

1.1 moves to amend H.F. No. 3872 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "ARTICLE 1
1.4 DATA

1.5 Section 1. [13.991] JUDICIAL OFFICIAL DATA; PERSONAL INFORMATION.

1.6 (a) Subject to paragraph (b), the personal information of all judicial officials collected,
1.7 created, or maintained by a government entity is private data on individuals. For purposes
1.8 of this section, the terms "personal information" and "judicial official" have the meanings
1.9 given in section 480.40, subdivision 1.

1.10 (b) If the responsible authority or government entity violates this chapter, the individual
1.11 remedies in section 13.08 are available only if the judicial official making a claim previously
1.12 provided written notification to the responsible authority or government entity confirming
1.13 their status as a judicial official on a form provided by the Minnesota judicial branch. In
1.14 the case of county records, the form shall be filed in the office of the county recorder in the
1.15 county in which the judicial official resides. A form submitted under this section is classified
1.16 as private data on individuals.

1.17 Sec. 2. [480.40] PERSONAL INFORMATION; DISSEMINATION.

1.18 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have
1.19 the meanings given.

1.20 (b) "Judicial official" means:

1.21 (1) every Minnesota district court judge, senior judge, retired judge, and every judge of
1.22 the Minnesota Court of Appeals and every active, senior, recalled, or retired federal judge
1.23 who resides in Minnesota;

- 2.1 (2) a justice of the Minnesota Supreme Court;
- 2.2 (3) employees of the Minnesota judicial branch; and
- 2.3 (4) current and retired judges and current employees of the Office of Administrative
- 2.4 Hearings, the Workers' Compensation Court of Appeals, or the Tax Court.
- 2.5 (c) "Personal information" means:
- 2.6 (1) the residential address of a judicial official;
- 2.7 (2) the residential address of the spouse, domestic partner, or children of a judicial
- 2.8 official;
- 2.9 (3) a nongovernment issued telephone number or email address of a judicial official;
- 2.10 (4) the name of any child of a judicial official; and
- 2.11 (5) the name of any child care facility or school that is attended by a child of a judicial
- 2.12 official if combined with an assertion that the named facility or school is attended by the
- 2.13 child of a judicial official.

2.14 Subd. 2. **Dissemination of personal information.** Subject to the exceptions in

2.15 subdivision 3, no person, business, association, or government entity shall publicly post,

2.16 display, publish, sell, or otherwise make available on the Internet the personal information

2.17 of any judicial official. Personal information shall be kept in a secure manner to prevent

2.18 unauthorized access. Personal information may be disseminated pursuant to a specific

2.19 authorization in law, rule, or with the written consent of the judicial official.

2.20 Subd. 3. **Exceptions.** Subdivision 2 does not apply to:

- 2.21 (1) the dissemination of personal information if the information is relevant to and
- 2.22 displayed as part of a news story, commentary, editorial, or other speech on a matter of
- 2.23 public concern;
- 2.24 (2) personal information that the judicial official voluntarily disseminates publicly after
- 2.25 the date of enactment of this section; and
- 2.26 (3) the dissemination of personal information made at the request of the judicial official
- 2.27 or which is necessary to effectuate the request of a judicial official.

2.28 Sec. 3. **[480.45] REMOVAL OF PERSONAL INFORMATION.**

2.29 Subdivision 1. **Internet dissemination.** If personal information about a judicial official

2.30 is posted to the Internet by a person, business, association, or government entity, the judicial

3.1 official may submit a sworn affidavit to the person, business, association, or government
3.2 entity requesting that the personal information be removed. The affidavit shall:

3.3 (1) state that the individual whose information was disseminated is a judicial official as
3.4 defined in section 480.40;

3.5 (2) describe with specificity the personal information that the judicial official seeks to
3.6 remove; and

3.7 (3) state the name of the publication, website, or otherwise identify where the judicial
3.8 official's personal information is available to the public.

3.9 Subd. 2. **Removal of personal information.** Upon receipt of an affidavit requesting
3.10 removal of the personal information of a judicial official, the person, business, association,
3.11 or government entity shall not disclose the personal information to anyone not specifically
3.12 authorized by law to view the information, unless disclosure is specifically authorized in
3.13 writing by the judicial official. If the person, business, association, or government entity
3.14 fails to remove the personal information within 30 days after an affidavit is submitted, the
3.15 judicial official may seek a court order compelling compliance, including injunctive relief.

3.16 Sec. 4. **[609.476] PUBLISHING PERSONAL INFORMATION OF JUDICIAL**
3.17 **OFFICIAL.**

3.18 Subdivision 1. **Definitions.** For the purposes of this section, the terms "personal
3.19 information" and "judicial official" have the meanings given in section 480.40, subdivision
3.20 1.

3.21 Subd. 2. **Misdemeanor.** It is unlawful to knowingly publish the personal information
3.22 of any judicial official in any publicly available publication, website, or media with the
3.23 intent to threaten, intimidate, harass, or physically injure. A person convicted of violating
3.24 this subdivision is guilty of a misdemeanor.

3.25 Subd. 3. **Felony.** If a person's violation of subdivision 2 also causes bodily harm as
3.26 defined in section 609.02, subdivision 7, the person is guilty of a felony.

3.27 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to crimes
3.28 committed on or after that date.

4.1 **ARTICLE 2**4.2 **FAMILY LAW**

4.3 Section 1. Minnesota Statutes 2022, section 519.11, subdivision 1, is amended to read:

4.4 Subdivision 1. **Antenuptial contract.** ~~A man and woman~~ Two people of legal age may
4.5 enter into an antenuptial contract or settlement prior to solemnization of marriage which
4.6 shall be valid and enforceable if (a) there is a full and fair disclosure of the earnings and
4.7 property of each party, and (b) the parties have had an opportunity to consult with legal
4.8 counsel of their own choice. An antenuptial contract or settlement made in conformity with
4.9 this section may determine what rights each party has in the nonmarital property, defined
4.10 in section 518.003, subdivision 3b, upon dissolution of marriage, legal separation or after
4.11 its termination by death and may bar each other of all rights in the respective estates not so
4.12 secured to them by their agreement. This section shall not be construed to make invalid or
4.13 unenforceable any antenuptial agreement or settlement made and executed in conformity
4.14 with this section because the agreement or settlement covers or includes marital property,
4.15 if the agreement or settlement would be valid and enforceable without regard to this section.

4.16 **EFFECTIVE DATE.** This section is effective the day following final enactment and
4.17 applies to agreements entered into before, on, or after that date.

4.18 Sec. 2. **EXISTING ANTENUPTIAL AGREEMENTS; RETROACTIVITY.**

4.19 An antenuptial agreement entered into before the effective date of this act shall not be
4.20 invalidated based on the same sex of the parties to the agreement.

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

4.22 Sec. 3. **REVISOR INSTRUCTION.**

4.23 The revisor of statutes shall change the terms "husband," "wife," "husband and wife,"
4.24 and "husband or wife" to "spouse," "spouses," or a similar gender-neutral term wherever
4.25 the terms appear in Minnesota Statutes, unless the context indicates that the previous term
4.26 should remain. The revisor of statutes shall also make grammatical changes related to the
4.27 changes in terms.

5.1 **ARTICLE 3**

5.2 **JUDICIARY POLICY**

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

5.4 **117.042 POSSESSION.**

5.5 Whenever the petitioner shall require title and possession of all or part of the owner's
 5.6 property prior to the filing of an award by the court appointed commissioners, the petitioner
 5.7 shall, at least 90 days prior to the date on which possession is to be taken, notify the owner
 5.8 of the intent to possess by notice served by certified mail and before taking title and
 5.9 possession shall pay to the owner or deposit with the court an amount equal to petitioner's
 5.10 approved appraisal of value. Amounts deposited with the court shall be paid out under the
 5.11 direction of the court. If it is deemed necessary to deposit the above amount with the court
 5.12 the petitioner may apply to the court for an order transferring title and possession of the
 5.13 property or properties involved from the owner to the petitioner. In all other cases, petitioner
 5.14 has the right to the title and possession after the filing of the award by the court appointed
 5.15 commissioners as follows:

5.16 (1) if appeal is waived by the parties upon payment of the award;

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

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

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

5.25 Subd. 2. **Copy of judgment to commissioner.** If a person fails within 30 days to satisfy
 5.26 a judgment, the court administrator, upon affidavit of the judgment creditor that the judgment
 5.27 has not been satisfied, shall immediately ~~forward to~~ notify the commissioner ~~a certified~~
 5.28 ~~copy of the judgment and affidavit of identification~~ that the judgment has not been satisfied.

5.29 If the judgment debtor named in a ~~certified copy of a judgment~~ reported to the
 5.30 commissioner is a nonresident, the commissioner shall ~~transmit a certified copy of the~~
 5.31 ~~judgment to~~ notify the official in charge of the issuance of drivers' licenses of the state of
 5.32 which the judgment debtor is a resident.

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

6.2 Subd. 3. **Conditions.** (a) The commissioner, upon ~~receipt of a certified copy~~ notification
6.3 of a judgment, shall suspend the license or the nonresident's operating privilege of the person
6.4 against whom judgment was rendered if:

6.5 (1) at the time of the accident the person did not maintain the reparation security required
6.6 by section 65B.48; and

6.7 (2) the judgment has not been satisfied.

6.8 (b) Suspensions under this section are subject to the notice requirements of section
6.9 171.18, subdivision 2.

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

6.11 Subd. 4d. **Court examiner.** "Court examiner" means a person appointed to serve the
6.12 court, and who is a physician or ~~licensed~~ psychologist who has a doctoral degree in
6.13 psychology, and is either licensed in Minnesota or who holds current authority to practice
6.14 in Minnesota under an approved interstate compact.

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

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

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

6.20 Subd. 10c. **Uniform collections policies and procedures for courts.** (a) The state court
6.21 administrator under the direction of the Judicial Council may promulgate uniform collections
6.22 policies and procedures for the courts and may contract with credit bureaus, public and
6.23 private collection agencies, the Department of Revenue, and other public or private entities
6.24 providing collection services as necessary for the collection of court debts. The court
6.25 collection process and procedures are not subject to section 16A.1285. Court debts referred
6.26 to the Department of Revenue for collection are not subject to section 16D.07. Court debts
6.27 referred to the Department of Revenue for revenue recapture are not subject to section
6.28 270A.08 or 270A.09.

6.29 (b) Court debt means an amount owed to the state directly or through the judicial branch
6.30 on account of a fee, duty, rent, service, overpayment, fine, assessment, surcharge, court
6.31 cost, penalty, restitution, damages, interest, bail bond, forfeiture, reimbursement, liability

7.1 owed, an assignment to the judicial branch, recovery of costs incurred by the judicial branch,
7.2 or any other source of indebtedness to the judicial branch as well as amounts owed to other
7.3 public or private entities for which the judicial branch acts in providing collection services,
7.4 or any other amount owed to the judicial branch.

7.5 (c) The courts must pay for the collection services of public or private collection entities
7.6 as well as the cost of one or more court employees to provide collection interface services
7.7 between the Department of Revenue, the courts, and one or more collection entities from
7.8 the money collected. The portion of the money collected which must be paid to the collection
7.9 entity as collection fees and costs and the portion of the money collected which must be
7.10 paid to the courts or Department of Revenue for collection services are appropriated from
7.11 the fund to which the collected money is due.

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

7.14 Collection costs shall include the fees of the collection entity, and may include, if
7.15 separately provided, skip tracing fees, credit bureau reporting charges, fees assessed by any
7.16 public entity for obtaining information necessary for debt collection, or other
7.17 collection-related costs. Collection costs shall also include the costs of one or more court
7.18 employees employed by the state court administrator to provide a collection interface
7.19 between the collection entity, the Department of Revenue, and the courts.

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

7.24 Sec. 7. Minnesota Statutes 2022, section 593.50, subdivision 1, is amended to read:

7.25 Subdivision 1. **Juror protection.** An employer shall not deprive an employee of
7.26 employment, or threaten or otherwise coerce the employee with respect ~~thereto~~ to
7.27 employment status, because the employee receives a summons, responds thereto, serves as
7.28 a juror, or attends court for prospective jury service. An employer must release an employee
7.29 from the employee's regular work schedule, including any shift work, to permit the employee
7.30 to attend court for prospective jury service. An employer must not require an employee to
7.31 work an alternative shift on any day the juror is required to report to the courthouse for jury
7.32 service.

8.1 Sec. 8. Minnesota Statutes 2023 Supplement, section 611.41, subdivision 7, is amended
8.2 to read:

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

8.8 Sec. 9. Minnesota Statutes 2022, section 645.11, is amended to read:

8.9 **645.11 PUBLISHED NOTICE.**

8.10 Unless otherwise specifically provided, the words "published notice," when used in
8.11 reference to the giving of notice in any proceeding or the service of any summons, order,
8.12 or process in judicial proceedings, mean the publication in full of the notice, or other paper
8.13 referred to, in the regular issue of a qualified newspaper, once each week for the number
8.14 of weeks specified. If the district court is required to publish its own notice, the notice may
8.15 be by publication on the Minnesota judicial branch website. When the publication day of
8.16 any newspaper falls upon Thanksgiving Day, or upon any legal holiday, the publication of
8.17 notice in any proceeding or the publication of any summons, order, or process in judicial
8.18 proceedings, may be made either the day before or the day after Thanksgiving Day, or such
8.19 legal holiday. When the published notice contains a description of real estate which is located
8.20 within the legal limits of any city, which city is situated in more than one county, such
8.21 published notice may be published in any legal newspaper within such city.

8.22 **ARTICLE 4**

8.23 **GUARDIANSHIPS**

8.24 Section 1. Minnesota Statutes 2023 Supplement, section 524.5-313, is amended to read:

8.25 **524.5-313 POWERS AND DUTIES OF GUARDIAN.**

8.26 (a) A guardian shall be subject to the control and direction of the court at all times and
8.27 in all things.

8.28 (b) The court shall grant to a guardian only those powers necessary to provide for the
8.29 demonstrated needs of the person subject to guardianship.

8.30 (c) The court may appoint a guardian if it determines that all the powers and duties listed
8.31 in this section are needed to provide for the needs of the incapacitated person. The court
8.32 may also appoint a guardian if it determines that a guardian is needed to provide for the

9.1 needs of the incapacitated person through the exercise of some, but not all, of the powers
9.2 and duties listed in this section. The duties and powers of a guardian or those which the
9.3 court may grant to a guardian include, but are not limited to:

9.4 (1) the power to have custody of the person subject to guardianship and the power to
9.5 establish a place of abode within or outside the state, except as otherwise provided in this
9.6 clause. The person subject to guardianship or any interested person may petition the court
9.7 to prevent or to initiate a change in abode. A person subject to guardianship may not be
9.8 admitted to a regional treatment center by the guardian except:

9.9 (i) after a hearing under chapter 253B;

9.10 (ii) for outpatient services; or

9.11 (iii) for the purpose of receiving temporary care for a specific period of time not to
9.12 exceed 90 days in any calendar year;

9.13 (2) the duty to provide for the care, comfort, and maintenance needs of the person subject
9.14 to guardianship, including food, clothing, shelter, health care, social and recreational
9.15 requirements, and, whenever appropriate, training, education, and habilitation or
9.16 rehabilitation. The guardian has no duty to pay for these requirements out of personal funds.
9.17 Whenever possible and appropriate, the guardian should meet these requirements through
9.18 governmental benefits or services to which the person subject to guardianship is entitled,
9.19 rather than from the estate of the person subject to guardianship. ~~Failure to satisfy the needs
9.20 and requirements of this clause shall be grounds for removal of a private guardian, but the
9.21 guardian shall have no personal or monetary liability;~~

9.22 (3) the duty to take reasonable care of the clothing, furniture, vehicles, and other personal
9.23 effects of the person subject to guardianship, and, if other property requires protection, the
9.24 power to seek appointment of a conservator of the estate. The guardian must give notice by
9.25 mail to interested persons prior to the disposition of the clothing, furniture, vehicles, or
9.26 other personal effects of the person subject to guardianship. The notice must inform the
9.27 person of the right to object to the disposition of the property within ten days of the date of
9.28 mailing and to petition the court for a review of the guardian's proposed actions. Notice of
9.29 the objection must be served by mail or personal service on the guardian and the person
9.30 subject to guardianship unless the person subject to guardianship is the objector. The guardian
9.31 served with notice of an objection to the disposition of the property may not dispose of the
9.32 property unless the court approves the disposition after a hearing;

9.33 (4)(i) the power to give any necessary consent to enable the person subject to guardianship
9.34 to receive necessary medical or other professional care, counsel, treatment, or service, except

10.1 that no guardian may give consent for psychosurgery, electroshock, sterilization, or
10.2 experimental treatment of any kind unless the procedure is first approved by order of the
10.3 court as provided in this clause. The guardian shall not consent to any medical care for the
10.4 person subject to guardianship which violates the known conscientious, religious, or moral
10.5 belief of the person subject to guardianship;

10.6 (ii) a guardian who believes a procedure described in item (i) requiring prior court
10.7 approval to be necessary for the proper care of the person subject to guardianship, shall
10.8 petition the court for an order and, in the case of a public guardianship under chapter 252A,
10.9 obtain the written recommendation of the commissioner of human services. The court shall
10.10 fix the time and place for the hearing and shall give notice to the person subject to
10.11 guardianship in such manner as specified in section 524.5-308 and to interested persons.
10.12 The court shall appoint an attorney to represent the person subject to guardianship who is
10.13 not represented by counsel, provided that such appointment shall expire upon the expiration
10.14 of the appeal time for the order issued by the court under this section or the order dismissing
10.15 a petition, or upon such other time or event as the court may direct. In every case the court
10.16 shall determine if the procedure is in the best interest of the person subject to guardianship.
10.17 In making its determination, the court shall consider a written medical report which
10.18 specifically considers the medical risks of the procedure, whether alternative, less restrictive
10.19 methods of treatment could be used to protect the best interest of the person subject to
10.20 guardianship, and any recommendation of the commissioner of human services for a public
10.21 person subject to guardianship. The standard of proof is that of clear and convincing evidence;

10.22 (iii) in the case of a petition for sterilization of a person with developmental disabilities
10.23 subject to guardianship, the court shall appoint a licensed physician, a psychologist who is
10.24 qualified in the diagnosis and treatment of developmental disability, and a social worker
10.25 who is familiar with the social history and adjustment of the person subject to guardianship
10.26 or the case manager for the person subject to guardianship to examine or evaluate the person
10.27 subject to guardianship and to provide written reports to the court. The reports shall indicate
10.28 why sterilization is being proposed, whether sterilization is necessary and is the least intrusive
10.29 method for alleviating the problem presented, and whether it is in the best interest of the
10.30 person subject to guardianship. The medical report shall specifically consider the medical
10.31 risks of sterilization, the consequences of not performing the sterilization, and whether
10.32 alternative methods of contraception could be used to protect the best interest of the person
10.33 subject to guardianship;

10.34 (iv) any person subject to guardianship whose right to consent to a sterilization has not
10.35 been restricted under this section or section 252A.101 may be sterilized only if the person

11.1 subject to guardianship consents in writing or there is a sworn acknowledgment by an
11.2 interested person of a nonwritten consent by the person subject to guardianship. The consent
11.3 must certify that the person subject to guardianship has received a full explanation from a
11.4 physician or registered nurse of the nature and irreversible consequences of the sterilization;

11.5 (v) a guardian or the public guardian's designee who acts within the scope of authority
11.6 conferred by letters of guardianship under section 252A.101, subdivision 7, and according
11.7 to the standards established in this chapter or in chapter 252A shall not be civilly or criminally
11.8 liable for the provision of any necessary medical care, including, but not limited to, the
11.9 administration of psychotropic medication or the implementation of aversive and deprivation
11.10 procedures to which the guardian or the public guardian's designee has consented;

11.11 (5) in the event there is no duly appointed conservator of the estate of the person subject
11.12 to guardianship, the guardian shall have the power to approve or withhold approval of any
11.13 contract, except for necessities, which the person subject to guardianship may make or wish
11.14 to make;

11.15 (6) the duty and power to exercise supervisory authority over the person subject to
11.16 guardianship in a manner which limits civil rights and restricts personal freedom only to
11.17 the extent necessary to provide needed care and services. A guardian may not restrict the
11.18 ability of the person subject to guardianship to communicate, visit, or interact with others,
11.19 including receiving visitors or making or receiving telephone calls, personal mail, or
11.20 electronic communications including through social media, or participating in social activities,
11.21 unless the guardian has good cause to believe restriction is necessary because interaction
11.22 with the person poses a risk of significant physical, psychological, or financial harm to the
11.23 person subject to guardianship, and there is no other means to avoid such significant harm.
11.24 In all cases, the guardian shall provide written notice of the restrictions imposed to the court,
11.25 to the person subject to guardianship, and to the person subject to restrictions. The person
11.26 subject to guardianship or the person subject to restrictions may petition the court to remove
11.27 or modify the restrictions;

11.28 (7) if there is no acting conservator of the estate for the person subject to guardianship,
11.29 the guardian has the power to apply on behalf of the person subject to guardianship for any
11.30 assistance, services, or benefits available to the person subject to guardianship through any
11.31 unit of government;

11.32 (8) unless otherwise ordered by the court, the person subject to guardianship retains the
11.33 right to vote;

12.1 (9) the power to establish an ABLE account for a person subject to guardianship or
12.2 conservatorship. By this provision a guardian only has the authority to establish an ABLE
12.3 account, but may not administer the ABLE account in the guardian's capacity as guardian.
12.4 The guardian may appoint or name a person to exercise signature authority over an ABLE
12.5 account, including the individual selected by the eligible individual or the eligible individual's
12.6 agent under a power of attorney; conservator; spouse; parent; sibling; grandparent; or
12.7 representative payee, whether an individual or organization, appointed by the SSA, in that
12.8 order; and

12.9 (10) if there is no conservator appointed for the person subject to guardianship, the
12.10 guardian has the duty and power to institute suit on behalf of the person subject to
12.11 guardianship and represent the person subject to guardianship in expungement proceedings,
12.12 harassment proceedings, and all civil court proceedings, including but not limited to
12.13 restraining orders, orders for protection, name changes, conciliation court, housing court,
12.14 family court, probate court, and juvenile court, provided that a guardian may not settle or
12.15 compromise any claim or debt owed to the estate without court approval.

12.16 Sec. 2. Minnesota Statutes 2022, section 524.5-315, is amended to read:

12.17 **524.5-315 RIGHTS AND IMMUNITIES OF GUARDIAN; LIMITATIONS.**

12.18 (a) A guardian is entitled to reasonable compensation for services as guardian and to
12.19 reimbursement for expenditures made on behalf of the person subject to guardianship, in a
12.20 manner consistent with section 524.5-502.

12.21 (b) A guardian is not liable to a third person for acts of the person subject to guardianship
12.22 solely by reason of the relationship. A guardian who exercises reasonable care in choosing
12.23 a third person providing medical or other care, treatment, or service for the person subject
12.24 to guardianship is not liable for injury to the person subject to guardianship resulting from
12.25 the wrongful conduct of the third person.

12.26 (c) A guardian may not revoke the health care directive of a person subject to guardianship
12.27 or conservatorship absent a court order.

12.28 (d) A guardian may not initiate the commitment of a person subject to guardianship to
12.29 an institution except in accordance with section 524.5-313.

12.30 (e) Failure to satisfy the duties of a guardian under section 524.5-313, paragraph (c),
12.31 shall be grounds for removal of a private guardian but such guardian shall not be held
12.32 personally liable for acts or omissions made in the discharge of the guardian's duties except
12.33 for the guardian's acts or omissions:

13.1 (1) that are performed in a wanton, reckless, or intentional manner; or

13.2 (2) that constitute a knowing violation of law.

13.3

ARTICLE 5

13.4

PUBLIC DEFENSE POLICY

13.5 Section 1. Minnesota Statutes 2023 Supplement, section 611.215, subdivision 1, is amended
13.6 to read:

13.7 Subdivision 1. **Structure; membership.** (a) The State Board of Public Defense is a part
13.8 of, but is not subject to the administrative control of, the judicial branch of government.
13.9 The State Board of Public Defense shall consist of nine members including:

13.10 (1) five attorneys admitted to the practice of law, well acquainted with the defense of
13.11 persons accused of crime, but not employed as prosecutors, appointed by the supreme court,
13.12 of which one must be a retired or former public defender within the past five years; and

13.13 (2) four public members appointed by the governor.

13.14 The appointing authorities may not appoint a person who is a judge to be a member of
13.15 the State Board of Public Defense, ~~other than as a member of the ad hoc Board of Public~~
13.16 ~~Defense.~~

13.17 (b) All members shall demonstrate an interest in maintaining a high quality, independent
13.18 defense system for those who are unable to obtain adequate representation. Appointments
13.19 to the board shall include qualified women and members of minority groups. At least ~~three~~
13.20 four members of the board shall be from judicial districts other than the First, Second,
13.21 Fourth, and Tenth Judicial Districts. The terms, compensation, and removal of members
13.22 shall be as provided in section 15.0575. The chair shall be elected by the members from
13.23 among the membership for a term of two years.

13.24 (c) ~~In addition, the State Board of Public Defense shall consist of a nine-member ad hoc~~
13.25 ~~board when considering the appointment of district public defenders under section 611.26,~~
13.26 ~~subdivision 2.~~ The terms of chief district public defenders currently serving shall terminate
13.27 in accordance with the staggered term schedule set forth in section 611.26, subdivision 2.

13.28 (d) Meetings of the board are subject to chapter 13D.

14.1 Sec. 2. Minnesota Statutes 2022, section 611.215, subdivision 2, is amended to read:

14.2 Subd. 2. **Duties and responsibilities.** (a) The board shall approve and recommend to
14.3 the legislature a budget for the board, the office of state public defender, the judicial district
14.4 public defenders, and the public defense corporations.

14.5 (b) The board shall establish procedures for distribution of state funding under this
14.6 chapter to the state and district public defenders and to the public defense corporations.

14.7 (c) The state public defender with the approval of the board shall establish standards for
14.8 the offices of the state and district public defenders ~~and for the conduct of all appointed~~
14.9 ~~counsel systems.~~ The standards must include, but are not limited to:

14.10 (1) standards needed to maintain and operate an office of public defender including
14.11 requirements regarding the qualifications, training, and size of the legal and supporting staff
14.12 ~~for a public defender or appointed counsel system;~~

14.13 (2) standards for public defender caseloads;

14.14 ~~(3) standards and procedures for the eligibility for appointment, assessment, and collection~~
14.15 ~~of the costs for legal representation provided by public defenders or appointed counsel;~~

14.16 ~~(4) standards for contracts between a board of county commissioners and a county public~~
14.17 ~~defender system for the legal representation of indigent persons;~~

14.18 ~~(5)~~ (3) standards prescribing minimum qualifications of counsel appointed under the
14.19 board's authority ~~or by the courts;~~ and

14.20 ~~(6)~~ (4) standards ensuring the independent, competent, and efficient representation of
14.21 clients whose cases present conflicts of interest, in both the trial and appellate courts.

14.22 ~~(d) The board may require the reporting of statistical data, budget information, and other~~
14.23 ~~cost factors by the state and district public defenders and appointed counsel systems.~~

14.24 Sec. 3. Minnesota Statutes 2023 Supplement, section 611.23, is amended to read:

14.25 **611.23 OFFICE OF STATE PUBLIC DEFENDER; APPOINTMENT; SALARY.**

14.26 The state public defender is responsible to the State Board of Public Defense. The state
14.27 public defender shall supervise the operation, activities, policies, and procedures of the
14.28 statewide public defender system. When requested by a district public defender ~~or appointed~~
14.29 ~~counsel,~~ the state public defender may assist the district public defender, ~~appointed counsel,~~
14.30 or an organization designated in section 611.216 in the performance of duties, including
14.31 trial representation in matters involving legal conflicts of interest or other special

15.1 circumstances, and assistance with legal research and brief preparation. The state public
15.2 defender shall be appointed by the State Board of Public Defense for a term of four years,
15.3 except as otherwise provided in this section, and until a successor is appointed and qualified.
15.4 The state public defender shall be a full-time qualified attorney, licensed to practice law in
15.5 this state, serve in the unclassified service of the state, and may only be removed ~~only for~~
15.6 ~~cause~~ before the end of a term by the appointing authority a majority vote of the board
15.7 members present at a meeting of the board of public defense. Vacancies in the office shall
15.8 be filled by the appointing authority for the unexpired term. The salary of the state public
15.9 defender shall be fixed by the State Board of Public Defense. Terms of the state public
15.10 defender shall commence on July 1. The state public defender shall devote full time to the
15.11 performance of duties and shall not engage in the general practice of law.

15.12 Sec. 4. Minnesota Statutes 2022, section 611.24, is amended to read:

15.13 **611.24 CHIEF APPELLATE PUBLIC DEFENDER; ORGANIZATION OF**
15.14 **OFFICE; ASSISTANTS.**

15.15 (a) Beginning January 1, 2007, and for every four years after that date, the State Board
15.16 of Public Defense shall appoint a chief appellate public defender in charge of appellate
15.17 services, who shall employ or retain assistant state public defenders and other personnel as
15.18 may be necessary to discharge the functions of the office. The chief appellate public defender
15.19 shall serve a four-year term and may only be removed ~~only for cause upon the order of~~
15.20 before the end of a term by a majority vote of board members present at a meeting of the
15.21 State Board of Public Defense. The chief appellate public defender shall be a full-time
15.22 qualified attorney, licensed to practice law in this state, and serve in the unclassified service
15.23 of the state. Vacancies in the office shall be filled by the appointing authority for the
15.24 unexpired term.

15.25 (b) An assistant state public defender shall be a qualified attorney, licensed to practice
15.26 law in this state, ~~serve in the unclassified service of the state if employed, and serve at the~~
15.27 ~~pleasure of the appointing authority at a salary or retainer fee not to exceed reasonable~~
15.28 ~~compensation for comparable services performed for other governmental agencies or~~
15.29 ~~departments.~~ Retained or part-time employed assistant state public defenders may engage
15.30 in the general practice of law. The compensation of the chief appellate public defender ~~and~~
15.31 ~~the compensation of each assistant state public defender~~ shall be set by the State Board of
15.32 Public Defense. The chief appellate public defender shall devote full time to the performance
15.33 of duties and shall not engage in the general practice of law.

16.1 ~~(e) The incumbent deputy state public defender as of December 31, 2006, shall be~~
16.2 ~~appointed as the chief appellate public defender for the four-year term beginning on January~~
16.3 ~~1, 2007.~~

16.4 Sec. 5. Minnesota Statutes 2022, section 611.26, subdivision 2, is amended to read:

16.5 Subd. 2. **Appointment; terms.** The State Board of Public Defense shall appoint a chief
16.6 district public defender for each judicial district. ~~When appointing a chief district public~~
16.7 ~~defender, the state Board of Public Defense membership shall be increased to include two~~
16.8 ~~residents of the district appointed by the chief judge of the district to reflect the characteristics~~
16.9 ~~of the population served by the public defender in that district. The additional members~~
16.10 ~~shall serve only in the capacity of selecting the district public defender. The ad hoc state~~
16.11 ~~Board of Public Defense shall appoint a chief district public defender only after requesting~~
16.12 ~~and giving reasonable time to receive any recommendations from the public, the local bar~~
16.13 ~~association, and the judges of the district.~~ Each chief district public defender shall be a
16.14 qualified attorney licensed to practice law in this state. The chief district public defender
16.15 shall be appointed for a term of four years, beginning January 1, pursuant to the following
16.16 staggered term schedule: (1) in 2008, the second and eighth districts; (2) in 2009, the first,
16.17 third, fourth, and tenth districts; (3) in 2010, the fifth and ninth districts; and (4) in 2011,
16.18 the sixth and seventh districts. The chief district public defenders shall serve for four-year
16.19 terms and may only be removed ~~for cause upon the order of~~ before the end of a term by a
16.20 majority vote of the board members at a meeting of the state Board of Public Defense.
16.21 Vacancies in the office shall be filled by the appointing authority for the unexpired term.
16.22 The chief district public defenders shall devote full time to the performance of duties and
16.23 shall not engage in the general practice of law.

16.24 Sec. 6. Minnesota Statutes 2022, section 611.26, subdivision 3, is amended to read:

16.25 Subd. 3. **Compensation.** (a) The compensation of the chief district public defender ~~and~~
16.26 ~~the compensation of each assistant district public defender~~ shall be set by the Board of
16.27 Public Defense. ~~To assist the Board of Public Defense in determining compensation under~~
16.28 ~~this subdivision, counties shall provide to the board information on the compensation of~~
16.29 ~~county attorneys, including salaries and benefits, rent, secretarial staff, and other pertinent~~
16.30 ~~budget data. For purposes of this subdivision, compensation means salaries, cash payments,~~
16.31 ~~and employee benefits including paid time off and group insurance benefits, and other direct~~
16.32 ~~and indirect items of compensation including the value of office space provided by the~~
16.33 ~~employer.~~

17.1 (b) This subdivision does not limit the rights of public defenders to collectively bargain
17.2 with their employers.

17.3 Sec. 7. Minnesota Statutes 2022, section 611.26, subdivision 3a, is amended to read:

17.4 Subd. 3a. **Budget; compensation.** (a) Notwithstanding subdivision 3 or any other law
17.5 to the contrary, compensation and economic benefit increases for chief district public
17.6 defenders and assistant district public defenders, who are full-time county employees, shall
17.7 be paid out of the budget for that judicial district public defender's office.

17.8 (b) In the Second Judicial District, the district public defender's office shall be funded
17.9 by the Board of Public Defense. The budget for the Second Judicial District Public Defender's
17.10 Office shall not include Ramsey County property taxes.

17.11 (c) In the Fourth Judicial District, the district public defender's office shall be funded
17.12 by the Board of Public Defense and by the Hennepin County Board. Personnel expenses of
17.13 state employees hired on or after January 1, 1999, in the Fourth Judicial District Public
17.14 Defender's Office shall be funded by the Board of Public Defense.

17.15 ~~(d) Those budgets for district public defender services in the Second and Fourth Judicial~~
17.16 ~~Districts under the jurisdiction of the state Board of Public Defense shall be eligible for~~
17.17 ~~adjustments to their base budgets in the same manner as other state agencies. In making~~
17.18 ~~biennial budget base adjustments, the commissioner of management and budget shall consider~~
17.19 ~~the budgets for district public defender services in all judicial districts, as allocated by the~~
17.20 ~~state Board of Public Defense, in the same manner as other state agencies.~~

17.21 Sec. 8. Minnesota Statutes 2022, section 611.26, subdivision 4, is amended to read:

17.22 Subd. 4. **Assistant public defenders.** A chief district public defender shall appoint
17.23 assistants who are qualified attorneys licensed to practice law in this state and other staff
17.24 as the chief district public defender finds prudent and necessary subject to the standards
17.25 adopted by the state public defender. ~~Assistant district public defenders must be appointed~~
17.26 ~~to ensure broad geographic representation and caseload distribution within the district. Each~~
17.27 ~~assistant district public defender serves at the pleasure of the chief district public defender.~~
17.28 A chief district public defender is authorized, subject to approval by the state Board of
17.29 Public Defense public defender or their designee, to hire an independent contractor to
17.30 perform the duties of an assistant public defender.

18.1 Sec. 9. Minnesota Statutes 2022, section 611.263, subdivision 1, is amended to read:

18.2 Subdivision 1. **Employees.** (a) Except as provided in subdivision 3, ~~the district public~~
18.3 ~~defender and~~ assistant public defenders of the Second Judicial District are employees of
18.4 Ramsey County in the unclassified service under section 383A.286.

18.5 (b) Except as provided in subdivision 3, ~~the district public defender and~~ assistant public
18.6 defenders of the Fourth Judicial District are employees of Hennepin County under section
18.7 383B.63, subdivision 6.

18.8 Sec. 10. Minnesota Statutes 2022, section 611.265, is amended to read:

18.9 **611.265 TRANSITION.**

18.10 (a) District public defenders and their employees, other than in the Second and Fourth
18.11 Judicial Districts, are state employees in the judicial branch, and are governed by the
18.12 personnel rules adopted by the State Board of Public Defense.

18.13 ~~(b) A district public defender or district public defender employee who becomes a state~~
18.14 ~~employee under this section, and who participated in a county insurance program on June~~
18.15 ~~30, 1993, may elect to continue to participate in the county program according to procedures~~
18.16 ~~established by the Board of Public Defense. An affected county shall bill the Board of Public~~
18.17 ~~Defense for employer contributions, in a manner prescribed by the board. The county shall~~
18.18 ~~not charge the board any administrative fee. Notwithstanding any law to the contrary, a~~
18.19 ~~person who is first employed as a district public defender after July 1, 1993, shall participate~~
18.20 ~~in the state employee insurance program, as determined by the state Board of Public Defense,~~
18.21 ~~in consultation with the commissioner of management and budget.~~

18.22 ~~(e)~~ (b) A district public defender or district public defender employee who becomes a
18.23 state employee under this section, and who participated in the Public Employee Retirement
18.24 Association on June 30, 1993, may elect to continue to participate in the Public Employees
18.25 Retirement Association according to procedures established by the Board of Public Defense
18.26 and the association. Notwithstanding any law to the contrary, a person who is first employed
18.27 as a state employee or by a district public defender after July 1, 1993, must participate in
18.28 the Minnesota State Retirement System.

18.29 ~~(d)~~ (c) A person performing district public defender work as an independent contractor
18.30 is not eligible to be covered under the state group insurance plan or the Public Employee
18.31 Retirement Association.

19.1 Sec. 11. Minnesota Statutes 2022, section 611.27, subdivision 1, is amended to read:

19.2 Subdivision 1. **Budget.** ~~(a) A chief district public defender shall annually submit a~~
19.3 ~~comprehensive budget to the state Board of Public Defense. The budget shall be in~~
19.4 ~~compliance with standards and forms required by the board. The chief district public defender~~
19.5 ~~shall, at times and in the form required by the board, submit reports to the board concerning~~
19.6 ~~its operations, including the number of cases handled and funds expended for these services.~~

19.7 ~~(b)~~ Money appropriated to the State Board of Public Defense for the board's
19.8 administration, for the state public defender, for the judicial district public defenders, and
19.9 for the public defense corporations shall be expended as determined by the board. In
19.10 distributing funds to district public defenders, the board shall consider ~~the geographic~~
19.11 ~~distribution of public defenders, the equity of compensation among the judicial districts,~~
19.12 public defender case loads, and the results of the weighted case load study.

19.13 Sec. 12. Minnesota Statutes 2022, section 611.27, subdivision 8, is amended to read:

19.14 Subd. 8. **Adequate representation; review.** In a case where the chief district public
19.15 defender does not believe that the office can provide adequate representation, the chief
19.16 public defender of the district shall immediately notify the state public defender. The chief
19.17 district public defender may request that the state public defender authorize appointment
19.18 of counsel other than the district public defender in the case.

19.19 Sec. 13. Minnesota Statutes 2022, section 611.27, subdivision 10, is amended to read:

19.20 Subd. 10. **Addition of permanent staff.** The chief public defender may not request nor
19.21 may the state public defender approve the addition of permanent staff under ~~subdivision 7,~~
19.22 this section.

19.23 Sec. 14. Minnesota Statutes 2022, section 611.27, subdivision 11, is amended to read:

19.24 Subd. 11. **Appointment of counsel.** (a) If the state public defender finds that the provision
19.25 of adequate legal representation, including associated services, is beyond the ability of the
19.26 district public defender to provide, the state public defender may approve counsel to be
19.27 appointed, with compensation and expenses to be paid under ~~the provisions of this~~
19.28 ~~subdivision and subdivision 7.~~ Counsel in such these cases shall be appointed by the chief
19.29 district public defender.

19.30 (b) All billings for services rendered and ordered under this subdivision shall require
19.31 the approval of the chief district public defender before being forwarded to the state public
19.32 defender for payment. Counsel appointed under this subdivision shall document the time

20.1 worked and expenses incurred in a manner prescribed by the chief district public defender.
20.2 In cases where adequate representation cannot be provided by the district public defender
20.3 and where counsel has been approved by the state public defender, the Board of Public
20.4 Defense shall pay all services from county program aid transferred by the commissioner of
20.5 revenue for that purpose under section 477A.03, subdivision 2b, paragraph (a).

20.6 Sec. 15. Minnesota Statutes 2022, section 611.27, subdivision 13, is amended to read:

20.7 Subd. 13. **Correctional facility inmates.** ~~All billings for services rendered and ordered~~
20.8 ~~under subdivision 7 shall require the approval of the chief district public defender before~~
20.9 ~~being forwarded to the state public defender. In cases where adequate representation cannot~~
20.10 ~~be provided by the district public defender and where counsel has been approved by the~~
20.11 ~~state public defender, the Board of Public Defense shall pay all services from county program~~
20.12 ~~aid transferred by the commissioner of revenue for that purpose under section 477A.03,~~
20.13 ~~subdivision 2b, paragraph (a).~~

20.14 The costs of appointed counsel and associated services in cases arising from new criminal
20.15 charges brought against indigent inmates who are incarcerated in a Minnesota state
20.16 correctional facility are the responsibility of the State Board of Public Defense. In ~~such~~
20.17 these cases the state public defender may follow the procedures outlined in this section for
20.18 obtaining court-ordered counsel.

20.19 Sec. 16. Minnesota Statutes 2022, section 611.27, subdivision 16, is amended to read:

20.20 Subd. 16. **Appeal by prosecuting attorney; attorney fees.** ~~(a) When a prosecuting~~
20.21 ~~attorney appeals to the court of appeals, in any criminal case, from any pretrial order of the~~
20.22 ~~district court, reasonable attorney fees and costs incurred shall be allowed to the defendant~~
20.23 ~~on the appeal which shall be paid by the governmental unit responsible for the prosecution~~
20.24 ~~involved in accordance with paragraph (b).~~

20.25 ~~(b) By~~ On or before January 15, 2013, and every year thereafter of each year, the chief
20.26 judge of the judicial district, after consultation with city and county attorneys, the chief
20.27 public defender, and members of the private bar in the district, shall establish a reimbursement
20.28 rate for attorney fees and costs associated with representation ~~under paragraph (a) of a~~
20.29 defendant on appeal. The compensation to be paid to an attorney for such service rendered
20.30 to a defendant under this subdivision may not exceed ~~\$5,000~~ \$10,000, exclusive of
20.31 reimbursement for expenses reasonably incurred, unless payment in excess of that limit is
20.32 certified by the chief judge of the district as necessary to provide fair compensation for
20.33 services of an unusual character or duration.

21.1 Sec. 17. **REVISOR INSTRUCTION.**

21.2 The revisor of statutes shall renumber each section of Minnesota Statutes listed in column
21.3 A with the number listed in column B. The revisor shall make necessary cross-reference
21.4 changes consistent with the renumbering. The revisor shall also make any technical and
21.5 other changes necessitated by the renumbering and cross-reference changes.

21.6	<u>Column A</u>	<u>Column B</u>
21.7	<u>611.27, subdivision 3</u>	<u>611.24, subdivision 2</u>
21.8	<u>611.27, subdivision 15</u>	<u>611.24, subdivision 3</u>
21.9	<u>611.27, subdivision 16</u>	<u>611.24, subdivision 4</u>

21.10 Sec. 18. **REPEALER.**

21.11 Minnesota Statutes 2022, sections 611.25, subdivision 3; and 611.27, subdivisions 6, 9,
21.12 and 12, are repealed."

21.13 Amend the title accordingly