)~~ (d) No child may be detained in an adult jail or municipal lockup longer than 24  
122.24 hours, excluding Saturdays, Sundays, and holidays, or longer than six hours in an adult jail  
122.25 or municipal lockup in a standard metropolitan statistical area, after being taken into custody  
122.26 for a delinquent act as defined in section 260B.007, subdivision 6, unless:

122.27 (1) a petition has been filed under section 260B.141; and

122.28 (2) a judge or referee has determined under section 260B.178 that the child shall remain  
122.29 in detention.

122.30 After August 1, 1991, no child described in this paragraph may be detained in an adult  
122.31 jail or municipal lockup longer than 24 hours, excluding Saturdays, Sundays, and holidays,

122.32 or longer than six hours in an adult jail or municipal lockup in a standard metropolitan  
122.33 statistical area, unless the requirements of this paragraph have been met and, in addition, a  
123.1 motion to refer the child for adult prosecution has been made under section 260B.125.  
123.2 Notwithstanding this paragraph, continued detention of a child in an adult detention facility  
123.3 outside of a standard metropolitan statistical area county is permissible if:

123.4 (i) the facility in which the child is detained is located where conditions of distance to  
123.5 be traveled or other ground transportation do not allow for court appearances within 24  
123.6 hours. A delay not to exceed 48 hours may be made under this clause; or

123.7 (ii) the facility is located where conditions of safety exist. Time for an appearance may  
123.8 be delayed until 24 hours after the time that conditions allow for reasonably safe travel.  
123.9 "Conditions of safety" include adverse life-threatening weather conditions that do not allow  
123.10 for reasonably safe travel.

123.11 The continued detention of a child under clause (i) or (ii) must be reported to the  
123.12 commissioner of corrections.

123.13 ~~(d)~~ (e) If a child described in paragraph ~~(d)~~ (d) is to be detained in a jail beyond 24 hours,  
123.14 excluding Saturdays, Sundays, and holidays, the judge or referee, in accordance with rules  
123.15 and procedures established by the commissioner of corrections, shall notify the commissioner  
123.16 of the place of the detention and the reasons therefor. The commissioner shall thereupon  
123.17 assist the court in the relocation of the child in an appropriate juvenile secure detention  
123.18 facility or approved jail within the county or elsewhere in the state, or in determining suitable  
123.19 alternatives. The commissioner shall direct that a child detained in a jail be detained after  
123.20 eight days from and including the date of the original detention order in an approved juvenile  
123.21 secure detention facility with the approval of the administrative authority of the facility. If  
123.22 the court refers the matter to the prosecuting authority pursuant to section 260B.125, notice  
123.23 to the commissioner shall not be required.

123.24 ~~(e)~~ (f) When a child is detained for an alleged delinquent act in a state licensed juvenile  
123.25 facility or program, or when a child is detained in an adult jail or municipal lockup as  
123.26 provided in paragraph ~~(d)~~ (d), the supervisor of the facility shall, if the child's parent or legal  
123.27 guardian consents, have a children's mental health screening conducted with a screening  
123.28 instrument approved by the commissioner of human services, unless a screening has been  
123.29 performed within the previous 180 days or the child is currently under the care of a mental  
123.30 health professional. The screening shall be conducted by a mental health practitioner as  
123.31 defined in section 245.4871, subdivision 26, or a probation officer who is trained in the use  
123.32 of the screening instrument. The screening shall be conducted after the initial detention  
123.33 hearing has been held and the court has ordered the child continued in detention. The results  
123.34 of the screening may only be presented to the court at the dispositional phase of the court  
124.1 proceedings on the matter unless the parent or legal guardian consents to presentation at a  
124.2 different time. If the screening indicates a need for assessment, the local social services  
124.3 agency or probation officer, with the approval of the child's parent or legal guardian, shall  
124.4 have a diagnostic assessment conducted, including a functional assessment, as defined in  
124.5 section 245.4871.

124.6 Sec. 16. Minnesota Statutes 2020, section 260C.007, subdivision 6, is amended to read:

124.7 Subd. 6. **Child in need of protection or services.** "Child in need of protection or  
124.8 services" means a child who is in need of protection or services because the child:

124.9 (1) is abandoned or without parent, guardian, or custodian;

124.10 (2)(i) has been a victim of physical or sexual abuse as defined in section 260E.03,  
124.11 subdivision 18 or 20, (ii) resides with or has resided with a victim of child abuse as defined  
124.12 in subdivision 5 or domestic child abuse as defined in subdivision 13, (iii) resides with or  
124.13 would reside with a perpetrator of domestic child abuse as defined in subdivision 13 or child  
124.14 abuse as defined in subdivision 5 or 13, or (iv) is a victim of emotional maltreatment as  
124.15 defined in subdivision 15;

124.16 (3) is without necessary food, clothing, shelter, education, or other required care for the  
124.17 child's physical or mental health or morals because the child's parent, guardian, or custodian  
124.18 is unable or unwilling to provide that care;

124.19 (4) is without the special care made necessary by a physical, mental, or emotional  
124.20 condition because the child's parent, guardian, or custodian is unable or unwilling to provide  
124.21 that care;

124.22 (5) is medically neglected, which includes, but is not limited to, the withholding of  
124.23 medically indicated treatment from an infant with a disability with a life-threatening  
124.24 condition. The term "withholding of medically indicated treatment" means the failure to  
124.25 respond to the infant's life-threatening conditions by providing treatment, including  
124.26 appropriate nutrition, hydration, and medication which, in the treating physician's or advanced  
124.27 practice registered nurse's reasonable medical judgment, will be most likely to be effective  
124.28 in ameliorating or correcting all conditions, except that the term does not include the failure  
124.29 to provide treatment other than appropriate nutrition, hydration, or medication to an infant  
124.30 when, in the treating physician's or advanced practice registered nurse's reasonable medical  
124.31 judgment:

124.32 (i) the infant is chronically and irreversibly comatose;

125.1 (ii) the provision of the treatment would merely prolong dying, not be effective in  
125.2 ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be  
125.3 futile in terms of the survival of the infant; or

125.4 (iii) the provision of the treatment would be virtually futile in terms of the survival of  
125.5 the infant and the treatment itself under the circumstances would be inhumane;

125.6 (6) is one whose parent, guardian, or other custodian for good cause desires to be relieved  
125.7 of the child's care and custody, including a child who entered foster care under a voluntary  
125.8 placement agreement between the parent and the responsible social services agency under  
125.9 section 260C.227;

125.10 (7) has been placed for adoption or care in violation of law;

125.11 (8) is without proper parental care because of the emotional, mental, or physical disability,  
125.12 or state of immaturity of the child's parent, guardian, or other custodian;

125.13 (9) is one whose behavior, condition, or environment is such as to be injurious or  
125.14 dangerous to the child or others. An injurious or dangerous environment may include, but  
125.15 is not limited to, the exposure of a child to criminal activity in the child's home;

125.16 (10) is experiencing growth delays, which may be referred to as failure to thrive, that  
125.17 have been diagnosed by a physician and are due to parental neglect;

125.18 (11) is a sexually exploited youth;

125.19 (12) has committed a delinquent act or a juvenile petty offense before becoming ~~ten~~ 13  
125.20 years old;

125.21 (13) is a runaway;

125.22 (14) is a habitual truant;

125.23 (15) has been found incompetent to proceed or has been found not guilty by reason of  
125.24 mental illness or mental deficiency in connection with a delinquency proceeding, a  
125.25 certification under section 260B.125, an extended jurisdiction juvenile prosecution, or a  
125.26 proceeding involving a juvenile petty offense; or

125.27 (16) has a parent whose parental rights to one or more other children were involuntarily  
125.28 terminated or whose custodial rights to another child have been involuntarily transferred to  
125.29 a relative and there is a case plan prepared by the responsible social services agency  
125.30 documenting a compelling reason why filing the termination of parental rights petition under  
125.31 section 260C.503, subdivision 2, is not in the best interests of the child.

126.1 Sec. 17. **[299C.097] DATABASE FOR IDENTIFYING INDIVIDUALS ELIGIBLE**  
126.2 **FOR EXPUNGEMENT.**

126.3 (a) The superintendent of the Bureau of Criminal Apprehension shall maintain a  
126.4 computerized data system relating to petty misdemeanor and misdemeanor offenses that  
126.5 may become eligible for expungement pursuant to section 609A.015, do not require  
126.6 fingerprinting pursuant to section 299C.10, and are not linked to an arrest record in the  
126.7 criminal history system.

126.8 (b) This data is private data on individuals under section 13.02, subdivision 12.

126.9 **EFFECTIVE DATE.** This section is effective January 1, 2024.

126.10 Sec. 18. Minnesota Statutes 2020, section 299C.10, subdivision 1, is amended to read:

126.11 Subdivision 1. **Required fingerprinting.** (a) Sheriffs, peace officers, and community  
126.12 corrections agencies operating secure juvenile detention facilities shall take or cause to be  
126.13 taken immediately finger and thumb prints, photographs, distinctive physical mark

126.14 identification data, information on any known aliases or street names, and other identification  
126.15 data requested or required by the superintendent of the bureau, of the following:

126.16 (1) persons arrested for, appearing in court on a charge of, or convicted of a felony, gross  
126.17 misdemeanor, or targeted misdemeanor;

126.18 (2) juveniles arrested for, appearing in court on a charge of, adjudicated delinquent for,  
126.19 or alleged to have committed felonies or gross misdemeanors as distinguished from those  
126.20 committed by adult offenders;

126.21 (3) adults and juveniles admitted to jails or detention facilities;

126.22 (4) persons reasonably believed by the arresting officer to be fugitives from justice;

126.23 (5) persons in whose possession, when arrested, are found concealed firearms or other  
126.24 dangerous weapons, burglar tools or outfits, high-power explosives, or articles, machines,  
126.25 or appliances usable for an unlawful purpose and reasonably believed by the arresting officer  
126.26 to be intended for such purposes;

126.27 (6) juveniles referred by a law enforcement agency to a diversion program for a felony  
126.28 or gross misdemeanor offense; and

126.29 (7) persons currently involved in the criminal justice process, on probation, on parole,  
126.30 or in custody for any offense whom the superintendent of the bureau identifies as being the  
126.31 subject of a court disposition record which cannot be linked to an arrest record, and whose  
126.32 fingerprints are necessary to reduce the number of suspense files, or to comply with the  
127.1 mandates of section 299C.111, relating to the reduction of the number of suspense files.  
127.2 This duty to obtain fingerprints for the offenses in suspense at the request of the bureau  
127.3 shall include the requirement that fingerprints be taken in post-arrest interviews, while  
127.4 making court appearances, while in custody, or while on any form of probation, diversion,  
127.5 or supervised release.

127.6 (b) Unless the superintendent of the bureau requires a shorter period, within 24 hours  
127.7 of taking the fingerprints and data, the fingerprint records and other identification data  
127.8 specified under paragraph (a) must be electronically entered into a bureau-managed  
127.9 searchable database in a manner as may be prescribed by the superintendent.

127.10 (c) Prosecutors, courts, and probation officers and their agents, employees, and  
127.11 subordinates shall attempt to ensure that the required identification data is taken on a person  
127.12 described in paragraph (a). Law enforcement may take fingerprints of an individual who is  
127.13 presently on probation.

127.14 (d) Finger and thumb prints must be obtained no later than:

127.15 (1) release from booking; or

127.16 (2) if not booked prior to acceptance of a plea of guilty or not guilty.

127.17 Prior to acceptance of a plea of guilty or not guilty, an individual's finger and thumb  
127.18 prints must be submitted to the Bureau of Criminal Apprehension for the offense. If finger  
127.19 and thumb prints have not been successfully received by the bureau, an individual may,  
127.20 upon order of the court, be taken into custody for no more than eight hours so that the taking  
127.21 of prints can be completed. Upon notice and motion of the prosecuting attorney, this time  
127.22 period may be extended upon a showing that additional time in custody is essential for the  
127.23 successful taking of prints.

127.24 (e) For purposes of this section, a targeted misdemeanor is a misdemeanor violation of  
127.25 section 169A.20 (driving while impaired), 518B.01 (order for protection violation), 609.224  
127.26 (fifth-degree assault), 609.2242 (domestic assault), 609.746 (interference with privacy),  
127.27 609.748 (harassment or restraining order violation), 609.749 (obscene or harassing telephone  
127.28 calls), 617.23 (indecent exposure), or 629.75 (domestic abuse no contact order).

127.29 **EFFECTIVE DATE.** This section is effective August 15, 2022, and applies to  
127.30 individuals arrested, appearing in court, or convicted on or after that date.

128.1 Sec. 19. Minnesota Statutes 2020, section 299C.111, is amended to read:

128.2 **299C.111 SUSPENSE FILE REPORTING.**

128.3 The superintendent shall immediately notify the appropriate entity or individual when  
128.4 a disposition record for a felony, gross misdemeanor, or targeted misdemeanor is received  
128.5 that cannot be linked to an arrest record.

128.6 **EFFECTIVE DATE.** This section is effective January 1, 2024.

128.7 Sec. 20. Minnesota Statutes 2020, section 299C.17, is amended to read:

128.8 **299C.17 REPORT BY COURT ADMINISTRATOR.**

128.9 The superintendent shall require the court administrator of every court which sentences  
128.10 a defendant for a felony, gross misdemeanor, ~~or targeted misdemeanor, or petty misdemeanor~~  
128.11 to electronically transmit within 24 hours of the disposition of the case a report, in a form  
128.12 prescribed by the superintendent providing information required by the superintendent with  
128.13 regard to the prosecution and disposition of criminal cases. A copy of the report shall be  
128.14 kept on file in the office of the court administrator.

128.15 **EFFECTIVE DATE.** This section is effective January 1, 2024.

128.16 Sec. 21. Minnesota Statutes 2020, section 609A.01, is amended to read:

128.17 **609A.01 EXPUNGEMENT OF CRIMINAL RECORDS.**

128.18 This chapter provides the grounds and procedures for expungement of criminal records  
128.19 under section 13.82; 152.18, subdivision 1; 299C.11, where expungement is automatic under  
128.20 section 609A.015, or a petition is authorized under section 609A.02, subdivision 3; or other  
128.21 applicable law. The remedy available is limited to a court order sealing the records and  
128.22 prohibiting the disclosure of their existence or their opening except under court order or

128.23 statutory authority. Nothing in this chapter authorizes the destruction of records or their  
128.24 return to the subject of the records.

128.25 **EFFECTIVE DATE.** This section is effective January 1, 2024.

128.26 Sec. 22. **[609A.015] AUTOMATIC EXPUNGEMENT OF RECORDS.**

128.27 **Subdivision 1. Eligibility; dismissal; exoneration.** A person who is the subject of a  
128.28 criminal record or delinquency record is eligible for a grant of expungement relief without  
128.29 the filing of a petition:

129.1 (1) if the person was arrested and all charges were dismissed after a case was filed unless  
129.2 dismissal was based on a finding that the defendant was incompetent to proceed; or

129.3 (2) if all pending actions or proceedings were resolved in favor of the person.

129.4 For purposes of this chapter, a verdict of not guilty by reason of mental illness is not a  
129.5 resolution in favor of the person. For purposes of this chapter, an action or proceeding is  
129.6 resolved in favor of the person if the petitioner received an order under section 590.11  
129.7 determining that the person is eligible for compensation based on exoneration.

129.8 **Subd. 2. Eligibility; diversion and stay of adjudication.** A person is eligible for a grant  
129.9 of expungement relief if the person has successfully completed the terms of a diversion  
129.10 program or stay of adjudication for an offense that is not a felony or a gross misdemeanor  
129.11 violation of section 609.3451, subdivision 1a, and has not been petitioned or charged with  
129.12 a new offense, other than an offense that would be a petty misdemeanor, for one year  
129.13 immediately following completion of the diversion program or stay of adjudication.

129.14 **Subd. 3. Eligibility; certain criminal and delinquency proceedings.** (a) A person is  
129.15 eligible for a grant of expungement relief if the person:

129.16 (1) was adjudicated delinquent for, convicted of, or received a stayed sentence for a  
129.17 qualifying offense;

129.18 (2) has not been convicted of a new offense, other than an offense that would be a petty  
129.19 misdemeanor, in Minnesota during the applicable waiting period immediately following  
129.20 discharge of the disposition or sentence for the crime; and

129.21 (3) is not charged with an offense in Minnesota at the time the person reaches the end  
129.22 of the applicable waiting period.

129.23 (b) As used in this subdivision, "qualifying offense" means an adjudication, conviction,  
129.24 or stayed sentence for:

129.25 (1) any petty misdemeanor offense other than a violation of a traffic regulation relating  
129.26 to the operation or parking of motor vehicles;

129.27 (2) any misdemeanor offense other than:

- 129.28 (i) section 169A.20 under the terms described in section 169A.27 (fourth-degree driving  
129.29 while impaired);
- 129.30 (ii) section 518B.01, subdivision 14 (violation of an order for protection);
- 129.31 (iii) section 609.224 (assault in the fifth degree);
- 130.1 (iv) section 609.2242 (domestic assault);
- 130.2 (v) section 609.748 (violation of a harassment restraining order);
- 130.3 (vi) section 609.78 (interference with emergency call);
- 130.4 (vii) section 609.79 (obscene or harassing phone calls);
- 130.5 (viii) section 617.23 (indecent exposure);
- 130.6 (ix) section 609.746 (interference with privacy); or
- 130.7 (x) section 629.75 (violation of domestic abuse no contact order); or
- 130.8 (3) any gross misdemeanor offense other than:
- 130.9 (i) section 169A.25 (second-degree driving while impaired);
- 130.10 (ii) section 169A.26 (third-degree driving while impaired);
- 130.11 (iii) section 518B.01, subdivision 14 (violation of an order for protection);
- 130.12 (iv) section 609.2231 (assault in the fourth degree);
- 130.13 (v) section 609.224 (assault in the fifth degree);
- 130.14 (vi) section 609.2242 (domestic assault);
- 130.15 (vii) section 609.233 (criminal neglect);
- 130.16 (viii) section 609.3451 (criminal sexual conduct in the fifth degree);
- 130.17 (ix) section 609.377 (malicious punishment of child);
- 130.18 (x) section 609.485 (escape from custody);
- 130.19 (xi) section 609.498 (tampering with witness);
- 130.20 (xii) section 609.582, subdivision 4 (burglary in the fourth degree);
- 130.21 (xiii) section 609.746 (interference with privacy);
- 130.22 (xiv) section 609.748 (violation of a harassment restraining order);
- 130.23 (xv) section 609.749 (harassment; stalking);

- 130.24 (xvi) section 609.78 (interference with emergency call);
- 130.25 (xvii) section 617.23 (indecent exposure);
- 130.26 (xviii) section 617.261 (nonconsensual dissemination of private sexual images); or
- 130.27 (xix) section 629.75 (violation of domestic abuse no contact order).
- 131.1 (c) As used in this subdivision, "applicable waiting period" means:
- 131.2 (1) if the offense was a petty misdemeanor or a misdemeanor, two years; and
- 131.3 (2) if the offense was a gross misdemeanor, four years.
- 131.4 (d) Felony offenses deemed to be a gross misdemeanor or misdemeanor pursuant to
- 131.5 section 609.13, subdivision 1, remain ineligible for expungement under this section. Gross
- 131.6 misdemeanor offenses ineligible for a grant of expungement under this section remain
- 131.7 ineligible if deemed to be for a misdemeanor pursuant to section 609.13, subdivision 2.
- 131.8 Subd. 4. Notice. (a) The court shall notify a person who may become eligible for an
- 131.9 automatic expungement under this section of that eligibility at any hearing where the court
- 131.10 dismisses and discharges proceedings against a person under section 152.18, subdivision
- 131.11 1, for violation of section 152.024, 152.025, or 152.027 for possession of a controlled
- 131.12 substance; concludes that all pending actions or proceedings were resolved in favor of the
- 131.13 person; grants a person's placement into a diversion program; or sentences a person or
- 131.14 otherwise imposes a consequence for a qualifying offense.
- 131.15 (b) To the extent possible, prosecutors, defense counsel, supervising agents, and
- 131.16 coordinators or supervisors of a diversion program shall notify a person who may become
- 131.17 eligible for an automatic expungement under this section of that eligibility.
- 131.18 (c) If any party gives notification under this subdivision, the notification shall inform
- 131.19 the person that:
- 131.20 (1) an expunged record of a conviction may be opened for purposes of a background
- 131.21 study by the Department of Human Services under section 245C.08 and for purposes of a
- 131.22 background check by the Professional Educator Licensing and Standards Board as required
- 131.23 under section 122A.18, subdivision 8;
- 131.24 (2) an expunged record of conviction does not restore the right to ship, transport, possess,
- 131.25 or receive a firearm, but the person may seek a relief of disability under United States Code,
- 131.26 title 18, section 925, or restoration of the ability to possess firearms under section 609.165,
- 131.27 subdivision 1d; and
- 131.28 (3) the person can file a petition pursuant to section 609A.03 to expunge the record and
- 131.29 request that it be directed to the commissioner of human services and the Professional
- 131.30 Educator Licensing and Standards Board.

131.31 Subd. 5. Bureau of Criminal Apprehension to identify eligible persons and grant  
131.32 expungement relief. (a) The Bureau of Criminal Apprehension shall identify adjudications  
132.1 and convictions that qualify for a grant of expungement relief pursuant to this subdivision  
132.2 or subdivision 1, 2, or 3.

132.3 (b) In making the determination under paragraph (a), the Bureau of Criminal  
132.4 Apprehension shall identify individuals who are the subject of relevant records through the  
132.5 use of fingerprints and thumbprints where fingerprints and thumbprints are available. Where  
132.6 fingerprints and thumbprints are not available, the Bureau of Criminal Apprehension shall  
132.7 identify individuals through the use of the person's name and date of birth. Records containing  
132.8 the same name and date of birth shall be presumed to refer to the same individual unless  
132.9 other evidence establishes, by a preponderance of the evidence, that they do not refer to the  
132.10 same individual. The Bureau of Criminal Apprehension is not required to review any other  
132.11 evidence in making its determination.

132.12 (c) The Bureau of Criminal Apprehension shall grant expungement relief to qualifying  
132.13 persons and seal the bureau's records without requiring an application, petition, or motion.  
132.14 Records shall be sealed 60 days after notice is sent to the judicial branch pursuant to  
132.15 paragraph (e) unless an order of the judicial branch prohibits sealing the records or additional  
132.16 information establishes that the records are not eligible for expungement.

132.17 (d) Nonpublic criminal records maintained by the Bureau of Criminal Apprehension  
132.18 and subject to a grant of expungement relief shall display a notation stating "expungement  
132.19 relief granted pursuant to section 609A.015."

132.20 (e) The Bureau of Criminal Apprehension shall inform the judicial branch of all cases  
132.21 for which expungement relief was granted pursuant to this section. Notification may be  
132.22 through electronic means and may be made in real time or in the form of a monthly report.  
132.23 Upon receipt of notice, the judicial branch shall seal all records relating to an arrest,  
132.24 indictment or information, trial, verdict, or dismissal and discharge for any case in which  
132.25 expungement relief was granted and shall issue any order deemed necessary to achieve this  
132.26 purpose.

132.27 (f) Unless an order issued under paragraph (e) notifies the law enforcement agency that  
132.28 made the arrest or issued the citation, the Bureau of Criminal Apprehension shall inform  
132.29 each arresting or citing law enforcement agency whose records are affected by the grant of  
132.30 expungement relief that expungement has been granted. Notification shall be made at the  
132.31 time and under the conditions described in paragraph (c), except that notice may be sent in  
132.32 real time or in the form of a monthly report sent no more than 30 days after the expiration  
132.33 of the deadline established in paragraph (c). Notification may be through electronic means.  
132.34 Each notified law enforcement agency shall seal all records relating to an arrest, indictment  
133.1 or information, trial, verdict, or dismissal and discharge for any case in which expungement  
133.2 relief was granted.

133.3 (g) Data on the person whose offense has been expunged under this subdivision, including  
133.4 any notice sent pursuant to paragraph (f), are private data on individuals as defined in section  
133.5 13.02, subdivision 12.

133.6 (h) The prosecuting attorney shall notify the victim that an offense qualifies for automatic  
133.7 expungement under this section in the manner provided in section 611A.03, subdivisions  
133.8 1 and 2.

133.9 (i) In any subsequent prosecution of a person granted expungement relief, the expunged  
133.10 criminal record may be pleaded and has the same effect as if the relief had not been granted.

133.11 (j) The Bureau of Criminal Apprehension is directed to develop, modify, or update a  
133.12 system to provide criminal justice agencies with uniform statewide access to criminal records  
133.13 sealed by expungement.

133.14 (k) A grant of expungement under this section does not entitle a person to ship, transport,  
133.15 possess, or receive a firearm. A person whose conviction is expunged under this section  
133.16 may seek a relief of disability under United States Code, title 18, section 925, or restoration  
133.17 of the ability to possess firearms under section 609.165, subdivision 1d.

133.18 **Subd. 6. Immunity from civil liability.** Employees of the Bureau of Criminal  
133.19 Apprehension shall not be held civilly liable for the exercise or the failure to exercise, or  
133.20 the decision to exercise or the decision to decline to exercise, the powers granted by this  
133.21 section or for any act or omission occurring within the scope of the performance of their  
133.22 duties under this section.

133.23 **EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to offenses  
133.24 that meet the eligibility criteria on or after that date and retroactively to offenses that met  
133.25 those qualifications before January 1, 2024, and are stored in the Bureau of Criminal  
133.26 Apprehension's criminal history system as of January 1, 2024.

133.27 Sec. 23. Minnesota Statutes 2020, section 609A.03, subdivision 5, is amended to read:

133.28 **Subd. 5. Nature of remedy; standard.** (a) Except as otherwise provided by paragraph  
133.29 (b), expungement of a criminal record under this section is an extraordinary remedy to be  
133.30 granted only upon clear and convincing evidence that it would yield a benefit to the petitioner  
133.31 commensurate with the disadvantages to the public and public safety of:

133.32 (1) sealing the record; and

134.1 (2) burdening the court and public authorities to issue, enforce, and monitor an  
134.2 expungement order.

134.3 (b) Except as otherwise provided by this paragraph, if the petitioner is petitioning for  
134.4 the sealing of a criminal record under section 609A.02, subdivision 3, paragraph (a), clause  
134.5 (1) or (2), the court shall grant the petition to seal the record unless the agency or jurisdiction  
134.6 whose records would be affected establishes by clear and convincing evidence that the

134.7 interests of the public and public safety outweigh the disadvantages to the petitioner of not  
134.8 sealing the record.

134.9 (c) In making a determination under this subdivision, the court shall consider:

134.10 (1) the nature and severity of the underlying crime, the record of which would be sealed;

134.11 (2) the risk, if any, the petitioner poses to individuals or society;

134.12 (3) the length of time since the crime occurred;

134.13 (4) the steps taken by the petitioner toward rehabilitation following the crime;

134.14 (5) aggravating or mitigating factors relating to the underlying crime, including the  
134.15 petitioner's level of participation and context and circumstances of the underlying crime;

134.16 (6) the reasons for the expungement, including the petitioner's attempts to obtain  
134.17 employment, housing, or other necessities;

134.18 (7) the petitioner's criminal record;

134.19 (8) the petitioner's record of employment and community involvement;

134.20 (9) the recommendations of interested law enforcement, prosecutorial, and corrections  
134.21 officials;

134.22 (10) the recommendations of victims or whether victims of the underlying crime were  
134.23 minors;

134.24 (11) the amount, if any, of restitution outstanding, past efforts made by the petitioner  
134.25 toward payment, and the measures in place to help ensure completion of restitution payment  
134.26 after expungement of the record if granted; and

134.27 (12) other factors deemed relevant by the court.

134.28 (d) Notwithstanding section 13.82, 13.87, or any other law to the contrary, if the court  
134.29 issues an expungement order it may require that the criminal record be sealed, the existence  
134.30 of the record not be revealed, and the record not be opened except as required under  
134.31 subdivision 7. Records must not be destroyed or returned to the subject of the record.

135.1 (e) Information relating to a criminal history record of an employee, former employee,  
135.2 or tenant that has been expunged before the occurrence of the act giving rise to the civil  
135.3 action may not be introduced as evidence in a civil action against a private employer or  
135.4 landlord or its employees or agents that is based on the conduct of the employee, former  
135.5 employee, or tenant.

135.6 **EFFECTIVE DATE.** This section is effective January 1, 2024.

135.7 Sec. 24. Minnesota Statutes 2021 Supplement, section 609A.03, subdivision 7a, is amended  
135.8 to read:

135.9 Subd. 7a. **Limitations of order effective January 1, 2015, and later.** (a) Upon issuance  
135.10 of an expungement order related to a charge supported by probable cause, the DNA samples  
135.11 and DNA records held by the Bureau of Criminal Apprehension and collected under authority  
135.12 other than section 299C.105 shall not be sealed, returned to the subject of the record, or  
135.13 destroyed.

135.14 (b) Notwithstanding the issuance of an expungement order:

135.15 (1) except as provided in clause (2), an expunged record may be opened, used, or  
135.16 exchanged between criminal justice agencies without a court order for the purposes of  
135.17 initiating, furthering, or completing a criminal investigation or prosecution or for sentencing  
135.18 purposes or providing probation or other correctional services;

135.19 (2) when a criminal justice agency seeks access to a record that was sealed under section  
135.20 609A.02, subdivision 3, paragraph (a), clause (1), after an acquittal or a court order dismissing  
135.21 for lack of probable cause, for purposes of a criminal investigation, prosecution, or  
135.22 sentencing, the requesting agency must obtain an ex parte court order after stating a  
135.23 good-faith basis to believe that opening the record may lead to relevant information;

135.24 (3) an expunged record of a conviction may be opened for purposes of evaluating a  
135.25 prospective employee in a criminal justice agency without a court order;

135.26 (4) an expunged record of a conviction may be opened for purposes of a background  
135.27 study under section 245C.08 unless the commissioner had been properly served with notice  
135.28 of the petition for expungement and the court order for expungement is directed specifically  
135.29 to the commissioner of human services;

135.30 (5) an expunged record of a conviction may be opened for purposes of a background  
135.31 check required under section 122A.18, subdivision 8, unless the court order for expungement  
135.32 is directed specifically to the Professional Educator Licensing and Standards Board; ~~and~~

136.1 (6) the court may order an expunged record opened upon request by the victim of the  
136.2 underlying offense if the court determines that the record is substantially related to a matter  
136.3 for which the victim is before the court;

136.4 (7) a prosecutor may request and the district court shall provide certified records of  
136.5 conviction for a record expunged pursuant to sections 609A.015, 609A.02, and 609A.025,  
136.6 and the certified records of conviction may be disclosed and introduced in criminal court  
136.7 proceedings as provided by the rules of court and applicable law; and

136.8 (8) the subject of an expunged record may request and the court shall provide certified  
136.9 or uncertified records of conviction for a record expunged pursuant to sections 609A.015,  
136.10 609A.02, and 609A.025.

136.11 (c) An agency or jurisdiction subject to an expungement order shall maintain the record  
136.12 in a manner that provides access to the record by a criminal justice agency under paragraph  
136.13 (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau  
136.14 of Criminal Apprehension shall notify the commissioner of human services or the  
136.15 Professional Educator Licensing and Standards Board of the existence of a sealed record  
136.16 and of the right to obtain access under paragraph (b), clause (4) or (5). Upon request, the  
136.17 agency or jurisdiction subject to the expungement order shall provide access to the record  
136.18 to the commissioner of human services or the Professional Educator Licensing and Standards  
136.19 Board under paragraph (b), clause (4) or (5).

136.20 (d) An expunged record that is opened or exchanged under this subdivision remains  
136.21 subject to the expungement order in the hands of the person receiving the record.

136.22 (e) A criminal justice agency that receives an expunged record under paragraph (b),  
136.23 clause (1) or (2), must maintain and store the record in a manner that restricts the use of the  
136.24 record to the investigation, prosecution, or sentencing for which it was obtained.

136.25 (f) For purposes of this section, a "criminal justice agency" means a court or government  
136.26 agency that performs the administration of criminal justice under statutory authority.

136.27 (g) This subdivision applies to expungement orders subject to its limitations and effective  
136.28 on or after January 1, 2015, and grants of expungement relief issued on or after January 1,  
136.29 2024.

136.30 **EFFECTIVE DATE.** This section is effective January 1, 2024.

137.1 Sec. 25. Minnesota Statutes 2020, section 609A.03, subdivision 9, is amended to read:

137.2 Subd. 9. **Stay of order; appeal.** An expungement order issued under this section shall  
137.3 be stayed automatically for 60 days after the order is filed and, if the order is appealed,  
137.4 during the appeal period. A person or an agency or jurisdiction whose records would be  
137.5 affected by the order may appeal the order within 60 days of service of notice of filing of  
137.6 the order. An agency or jurisdiction or its officials or employees need not file a cost bond  
137.7 or supersedeas bond in order to further stay the proceedings or file an appeal.

137.8 **EFFECTIVE DATE.** This section is effective January 1, 2024.

137.9 Sec. 26. Minnesota Statutes 2020, section 611A.03, subdivision 1, is amended to read:

137.10 Subdivision 1. **Plea agreements; notification of victim.** Prior to the entry of the factual  
137.11 basis for a plea pursuant to a plea agreement recommendation, a prosecuting attorney shall  
137.12 make a reasonable and good faith effort to inform the victim of:

137.13 (1) the contents of the plea agreement recommendation, including the amount of time  
137.14 recommended for the defendant to serve in jail or prison if the court accepts the agreement;  
137.15 ~~and~~

137.16 (2) the right to be present at the sentencing hearing and at the hearing during which the  
137.17 plea is presented to the court and to express orally or in writing, at the victim's option, any  
137.18 objection to the agreement or to the proposed disposition. If the victim is not present when  
137.19 the court considers the recommendation, but has communicated objections to the prosecuting  
137.20 attorney, the prosecuting attorney shall make these objections known to the court; and

137.21 (3) the eligibility of the offense for automatic expungement pursuant to section 609A.015.

137.22 EFFECTIVE DATE. This section is effective January 1, 2024, and applies to plea  
137.23 agreements entered into on or after that date.

137.24 Sec. 27. Minnesota Statutes 2020, section 638.01, is amended to read:

137.25 **638.01 BOARD OF PARDONS; ~~HOW CONSTITUTED; POWERS.~~**

137.26 The Board of Pardons shall consist of the governor, the chief justice of the supreme  
137.27 court, and the attorney general. The governor, in conjunction with the board, may grant  
137.28 pardons and reprieves and commute the sentence of any person convicted of any offense  
137.29 against under the laws of the this state, in the manner and under the conditions and rules  
137.30 hereinafter prescribed, but not otherwise in this chapter. A majority vote of the board is  
137.31 required for pardons and commutations with the governor in that majority.

138.1 Sec. 28. **638.09] CLEMENCY REVIEW COMMISSION.**

138.2 (a) Notwithstanding the provisions of chapter 15, the Clemency Review Commission  
138.3 is established to review applications for pardons or commutations before they are considered  
138.4 by the Board of Pardons. By majority vote, the commission shall make a recommendation  
138.5 on each eligible application as to whether it should be granted or denied. The commission  
138.6 shall provide its recommendations to the board with the vote of each commission member  
138.7 reported in writing.

138.8 (b) The commission shall consist of nine members, each serving a four-year term. The  
138.9 governor, the attorney general, and the chief justice of the supreme court shall each appoint  
138.10 three members and replace members upon expiration of the members' terms. In the event  
138.11 of a vacancy, the board member who selected the previous incumbent shall make an interim  
138.12 appointment to expire at the end of the prior incumbent's four-year term. A person may  
138.13 serve no more than two terms on the commission, excluding interim appointments.

138.14 (c) The commission shall biennially elect one of its members as chair and one as  
138.15 vice-chair. The chair of the commission shall serve as secretary of the board.

138.16 (d) Each member of the commission shall be compensated at the rate of \$55 for each  
138.17 day or part thereof spent on commission activities. Each member shall be reimbursed for  
138.18 all reasonable expenses actually paid or incurred by that member in the performance of  
138.19 official duties.

138.20 (e) The commission may obtain office space and supplies and hire administrative staff  
138.21 to carry out the commission's official functions.

138.22 (f) At least six members of the commission shall constitute a quorum for official  
138.23 administrative business.

138.24 **Sec. 29. [638.10] PARDONS AND COMMUTATIONS.**

138.25 **Subdivision 1. Pardons and commutations.** (a) The Board of Pardons may pardon a  
138.26 criminal conviction imposed under the laws of this state or commute a criminal sentence  
138.27 imposed by a court of this state to time served or a lesser sentence. Every pardon or  
138.28 commutation shall be in writing and shall have no force or effect unless granted by a majority  
138.29 vote of the board with the governor in that majority. Every conditional pardon shall state  
138.30 the terms and conditions upon which it was granted and every commutation shall specify  
138.31 the terms of the commuted sentence.

138.32 (b) When granted, a pardon has the effect of setting aside the conviction and purging  
138.33 the conviction from the person's record. The person then is not required to disclose the  
139.1 conviction at any time or place other than in a judicial proceeding or as part of the licensing  
139.2 process for peace officers.

139.3 **Subd. 2. Eligibility for a pardon.** (a) Any person convicted of a crime in any court of  
139.4 this state may apply for a pardon of the person's conviction on or after five years from the  
139.5 date of the expiration of the person's sentence or the date of the person's discharge. Upon  
139.6 a showing of unusual circumstances and special need, the board may waive the required  
139.7 waiting period by a majority vote with the governor in that majority.

139.8 (b) The Clemency Review Commission shall review all requests for a waiver of the  
139.9 waiting period and make recommendations by majority vote to the board. Consideration of  
139.10 requests to waive the waiting period are exempt from the meeting requirements of this  
139.11 chapter.

139.12 **Subd. 3. Eligibility for a commutation.** (a) Any person may apply for a commutation  
139.13 of an unexpired criminal sentence imposed by a court of this state, including those confined  
139.14 in a correctional facility or on probation, parole, supervised release, or conditional release.  
139.15 An application for commutation may not be filed until the date that the person has served  
139.16 at least one-half of the sentence imposed or on or after five years from the date of the  
139.17 conviction, whichever is less. Upon a showing of unusual circumstances and special need,  
139.18 the board may waive the required waiting period by a majority vote with the governor in  
139.19 that majority.

139.20 (b) The commission shall review all requests for a waiver of the waiting period and  
139.21 make recommendations by majority vote to the board. Consideration of requests to waive  
139.22 the waiting period are exempt from the meeting requirements of this chapter.

139.23 **Subd. 4. Filing of a pardon or commutation.** After granting a pardon or commutation,  
139.24 the board shall file a copy of the pardon or commutation with the district court of the county

139.25 in which the conviction and sentence were imposed. In the case of a pardon, the court shall  
139.26 order the conviction set aside, include a copy of the pardon in the court file, and send copies  
139.27 of the order and the pardon to the Bureau of Criminal Apprehension. In the case of a  
139.28 commutation, the court shall amend the sentence to reflect the specific relief granted by the  
139.29 board, include a copy of the commutation in the court file, and send copies of the amended  
139.30 sentencing order and commutation to the commissioner of corrections and the Bureau of  
139.31 Criminal Apprehension.

139.32 Subd. 5. **Reapplication.** (a) Once an application for a pardon or commutation has been  
139.33 considered and denied on the merits, no subsequent application may be filed for five years  
139.34 after the date of the most recent denial unless permission is granted from at least two board  
140.1 members. A person may request permission to reapply prior to the expiration of the five-year  
140.2 period based only on new and substantial information that was not and could not have been  
140.3 previously considered by the board or the commission. If a request to reapply contains new  
140.4 and substantial information, the commission shall review the request and make a  
140.5 recommendation by majority vote to the board. Consideration of requests to reapply are  
140.6 exempt from the meeting requirements under this chapter.

140.7 (b) The denial or grant of an application for a commutation of sentence does not preclude  
140.8 a person from later seeking a pardon of the criminal conviction once the eligibility  
140.9 requirements of subdivision 2 have been satisfied.

140.10 Sec. 30. **[638.11] APPLICATIONS.**

140.11 (a) Each application for a pardon or commutation shall be in writing, signed under oath  
140.12 by the applicant, and contain a brief statement of the relief sought and the reasons why it  
140.13 should be granted. The application shall also contain the following information and any  
140.14 additional information that the commission or board requires:

140.15 (1) the applicant's name, address, date of birth, place of birth, and every alias by which  
140.16 the applicant is or has been known;

140.17 (2) the name of the offense for which relief is requested, the date and county of  
140.18 conviction, the sentence imposed, and the expiration or discharge date of the sentence;

140.19 (3) the names of the sentencing judge, prosecuting attorney, and any victims of the  
140.20 offense;

140.21 (4) a brief description of the offense;

140.22 (5) the date and outcome of any prior applications for a pardon or commutation;

140.23 (6) a statement of other felony or gross misdemeanor convictions and any pending  
140.24 criminal charges or investigations; and

140.25 (7) a statement by the applicant consenting to the disclosure to the commission and the  
140.26 board of any private data concerning the applicant contained in the application or in any

140.27 other record relating to the grounds on which the relief is sought, including conviction and  
140.28 arrest records.

140.29 (b) Applications shall be made on forms approved by the commission or the board and  
140.30 shall be filed with the commission by the deadlines set by the commission or the board. The  
140.31 commission shall review applications for completeness. Any application that is considered  
141.1 incomplete shall be returned to the applicant who may then provide the missing information  
141.2 and resubmit the application within a time period prescribed by the commission.

141.3 **Sec. 31. [638.12] NOTIFICATIONS.**

141.4 Subdivision 1. **Notice to victim.** After receiving an application for a pardon or  
141.5 commutation, the Clemency Review Commission shall make all reasonable efforts to locate  
141.6 any victim of the applicant's crime. At least 30 days before the date of the commission  
141.7 meeting at which the application shall be heard, the commission shall notify any located  
141.8 victim of the application, the time and place of the meeting, and the victim's right to attend  
141.9 the meeting and submit an oral or written statement to the commission.

141.10 Subd. 2. **Notice to sentencing judge and prosecuting attorney.** At least 30 days before  
141.11 the date of the commission meeting at which the application shall be heard, the commission  
141.12 shall notify the sentencing judge and prosecuting attorney or their successors of the  
141.13 application and solicit the judge's and attorney's views on whether clemency should be  
141.14 granted.

141.15 Subd. 3. **Notice to applicant.** Following its initial investigation of an application for a  
141.16 pardon or commutation, the commission shall notify the applicant of the scheduled date,  
141.17 time, and location that the applicant shall appear before the commission for consideration.

141.18 **Sec. 32. [638.13] MEETINGS.**

141.19 Subdivision 1. **Commission meetings.** (a) The Clemency Review Commission shall  
141.20 meet at least four times each year for one or more days each meeting to hear eligible  
141.21 applications of pardons or commutations and make recommendations to the board on each  
141.22 application. One or more of the meetings may be held at facilities operated by the Department  
141.23 of Corrections. All commission meetings shall be open to the public as provided in chapter  
141.24 13D.

141.25 (b) Applicants for pardons or commutations must appear before the commission either  
141.26 in person or through any available form of telecommunication. The victim of an applicant's  
141.27 crime may appear and speak at the commission's meeting or submit a written statement to  
141.28 the commission. The commission may treat a victim's statement as confidential and not  
141.29 disclose the statement to the applicant or the public if there is or has been a recent order for  
141.30 protection, restraining order, or other no contact order prohibiting the applicant from  
141.31 contacting the victim. In addition, any law enforcement agency may appear and speak at  
141.32 the meeting or submit a written statement to the commission, giving the agency's  
141.33 recommendation on whether clemency should be granted or denied.

142.1 (c) The commission must consider any statement provided by a victim or law enforcement  
142.2 agency when making its recommendation on an application. Whenever possible, the  
142.3 commission shall record its meetings by audio or audiovisual means. Any recordings and  
142.4 statements from victims or law enforcement agencies shall be provided to the board along  
142.5 with the commission's recommendations.

142.6 (d) Not later than ten working days after the date of its decision, the commission shall  
142.7 notify the applicant in writing of its decision to recommend a grant or denial of clemency  
142.8 to the board.

142.9 Subd. 2. **Board meetings.** (a) The board shall meet at least two times each year to  
142.10 consider applications for pardons or commutations that have received a favorable  
142.11 recommendation from the commission and any other applications that have received further  
142.12 consideration from at least one board member. Whenever the commission recommends  
142.13 denial of an application and the board does not disapprove or take other action with respect  
142.14 to that recommendation, it shall be presumed that the board concurs with the adverse  
142.15 recommendation and that the application has been considered and denied on the merits. All  
142.16 board meetings shall be open to the public as provided in chapter 13D.

142.17 (b) Applicants, victims, and law enforcement agencies may not submit oral or written  
142.18 statements at a board meeting, unless the board requests additional testimony. The board  
142.19 shall consider any statements provided to the commission when making a decision on an  
142.20 application for a pardon or commutation.

142.21 (c) The commission shall notify the applicant in writing of the board's decision to grant  
142.22 or deny clemency not later than ten working days from the date of the board's decision.

142.23 Sec. 33. **[638.14] GROUNDS FOR RECOMMENDING CLEMENCY.**

142.24 Subdivision 1. **Factors.** When making recommendations on applications for pardons or  
142.25 commutations, the Clemency Review Commission shall consider any factors the commission  
142.26 deems appropriate, including but not limited to:

142.27 (1) the nature, seriousness, circumstances, and age of the applicant's offense;

142.28 (2) the successful completion or revocation of previous probation, parole, supervised  
142.29 release, or conditional release;

142.30 (3) the number, nature, and circumstances of the applicant's other criminal convictions;

142.31 (4) the extent to which the applicant has demonstrated rehabilitation through  
142.32 postconviction conduct, character, and reputation;

143.1 (5) the extent to which the applicant has accepted responsibility, demonstrated remorse,  
143.2 and made restitution to victims;

143.3 (6) whether the sentence is clearly excessive in light of the applicant's offense, criminal  
143.4 history, and any sentence received by an accomplice, with due regard given to any plea  
143.5 agreement, the sentencing judge's views, and the sentencing ranges established by law;

143.6 (7) whether the applicant's age or medical status indicates that it is in the best interest  
143.7 of society that the applicant receive clemency;

143.8 (8) recommendations from victims, sentencing judges, and prosecuting attorneys;

143.9 (9) the applicant's asserted need for a pardon or commutation, including family needs  
143.10 and barriers to housing or employment created by the conviction; and

143.11 (10) the amount of time already served by the applicant and the availability of other  
143.12 forms of judicial or administrative relief.

143.13 Subd. 2. **Denial recommendation.** The commission may recommend denial without a  
143.14 hearing of an application for a commutation when the applicant is presently challenging the  
143.15 conviction or sentence through court proceedings, has failed to exhaust all available state  
143.16 court remedies for challenging the sentence, or the matter should first be considered by the  
143.17 parole authority.

143.18 Sec. 34. **[638.15] ACCESS TO RECORDS; ISSUANCE OF PROCESS.**

143.19 Subdivision 1. **Access to records.** Upon receipt of an application for a pardon or  
143.20 commutation, the Board of Pardons or Clemency Review Commission may request and  
143.21 obtain any relevant reports, data, and other information from a district court, law enforcement  
143.22 agency, or state agency. The commission and board shall have access to sealed court records,  
143.23 presentence investigation reports, police reports, criminal history reports, prison records,  
143.24 and any other relevant information. District courts, law enforcement agencies, and state  
143.25 agencies shall promptly respond to record requests from the commission and the board.

143.26 Subd. 2. **Legal process.** The commission and the board may issue process requiring the  
143.27 presence of any person before the commission or board and the production of papers, records,  
143.28 and exhibits in any pending matter. When any person is summoned before the commission  
143.29 or the board, the person may be allowed compensation for travel and attendance as the  
143.30 commission or the board may deem reasonable.

144.1 Sec. 35. **[638.16] RULES.**

144.2 The Board of Pardons and the Clemency Review Commission may adopt rules under  
144.3 chapter 14 for the effective enforcement of their powers and duties.

144.4 Sec. 36. **[638.17] RECORDS.**

144.5 The Clemency Review Commission shall keep a record of every application received,  
144.6 its recommendation on each application, and the final disposition of each application by  
144.7 the Board of Pardons. The records and files shall be kept by the commission and shall be  
144.8 open to public inspection at all reasonable times, except for sealed court records, presentence

144.9 investigation reports, Social Security numbers, financial account numbers, driver's license  
144.10 information, medical records, confidential Bureau of Criminal Apprehension records, and  
144.11 confidential victim statements as provided in section 638.12.

144.12 **Sec. 37. [638.18] REPORT TO LEGISLATURE.**

144.13 By February 15 of each year, the Clemency Review Commission shall submit a written  
144.14 report to the chairs and ranking minority members of the house of representatives and senate  
144.15 committees with jurisdiction over public safety, corrections, and judiciary containing at a  
144.16 minimum the following information:

144.17 (1) the number of applications for pardons and commutations received by the commission  
144.18 during the preceding calendar year;

144.19 (2) the number of favorable and adverse recommendations made by the commission for  
144.20 each category;

144.21 (3) the number of applications granted and denied by the Board of Pardons for each  
144.22 category; and

144.23 (4) the crimes for which the applications were granted by the board, the year of each  
144.24 conviction, and the age of the offender at the time of the offense.

144.25 **Sec. 38. Minnesota Statutes 2020, section 641.15, subdivision 2, is amended to read:**

144.26 **Subd. 2. Medical aid.** Except as provided in section 466.101, the county board shall  
144.27 pay the costs of medical services provided to prisoners pursuant to this section. The amount  
144.28 paid by the county board for a medical service shall not exceed the maximum allowed  
144.29 medical assistance payment rate for the service, as determined by the commissioner of  
144.30 human services. In the absence of a health or medical insurance or health plan that has a  
144.31 contractual obligation with the provider or the prisoner, medical providers shall charge no  
145.1 higher than the rate negotiated between the county and the provider. In the absence of an  
145.2 agreement between the county and the provider, the provider may not charge an amount  
145.3 that exceeds the maximum allowed medical assistance payment rate for the service, as  
145.4 determined by the commissioner of human services. The county is entitled to reimbursement  
145.5 from the prisoner for payment of medical bills to the extent that the prisoner to whom the  
145.6 medical aid was provided has the ability to pay the bills. The prisoner shall, at a minimum,  
145.7 incur co-payment obligations for health care services provided by a county correctional  
145.8 facility. The county board shall determine the co-payment amount. Notwithstanding any  
145.9 law to the contrary, the co-payment shall be deducted from any of the prisoner's funds held  
145.10 by the county, to the extent possible. If there is a disagreement between the county and a  
145.11 prisoner concerning the prisoner's ability to pay, the court with jurisdiction over the defendant  
145.12 shall determine the extent, if any, of the prisoner's ability to pay for the medical services.  
145.13 If a prisoner is covered by health or medical insurance or other health plan when medical  
145.14 services are provided, the medical provider shall bill that health or medical insurance or  
145.15 other plan. If the county providing the medical services for a prisoner that has coverage  
145.16 under health or medical insurance or other plan, that county has a right of subrogation to

145.17 be reimbursed by the insurance carrier for all sums spent by it for medical services to the  
145.18 prisoner that are covered by the policy of insurance or health plan, in accordance with the  
145.19 benefits, limitations, exclusions, provider restrictions, and other provisions of the policy or  
145.20 health plan. The county may maintain an action to enforce this subrogation right. The county  
145.21 does not have a right of subrogation against the medical assistance program. The county  
145.22 shall not charge prisoners for phone calls to MNsure navigators, the Minnesota Warmline,  
145.23 or a current mental health provider or calls for the purpose of providing case management  
145.24 or mental health services as defined in section 245.462 to prisoners.

145.25 Sec. 39. **TASK FORCE ON FELONY MURDER.**

145.26 Subdivision 1. Establishment. The Task Force on Felony Murder is established to  
145.27 continue the work of the Task Force on Aiding and Abetting Felony Murder established in  
145.28 Laws 2021, First Special Session chapter 11, article 2, section 53, and to make  
145.29 recommendations to the legislature.

145.30 Subd. 2. Membership. (a) The task force consists of the following members:

145.31 (1) two members of the house of representatives, one appointed by the speaker of the  
145.32 house and one appointed by the minority leader;

145.33 (2) two members of the senate, one appointed by the majority leader and one appointed  
145.34 by the minority leader;

146.1 (3) the commissioner of corrections or a designee;

146.2 (4) the executive director of the Minnesota Sentencing Guidelines Commission or a  
146.3 designee;

146.4 (5) the attorney general or a designee;

146.5 (6) the state public defender or a designee;

146.6 (7) the statewide coordinator of the Violent Crime Coordinating Council;

146.7 (8) one defense attorney, appointed by the Minnesota Association of Criminal Defense  
146.8 Lawyers;

146.9 (9) three county attorneys, appointed by the Minnesota County Attorneys Association;

146.10 (10) two members representing victims' rights organizations, appointed by the Office  
146.11 of Justice Programs director in the Department of Public Safety;

146.12 (11) one member of a criminal justice advocacy organization, appointed by the governor;

146.13 (12) one member of a statewide civil rights organization, appointed by the governor;

146.14 (13) two impacted persons who are directly related to a person who has been convicted  
146.15 of felony murder, appointed by the governor; and

- 146.16 (14) one person with expertise regarding the laws and practices of other states relating  
146.17 to aiding and abetting felony murder, appointed by the governor.
- 146.18 (b) Appointments must be made no later than July 30, 2022.
- 146.19 (c) The legislative members identified in paragraph (a), clauses (1) and (2), shall serve  
146.20 as ex officio, nonvoting members of the task force.
- 146.21 (d) Members shall serve without compensation.
- 146.22 (e) Members of the task force serve at the pleasure of the appointing authority or until  
146.23 the task force expires. Vacancies shall be filled by the appointing authority consistent with  
146.24 the qualifications of the vacating member required by this subdivision.
- 146.25 Subd. 3. **Officers; meetings.** (a) The task force shall elect a chair and vice-chair and  
146.26 may elect other officers as necessary.
- 146.27 (b) The commissioner of corrections shall convene the first meeting of the task force no  
146.28 later than August 1, 2022, and shall provide meeting space and administrative assistance  
146.29 as necessary for the task force to conduct its work.
- 147.1 (c) The task force shall meet at least monthly or upon the call of its chair. The task force  
147.2 shall meet sufficiently enough to accomplish the tasks identified in this section. Meetings  
147.3 of the task force are subject to Minnesota Statutes, chapter 13D.
- 147.4 Subd. 4. **Duties.** (a) The task force shall develop proposed legislation to implement the  
147.5 recommendations contained in the "Task Force on Aiding and Abetting Felony Murder,  
147.6 Report to the Minnesota Legislature," dated February 1, 2022.
- 147.7 (b) The task force shall also examine Minnesota's felony murder doctrine and aiding  
147.8 and abetting liability scheme. The examination shall include a review of laws governing  
147.9 offenses in which a person causes the death of another while the person is committing an  
147.10 underlying felony offense and a review of laws establishing liability for crimes committed  
147.11 by another. The examination must identify any disparate impact from those laws and include  
147.12 a determination as to whether such laws promote public safety. The examination is not  
147.13 limited to the intersection of the two legal concepts.
- 147.14 (c) At its discretion, the task force may examine, as necessary, other related issues  
147.15 consistent with this section.
- 147.16 Subd. 5. **Report.** On or before January 15, 2023, the task force shall submit a report to  
147.17 the chairs and ranking minority members of the house of representatives and senate  
147.18 committees and divisions with jurisdiction over criminal sentencing on the recommendations  
147.19 of the task force including a copy of proposed legislation.
- 147.20 Subd. 6. **Expiration.** The task force expires the day after submitting its report under  
147.21 subdivision 5.

- 147.22 Sec. 40. **TASK FORCE ON THE COLLECTION OF CHARGING AND RELATED**  
147.23 **DATA.**
- 147.24 Subdivision 1. **Establishment.** The Task Force on the Collection of Charging and Related  
147.25 Data is established to identify data that should be collected and analyzed to determine the  
147.26 ways in which individuals are charged and prosecuted in Minnesota.
- 147.27 Subd. 2. **Membership.** (a) The task force consists of the following members:
- 147.28 (1) the attorney general or a designee;
- 147.29 (2) the chief justice of the supreme court or a designee;
- 147.30 (3) the commissioner of corrections or a designee;
- 147.31 (4) the state public defender or a designee;
- 148.1 (5) the executive director of the Minnesota Sentencing Guidelines Commission;
- 148.2 (6) one private criminal defense attorney appointed by the governor;
- 148.3 (7) one probation, supervised release, or parole officer appointed by the governor;
- 148.4 (8) one county attorney from within the metropolitan area as defined in Minnesota  
148.5 Statutes, section 473.121, subdivision 2, appointed by the board of directors of the Minnesota  
148.6 County Attorneys Association;
- 148.7 (9) one county attorney from outside the metropolitan area as defined in Minnesota  
148.8 Statutes, section 473.121, subdivision 2, appointed by the board of directors of the Minnesota  
148.9 County Attorneys Association;
- 148.10 (10) one assistant county attorney appointed by the board of directors of the Minnesota  
148.11 County Attorneys Association;
- 148.12 (11) one city attorney appointed by the governor;
- 148.13 (12) one peace officer as defined in Minnesota Statutes, section 626.84, subdivision 1,  
148.14 paragraph (c), appointed by the governor; and
- 148.15 (13) three public members appointed by the governor, one of whom shall be a victim of  
148.16 a crime defined as a felony.
- 148.17 (b) Members of the task force serve without compensation.
- 148.18 (c) Members of the task force serve at the pleasure of the appointing authority or until  
148.19 the task force expires. Vacancies shall be filled by the appointing authority consistent with  
148.20 the qualifications of the vacating member required by this subdivision.
- 148.21 Subd. 3. **Officers; meetings.** (a) The task force shall elect a chair and vice-chair and  
148.22 may elect other officers as necessary.

- 148.23 (b) The executive director of the Minnesota Sentencing Guidelines Commission shall  
148.24 convene the first meeting of the task force no later than September 1, 2022.
- 148.25 (c) The task force shall meet at least quarterly or upon the call of its chair. The task force  
148.26 shall meet sufficiently enough to accomplish the tasks identified in this section. Meetings  
148.27 of the task force are subject to Minnesota Statutes, chapter 13D.
- 148.28 Subd. 4. **Staff.** The Minnesota Sentencing Guidelines Commission shall provide meeting  
148.29 space and administrative assistance as necessary for the task force to conduct its work.
- 148.30 Subd. 5. **Duties.** (a) The duties of the task force shall, at a minimum, include:
- 149.1 (1) determining what data are generated when prosecutors make decisions on initial  
149.2 criminal charges and amended criminal charges;
- 149.3 (2) assessing what factors prosecutorial offices use to make decisions about what criminal  
149.4 charges to bring, dismiss, or amend;
- 149.5 (3) assessing what factors prosecutorial offices use to recommend or support referring  
149.6 a defendant for pretrial services;
- 149.7 (4) determining what additional information should be collected to accurately track and  
149.8 inform decisions made by prosecutorial offices regarding bringing and amending criminal  
149.9 charges and offering pretrial diversion;
- 149.10 (5) determining what incident data is needed to increase consistency in charging decisions,  
149.11 how that data should be collected, and what components a uniform data collection process  
149.12 would contain;
- 149.13 (6) reviewing the current practices of data collection and storage by law enforcement  
149.14 agencies, what data should be collected and reported from law enforcement agencies, and  
149.15 whether data from law enforcement agencies should be consistent with data collected from  
149.16 prosecutorial offices;
- 149.17 (7) examining how data could be best collected and reported, including whether the data  
149.18 should be reported to a central location and, if so, what location;
- 149.19 (8) assessing whether data should be collected regarding the specific reason for dismissing  
149.20 cases, in cases where the highest charge is a gross misdemeanor or misdemeanor, and in  
149.21 cases involving delinquency petitions;
- 149.22 (9) estimating the costs associated with additional data collection and reporting, and  
149.23 making recommendations about appropriate funding levels to support that collection; and
- 149.24 (10) recommending methods of collecting and storing data that does not promote or  
149.25 reward filing charges in cases that do not meet the appropriate standards.

149.26 (b) At its discretion, the task force may examine other related issues consistent with this  
149.27 section.

149.28 Subd. 6. **Report.** By January 15, 2024, the task force shall report to the chairs and ranking  
149.29 minority members of the legislative committees and divisions with jurisdiction over public  
149.30 safety finance and policy on the work of the task force. The report shall include  
149.31 recommendations for legislative action, if needed.

150.1 Subd. 7. **Expiration.** The task force expires upon submission of the report required by  
150.2 subdivision 6.

150.3 Sec. 41. **STAFF TRANSITION TO CLASSIFIED SERVICE.**

150.4 On and after the effective date of this section, all positions of employment with the  
150.5 Minnesota Sentencing Guidelines Commission in the unclassified service of the state, except  
150.6 for the research director, shall be placed in the classified service without loss of compensation  
150.7 or seniority. A person employed as of the effective date of this section in a position placed  
150.8 in the classified service under this section shall not be required to complete a probationary  
150.9 period if the employee was employed in the same position on January 1, 2022.

150.10 Sec. 42. **REPEALER.**

150.11 Minnesota Statutes 2020, sections 638.02; 638.03; 638.04; 638.05; 638.06; 638.07;  
150.12 638.075; and 638.08, are repealed.