

1.1 moves to amend H.F. No. 2705 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "ARTICLE 1
1.4 APPROPRIATIONS

1.5 Section 1. APPROPRIATIONS.

1.6 The sums shown in the columns marked "Appropriations" are appropriated to the agencies
1.7 and for the purposes specified in this act. The appropriations are from the general fund, or
1.8 another named fund, and are available for the fiscal years indicated for each purpose. The
1.9 figures "2020" and "2021" used in this act mean that the appropriations listed under them
1.10 are available for the fiscal year ending June 30, 2020, or June 30, 2021, respectively. "The
1.11 first year" is fiscal year 2020. "The second year" is fiscal year 2021. "The biennium" is
1.12 fiscal years 2020 and 2021.

1.13		<u>APPROPRIATIONS</u>	
1.14		<u>Available for the Year</u>	
1.15		<u>Ending June 30</u>	
1.16		<u>2020</u>	<u>2021</u>

1.17 Sec. 2. SUPREME COURT

1.18	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>58,974,000</u>	<u>\$</u>	<u>61,146,000</u>
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1.19 The amounts that may be spent for each
1.20 purpose are specified in the following
1.21 subdivisions.

1.22	<u>Subd. 2. Supreme Court Operations</u>		<u>43,608,000</u>		<u>44,858,000</u>
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1.23 (a) Contingent Account

1.24 \$5,000 each year is for a contingent account
1.25 for expenses necessary for the normal

2.1 operation of the court for which no other
2.2 reimbursement is provided.

2.3 **(b) Judges' Compensation**

2.4 Judges' compensation is increased by three
2.5 percent each year.

2.6 **(c) Cybersecurity Program**

2.7 \$2,500,000 each year is for a cybersecurity
2.8 program.

2.9 **(d) Early Neutral Evaluation**

2.10 \$50,000 the first year is to contract with the
2.11 Board of Regents of the University of
2.12 Minnesota for its Extension Service to develop
2.13 and conduct a survey of all early neutral
2.14 evaluation participants and provide a report
2.15 to the legislature pursuant to article 2, section
2.16 8.

2.17 **Subd. 3. Civil Legal Services** 15,366,000 16,288,000

2.18 **Legal Services to Low-Income Clients in**
2.19 **Family Law Matters.** \$1,062,000 the first
2.20 year and \$1,125,000 the second year are to
2.21 improve the access of low-income clients to
2.22 legal representation in family law matters.

2.23 This appropriation must be distributed under
2.24 Minnesota Statutes, section 480.242, to the
2.25 qualified legal services program described in
2.26 Minnesota Statutes, section 480.242,
2.27 subdivision 2, paragraph (a). Any
2.28 unencumbered balance remaining in the first
2.29 year does not cancel and is available in the
2.30 second year.

2.31 **Sec. 3. COURT OF APPEALS** \$ 12,878,000 \$ 13,258,000

2.32 **Judges' Compensation.** Judges' compensation
2.33 is increased by three percent each year.

3.1	Sec. 4. <u>DISTRICT COURTS</u>	\$	<u>311,282,000</u>	\$	<u>321,221,000</u>
3.2	<u>(a) Judges' Compensation</u>				
3.3	<u>Judges' compensation is increased by four</u>				
3.4	<u>percent each year.</u>				
3.5	<u>(b) New Trial Judges</u>				
3.6	<u>\$912,000 the first year and \$846,000 the</u>				
3.7	<u>second year are for two new trial court judge</u>				
3.8	<u>units in the Seventh Judicial District.</u>				
3.9	<u>(c) Mandated Psychological Services</u>				
3.10	<u>\$1,070,000 each year is for mandated court</u>				
3.11	<u>services.</u>				
3.12	<u>(d) Treatment Courts Stability</u>				
3.13	<u>\$306,000 each year is for treatment courts</u>				
3.14	<u>stability.</u>				
3.15	Sec. 5. <u>GUARDIAN AD LITEM BOARD</u>	\$	<u>21,876,000</u>	\$	<u>22,578,000</u>
3.16	<u>Compliance Positions.</u> <u>\$4,205,000 the first</u>				
3.17	<u>year and \$4,443,000 the second year are for</u>				
3.18	<u>new positions to maintain compliance with</u>				
3.19	<u>federal and state mandates.</u>				
3.20	Sec. 6. <u>TAX COURT</u>	\$	<u>1,807,000</u>	\$	<u>1,808,000</u>
3.21	Sec. 7. <u>UNIFORM LAWS COMMISSION</u>	\$	<u>98,000</u>	\$	<u>98,000</u>
3.22	Sec. 8. <u>BOARD ON JUDICIAL STANDARDS</u>	\$	<u>535,000</u>	\$	<u>509,000</u>
3.23	<u>Major Disciplinary Actions.</u> <u>\$125,000 each</u>				
3.24	<u>year is for special investigative and hearing</u>				
3.25	<u>costs for major disciplinary actions undertaken</u>				
3.26	<u>by the board. This appropriation does not</u>				
3.27	<u>cancel. Any unencumbered and unspent</u>				
3.28	<u>balances remain available for these</u>				
3.29	<u>expenditures until June 30, 2023.</u>				
3.30	Sec. 9. <u>BOARD OF PUBLIC DEFENSE</u>	\$	<u>100,029,000</u>	\$	<u>111,657,000</u>
3.31	<u>(a) New Positions</u>				

4.1 \$3,296,000 the first year and \$9,472,000 the
 4.2 second year are for new positions. These
 4.3 appropriations are contingent on participation
 4.4 in veteran's specialty courts.

4.5 **(b) Forfeiture Representation**

4.6 \$205,000 the first year and \$515,000 the
 4.7 second year are for providing representation
 4.8 in forfeiture proceedings for individuals
 4.9 entitled to be represented in criminal matters.

4.10 **(c) Base Adjustment**

4.11 The general fund base is increased by
 4.12 \$108,000 beginning in fiscal year 2022.

4.13 **Sec. 10. HUMAN RIGHTS** **\$ 6,497,000 \$ 6,775,000**

4.14 \$10,000 the second year is for a microgrant
 4.15 program for capacity building by local units
 4.16 of government and local groups.

4.17 \$76,000 the first year and \$77,000 the second
 4.18 year are for the purposes of Minnesota
 4.19 Statutes, sections 171.12 and 363A.28,
 4.20 subdivision 11.

4.21 **Sec. 11. BUREAU OF MEDIATION**
 4.22 **SERVICES** **\$ 2,200,000 \$ 413,000**

4.23 \$2,200,000 the first year and \$413,000 the
 4.24 second year are to develop and implement the
 4.25 online cooperative private divorce program
 4.26 under article 5, section 4. The cooperative
 4.27 private divorce program must be made
 4.28 available on the Bureau of Mediation Services
 4.29 website by January 1, 2021.

4.30 **Sec. 12. LEGISLATIVE COORDINATING**
 4.31 **COMMISSION** **\$ 7,000 \$ 7,000**

5.1 \$7,000 each year is for the Legislative
 5.2 Commission on Intelligence and Technology
 5.3 under article 4, section 1.

5.4 Sec. 13. **TRANSFER.**

5.5 \$10,000 the first year and \$20,000 the second year and annually thereafter are
 5.6 appropriated to the commissioner of management and budget for transfer to the special
 5.7 revenue fund for use by the displaced homemaker program.

5.8 **ARTICLE 2**

5.9 **COURTS**

5.10 Section 1. Minnesota Statutes 2018, section 169.99, subdivision 1c, is amended to read:

5.11 Subd. 1c. **Notice of surcharge.** All parts of the uniform traffic ticket must ~~give~~ provide
 5.12 conspicuous notice of the fact that, if convicted, the person to whom it was issued ~~must~~ may
 5.13 be required to pay a state-imposed surcharge under section 357.021, subdivision 6, and the
 5.14 current amount of the required surcharge.

5.15 **EFFECTIVE DATE.** This section is effective August 1, 2019. The changes to the
 5.16 uniform traffic ticket described in this section must be reflected on the ticket the next time
 5.17 it is revised.

5.18 Sec. 2. Minnesota Statutes 2018, section 169.99, is amended by adding a subdivision to
 5.19 read:

5.20 Subd. 1d. **Financial hardship.** The first paragraph on the reverse side of the summons
 5.21 on the uniform traffic ticket must include the following, or substantially similar, language:
 5.22 "All or part of the cost of this summons may be waived on a showing of indigency or undue
 5.23 hardship on you or your family. You may schedule a court appearance to request a waiver
 5.24 based on your ability to pay by calling the Minnesota Court Payment Center (CPC) [followed
 5.25 by the Court Payment Center telephone number]. For more information, call the CPC or
 5.26 visit www.mncourts.gov/fines."

5.27 **EFFECTIVE DATE.** This section is effective August 1, 2019. The changes to the
 5.28 uniform traffic ticket described in this section must be reflected on the ticket the next time
 5.29 it is revised.

6.1 Sec. 3. Minnesota Statutes 2018, section 357.021, subdivision 2, is amended to read:

6.2 Subd. 2. **Fee amounts.** The fees to be charged and collected by the court administrator
6.3 shall be as follows:

6.4 (1) In every civil action or proceeding in said court, including any case arising under
6.5 the tax laws of the state that could be transferred or appealed to the Tax Court, the plaintiff,
6.6 petitioner, or other moving party shall pay, when the first paper is filed for that party in said
6.7 action, a fee of ~~\$285~~ \$335, except in marriage dissolution actions the fee is \$315.

6.8 The defendant or other adverse or intervening party, or any one or more of several
6.9 defendants or other adverse or intervening parties appearing separately from the others,
6.10 shall pay, when the first paper is filed for that party in said action, a fee of ~~\$285~~ \$335, except
6.11 in marriage dissolution actions the fee is \$315. This subdivision does not apply to the filing
6.12 of an Application for Discharge of Judgment. Section 548.181 applies to an Application
6.13 for Discharge of Judgment.

6.14 The party requesting a trial by jury shall pay \$100.

6.15 The fees above stated shall be the full trial fee chargeable to said parties irrespective of
6.16 whether trial be to the court alone, to the court and jury, or disposed of without trial, and
6.17 shall include the entry of judgment in the action, but does not include copies or certified
6.18 copies of any papers so filed or proceedings under chapter 103E, except the provisions
6.19 therein as to appeals.

6.20 (2) Certified copy of any instrument from a civil or criminal proceeding, \$14, and \$8
6.21 for an uncertified copy.

6.22 (3) Issuing a subpoena, \$16 for each name.

6.23 (4) Filing a motion or response to a motion in civil, family, excluding child support, and
6.24 guardianship cases, \$75.

6.25 (5) Issuing an execution and filing the return thereof; issuing a writ of attachment,
6.26 injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically
6.27 mentioned, \$55.

6.28 (6) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment
6.29 from another court, \$40.

6.30 (7) Filing and entering a satisfaction of judgment, partial satisfaction, or assignment of
6.31 judgment, \$5.

7.1 (8) Certificate as to existence or nonexistence of judgments docketed, \$5 for each name
7.2 certified to.

7.3 (9) Filing and indexing trade name; or recording basic science certificate; or recording
7.4 certificate of physicians, osteopathic physicians, chiropractors, veterinarians, or optometrists,
7.5 \$5.

7.6 (10) For the filing of each partial, final, or annual account in all trusteeships, \$55.

7.7 (11) For the deposit of a will, \$27.

7.8 (12) For recording notary commission, \$20.

7.9 (13) Filing a motion or response to a motion for modification of child support, a fee of
7.10 \$50.

7.11 (14) All other services required by law for which no fee is provided, such fee as compares
7.12 favorably with those herein provided, or such as may be fixed by rule or order of the court.

7.13 (15) In addition to any other filing fees under this chapter, a surcharge in the amount of
7.14 \$75 must be assessed in accordance with section 259.52, subdivision 14, for each adoption
7.15 petition filed in district court to fund the fathers' adoption registry under section 259.52.

7.16 The fees in clauses (3) and (5) need not be paid by a public authority or the party the
7.17 public authority represents.

7.18 **EFFECTIVE DATE.** This section is effective July 1, 2019.

7.19 Sec. 4. Minnesota Statutes 2018, section 357.021, is amended by adding a subdivision to
7.20 read:

7.21 Subd. 2c. **Court cybersecurity fee.** In addition to any other filing fee under this chapter,
7.22 the court administrator shall collect a \$1 cybersecurity fee on filings made under subdivision
7.23 2, clauses (1) to (13). The court administrator shall transmit the fee monthly to the
7.24 commissioner of management and budget for deposit in the general fund. This subdivision
7.25 expires June 30, 2021.

7.26 **EFFECTIVE DATE.** This section is effective July 1, 2019.

7.27 Sec. 5. Minnesota Statutes 2018, section 357.021, subdivision 6, is amended to read:

7.28 Subd. 6. **Surcharges on criminal and traffic offenders.** (a) Except as provided in this
7.29 ~~paragraph~~ subdivision, the court shall impose and the court administrator shall collect a \$75
7.30 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or

8.1 petty misdemeanor offense, other than a violation of a law or ordinance relating to vehicle
 8.2 parking, for which there shall be a \$12 surcharge. When a defendant is convicted of more
 8.3 than one offense in a case, the surcharge shall be imposed only once in that case. In the
 8.4 Second Judicial District, the court shall impose, and the court administrator shall collect,
 8.5 an additional \$1 surcharge on every person convicted of any felony, gross misdemeanor,
 8.6 misdemeanor, or petty misdemeanor offense, including a violation of a law or ordinance
 8.7 relating to vehicle parking, if the Ramsey County Board of Commissioners authorizes the
 8.8 \$1 surcharge. The surcharge shall be imposed whether or not the person is sentenced to
 8.9 imprisonment or the sentence is stayed. The surcharge shall not be imposed when a person
 8.10 is convicted of a petty misdemeanor for which no fine is imposed.

8.11 ~~(b) If the court fails to impose a surcharge as required by this subdivision, the court~~
 8.12 ~~administrator shall show the imposition of the surcharge, collect the surcharge, and correct~~
 8.13 ~~the record.~~

8.14 ~~(e) (b)~~ The court may ~~not~~ reduce the amount or waive payment of the surcharge required
 8.15 under this subdivision. Upon ~~on~~ a showing of indigency or undue hardship upon the convicted
 8.16 person or the convicted person's immediate family, ~~the sentencing court may authorize~~
 8.17 payment of the surcharge in installments. Additionally, the court may permit the defendant
 8.18 to perform community work service in lieu of a surcharge.

8.19 ~~(d) (c)~~ The court administrator or other entity collecting a surcharge shall forward it to
 8.20 the commissioner of management and budget.

8.21 ~~(e) (d)~~ If the convicted person is sentenced to imprisonment and has not paid the surcharge
 8.22 before the term of imprisonment begins, the chief executive officer of the correctional
 8.23 facility in which the convicted person is incarcerated shall collect the surcharge from any
 8.24 earnings the inmate accrues from work performed in the facility or while on conditional
 8.25 release. The chief executive officer shall forward the amount collected to the court
 8.26 administrator or other entity collecting the surcharge imposed by the court.

8.27 ~~(f) (e)~~ A person who enters a diversion program, continuance without prosecution,
 8.28 continuance for dismissal, or stay of adjudication for a violation of chapter 169 must pay
 8.29 the surcharge described in this subdivision. A surcharge imposed under this paragraph shall
 8.30 be imposed only once per case.

8.31 ~~(g) (f)~~ The surcharge does not apply to administrative citations issued pursuant to section
 8.32 169.999.

9.1 Sec. 6. Minnesota Statutes 2018, section 484.85, is amended to read:

9.2 **484.85 DISPOSITION OF FINES, FEES, AND OTHER MONEY; ACCOUNTS;**
 9.3 **RAMSEY COUNTY DISTRICT COURT.**

9.4 (a) In all cases prosecuted in Ramsey County District Court by an attorney for a
 9.5 municipality or subdivision of government within Ramsey County for violation of a statute;
 9.6 an ordinance; or a charter provision, rule, or regulation of a city; all fines, penalties, and
 9.7 forfeitures collected by the court administrator shall be deposited in the state treasury and
 9.8 distributed according to this paragraph. Except where a different disposition is provided by
 9.9 section 299D.03, subdivision 5, or other law, on or before the last day of each month, the
 9.10 court shall pay over all fines, penalties, and forfeitures collected by the court administrator
 9.11 during the previous month as follows:

9.12 ~~(1) for offenses committed within the city of St. Paul, two-thirds paid to the treasurer~~
 9.13 ~~of the city of St. Paul~~ municipality or subdivision of government within Ramsey County
 9.14 ~~and one-third credited to the state general fund; and~~

9.15 ~~(2) for offenses committed within any other municipality or subdivision of government~~
 9.16 ~~within Ramsey County, one-half paid to the treasurer of the municipality or subdivision of~~
 9.17 ~~government and one-half credited to the state general fund.~~

9.18 All other fines, penalties, and forfeitures collected by the district court shall be distributed
 9.19 by the courts as provided by law.

9.20 (b) Fines, penalties, and forfeitures shall be distributed as provided in paragraph (a)
 9.21 when:

9.22 (1) a city contracts with the county attorney for prosecutorial services under section
 9.23 484.87, subdivision 3; or

9.24 (2) the attorney general provides assistance to the city attorney under section 484.87,
 9.25 subdivision 5.

9.26 **EFFECTIVE DATE.** This section is effective July 1, 2019.

9.27 Sec. 7. Minnesota Statutes 2018, section 609.101, subdivision 5, is amended to read:

9.28 Subd. 5. **Waiver prohibited; reduction and installment payments.** (a) The court may
 9.29 not waive payment of the minimum fine required by this section.

9.30 (b) If the defendant qualifies for the services of a public defender or the court finds on
 9.31 the record that the convicted person is indigent or that immediate payment of the fine would
 9.32 create undue hardship for the convicted person or that person's immediate family, the court

10.1 may reduce the amount of the minimum fine to not less than \$50. Additionally, the court
10.2 may permit the defendant to perform community work service in lieu of a fine.

10.3 (c) The court also may authorize payment of the fine in installments.

10.4 (d) Before sentencing a person convicted of a felony, gross misdemeanor, misdemeanor,
10.5 or petty misdemeanor to pay money for a fine, fee, or surcharge, the court shall make a
10.6 finding on the record as to indigency or the convicted person's ability to comply with an
10.7 order to pay without undue hardship for the convicted person or that person's immediate
10.8 family. In determining indigency or whether the defendant is able to comply with an order
10.9 to pay a fine, fee, or surcharge without undue hardship to the convicted person or that
10.10 person's immediate family, the court shall consider:

10.11 (1) income;

10.12 (2) dependents;

10.13 (3) financial resources, including assets and liabilities;

10.14 (4) basic living expenses;

10.15 (5) receipt of means-tested public assistance program; and

10.16 (6) any special circumstances that may bear on the person's ability to pay.

10.17 (e) Paragraph (d) shall not apply when a conviction for a violation that is included on
10.18 the uniform fine schedule authorized under section 609.101, subdivision 4, is entered without
10.19 a hearing before the court.

10.20 Sec. 8. **EARLY NEUTRAL EVALUATION STUDY AND REPORT.**

10.21 (a) The supreme court is requested to contract with the Board of Regents of the University
10.22 of Minnesota to develop and conduct a survey and report as provided in this section.

10.23 (b) The board, through its Extension Service, is requested to develop and conduct a
10.24 survey of all early neutral evaluation participants from November 1, 2019, to November 1,
10.25 2020. At a minimum, the survey must seek the following information:

10.26 (1) the participant's demographic information, including age, gender, and race;

10.27 (2) a participant's satisfaction levels with the early neutral evaluation process and outcome
10.28 as it relates to the following:

10.29 (i) custody arrangements;

10.30 (ii) parenting time;

- 11.1 (iii) property division;
- 11.2 (iv) legal expenses;
- 11.3 (v) length of time of the process;
- 11.4 (vi) level of cooperation of each party; and
- 11.5 (vii) the effectiveness of the neutral or neutrals;
- 11.6 (3) the participant's opinion regarding fairness of the early neutral evaluation process,
- 11.7 whether the participant's expectations were met, whether the participant made decisions
- 11.8 voluntarily, and whether the participant would recommend the early neutral evaluation to
- 11.9 others; and
- 11.10 (4) the participant's recommendations related to the early neutral evaluation process and
- 11.11 outcome.
- 11.12 (c) The Extension Service is requested to aggregate the results of the survey and report
- 11.13 summary data, as defined in Minnesota Statutes, section 13.03, subdivision 19, to the chairs
- 11.14 and ranking minority members of the legislative committees and divisions with jurisdiction
- 11.15 over children, families, and the judiciary by January 15, 2021. The report is requested to
- 11.16 include the following:
- 11.17 (1) the total number of early neutral evaluation participants;
- 11.18 (2) the total number of social-early neutral evaluation participants;
- 11.19 (3) the total number of financial-early neutral evaluation participants;
- 11.20 (4) all disaggregated data, including survey data, collected by judicial district;
- 11.21 (5) a description of the methods used to collect data; and
- 11.22 (6) a description of general trends, findings, and conclusions based on data collected.
- 11.23 (d) Data collected by the Extension Service in individual participant surveys are private
- 11.24 data on individuals, as defined in Minnesota Statutes, section 13.02, subdivision 12.

ARTICLE 3

FORFEITURE

- 11.25
- 11.26
- 11.27 Section 1. Minnesota Statutes 2018, section 84.7741, subdivision 13, is amended to read:
- 11.28 Subd. 13. **Reporting.** The appropriate agency and prosecuting authority shall report on
- 11.29 forfeitures occurring under this section as described in section ~~609.5315, subdivision 6~~
- 11.30 609.112, subdivision 35.

12.1 Sec. 2. Minnesota Statutes 2018, section 97A.221, subdivision 5, is amended to read:

12.2 Subd. 5. **Reporting.** The appropriate agency and prosecuting authority shall report on
12.3 forfeitures of firearms, bows, and motor vehicles occurring under this section as described
12.4 in section ~~609.5315, subdivision 6~~ 609.112, subdivision 35.

12.5 Sec. 3. Minnesota Statutes 2018, section 97A.223, subdivision 6, is amended to read:

12.6 Subd. 6. **Reporting.** The appropriate agency and prosecuting authority shall report on
12.7 forfeitures of firearms, bows, and motor vehicles occurring under this section as described
12.8 in section ~~609.5315, subdivision 6~~ 609.112, subdivision 35.

12.9 Sec. 4. Minnesota Statutes 2018, section 97A.225, subdivision 10, is amended to read:

12.10 Subd. 10. **Reporting.** The appropriate agency and prosecuting authority shall report on
12.11 forfeitures occurring under this section as described in section ~~609.5315, subdivision 6~~
12.12 609.112, subdivision 35.

12.13 Sec. 5. Minnesota Statutes 2018, section 152.21, subdivision 6, is amended to read:

12.14 Subd. 6. **Exemption from criminal sanctions.** For the purposes of this section, the
12.15 following are not violations under this chapter:

12.16 (1) use or possession of THC, or both, by a patient in the research program;

12.17 (2) possession, prescribing use of, administering, or dispensing THC, or any combination
12.18 of these actions, by the principal investigator or by any clinical investigator; and

12.19 (3) possession or distribution of THC, or both, by a pharmacy registered to handle
12.20 Schedule I substances which stores THC on behalf of the principal investigator or a clinical
12.21 investigator.

12.22 THC obtained and distributed pursuant to this section is not subject to forfeiture under
12.23 ~~sections 609.531 to 609.5316~~ section 609.112.

12.24 For the purposes of this section, THC is removed from Schedule I contained in section
12.25 152.02, subdivision 2, and inserted in Schedule II contained in section 152.02, subdivision
12.26 3.

12.27 Sec. 6. Minnesota Statutes 2018, section 152.32, subdivision 2, is amended to read:

12.28 Subd. 2. **Criminal and civil protections.** (a) Subject to section 152.23, the following
12.29 are not violations under this chapter:

13.1 (1) use or possession of medical cannabis or medical cannabis products by a patient
13.2 enrolled in the registry program, or possession by a registered designated caregiver or the
13.3 parent or legal guardian of a patient if the parent or legal guardian is listed on the registry
13.4 verification;

13.5 (2) possession, dosage determination, or sale of medical cannabis or medical cannabis
13.6 products by a medical cannabis manufacturer, employees of a manufacturer, a laboratory
13.7 conducting testing on medical cannabis, or employees of the laboratory; and

13.8 (3) possession of medical cannabis or medical cannabis products by any person while
13.9 carrying out the duties required under sections 152.22 to 152.37.

13.10 (b) Medical cannabis obtained and distributed pursuant to sections 152.22 to 152.37 and
13.11 associated property is not subject to forfeiture under ~~sections 609.531 to 609.5316~~ section
13.12 609.112.

13.13 (c) The commissioner, the commissioner's staff, the commissioner's agents or contractors,
13.14 and any health care practitioner are not subject to any civil or disciplinary penalties by the
13.15 Board of Medical Practice, the Board of Nursing, or by any business, occupational, or
13.16 professional licensing board or entity, solely for the participation in the registry program
13.17 under sections 152.22 to 152.37. A pharmacist licensed under chapter 151 is not subject to
13.18 any civil or disciplinary penalties by the Board of Pharmacy when acting in accordance
13.19 with the provisions of sections 152.22 to 152.37. Nothing in this section affects a professional
13.20 licensing board from taking action in response to violations of any other section of law.

13.21 (d) Notwithstanding any law to the contrary, the commissioner, the governor of
13.22 Minnesota, or an employee of any state agency may not be held civilly or criminally liable
13.23 for any injury, loss of property, personal injury, or death caused by any act or omission
13.24 while acting within the scope of office or employment under sections 152.22 to 152.37.

13.25 (e) Federal, state, and local law enforcement authorities are prohibited from accessing
13.26 the patient registry under sections 152.22 to 152.37 except when acting pursuant to a valid
13.27 search warrant.

13.28 (f) Notwithstanding any law to the contrary, neither the commissioner nor a public
13.29 employee may release data or information about an individual contained in any report,
13.30 document, or registry created under sections 152.22 to 152.37 or any information obtained
13.31 about a patient participating in the program, except as provided in sections 152.22 to 152.37.

13.32 (g) No information contained in a report, document, or registry or obtained from a patient
13.33 under sections 152.22 to 152.37 may be admitted as evidence in a criminal proceeding

14.1 unless independently obtained or in connection with a proceeding involving a violation of
14.2 sections 152.22 to 152.37.

14.3 (h) Notwithstanding section 13.09, any person who violates paragraph (e) or (f) is guilty
14.4 of a gross misdemeanor.

14.5 (i) An attorney may not be subject to disciplinary action by the Minnesota Supreme
14.6 Court or professional responsibility board for providing legal assistance to prospective or
14.7 registered manufacturers or others related to activity that is no longer subject to criminal
14.8 penalties under state law pursuant to sections 152.22 to 152.37.

14.9 (j) Possession of a registry verification or application for enrollment in the program by
14.10 a person entitled to possess or apply for enrollment in the registry program does not constitute
14.11 probable cause or reasonable suspicion, nor shall it be used to support a search of the person
14.12 or property of the person possessing or applying for the registry verification, or otherwise
14.13 subject the person or property of the person to inspection by any governmental agency.

14.14 Sec. 7. Minnesota Statutes 2018, section 299A.681, subdivision 11, is amended to read:

14.15 Subd. 11. **Forfeiture.** Property seized by the task force is subject to forfeiture pursuant
14.16 to sections 609.531, 609.532, 609.533, and 609.535 if ownership cannot be established.
14.17 ~~The task force shall receive the proceeds from the sale of all property properly seized and~~
14.18 ~~forfeited~~ under section 609.112.

14.19 Sec. 8. Minnesota Statutes 2018, section 357.021, subdivision 1a, is amended to read:

14.20 Subd. 1a. **Transmittal of fees to commissioner of management and budget.** (a) Every
14.21 person, including the state of Minnesota and all bodies politic and corporate, who shall
14.22 transact any business in the district court, shall pay to the court administrator of said court
14.23 the sundry fees prescribed in subdivision 2. Except as provided in paragraph (d), the court
14.24 administrator shall transmit the fees monthly to the commissioner of management and budget
14.25 for deposit in the state treasury and credit to the general fund. \$30 of each fee collected in
14.26 a dissolution action under subdivision 2, clause (1), must be deposited by the commissioner
14.27 of management and budget in the special revenue fund and is appropriated to the
14.28 commissioner of employment and economic development for the displaced homemaker
14.29 program under section 116L.96.

14.30 (b) In a county which has a screener-collector position, fees paid by a county pursuant
14.31 to this subdivision shall be transmitted monthly to the county treasurer, who shall apply the
14.32 fees first to reimburse the county for the amount of the salary paid for the screener-collector

15.1 position. The balance of the fees collected shall then be forwarded to the commissioner of
15.2 management and budget for deposit in the state treasury and credited to the general fund.

15.3 In a county in a judicial district under section 480.181, subdivision 1, paragraph (b), which
15.4 has a screener-collector position, the fees paid by a county shall be transmitted monthly to
15.5 the commissioner of management and budget for deposit in the state treasury and credited
15.6 to the general fund. A screener-collector position for purposes of this paragraph is an
15.7 employee whose function is to increase the collection of fines and to review the incomes
15.8 of potential clients of the public defender, in order to verify eligibility for that service.

15.9 (c) No fee is required under this section from the public authority or the party the public
15.10 authority represents in an action for:

15.11 (1) child support enforcement or modification, medical assistance enforcement, or
15.12 establishment of parentage in the district court, or in a proceeding under section 484.702;

15.13 (2) civil commitment under chapter 253B;

15.14 (3) the appointment of a public conservator or public guardian or any other action under
15.15 chapters 252A and 525;

15.16 (4) wrongfully obtaining public assistance under section 256.98 or 256D.07, or recovery
15.17 of overpayments of public assistance;

15.18 (5) court relief under chapters 260, 260A, 260B, and 260C;

15.19 (6) forfeiture of property under ~~sections 169A.63 and 609.531 to 609.5317~~ section
15.20 609.112;

15.21 (7) recovery of amounts issued by political subdivisions or public institutions under
15.22 sections 246.52, 252.27, 256.045, 256.25, 256.87, 256B.042, 256B.14, 256B.15, 256B.37,
15.23 260B.331, and 260C.331, or other sections referring to other forms of public assistance;

15.24 (8) restitution under section 611A.04; or

15.25 (9) actions seeking monetary relief in favor of the state pursuant to section 16D.14,
15.26 subdivision 5.

15.27 (d) \$20 from each fee collected for child support modifications under subdivision 2,
15.28 clause (13), must be transmitted to the county treasurer for deposit in the county general
15.29 fund and \$35 from each fee shall be credited to the state general fund. The fees must be
15.30 used by the county to pay for child support enforcement efforts by county attorneys.

16.1 Sec. 9. [609.112] CRIMINAL FORFEITURE.

16.2 Subdivision 1. Definitions. (a) As used in this section, the following terms have the
16.3 meanings given them.

16.4 (b) "Abandoned property" means personal property left by an owner who relinquishes
16.5 all rights to its control. Real property may not be abandoned.

16.6 (c) "Actual knowledge" means direct and clear awareness of information, a fact, or a
16.7 condition.

16.8 (d) "Appropriate agency" means the Bureau of Criminal Apprehension; the Department
16.9 of Commerce Fraud Bureau; the Minnesota Division of Driver and Vehicle Services; the
16.10 Minnesota State Patrol; a county sheriff's department; the Three Rivers Park District park
16.11 rangers; the University of Minnesota Police Department; the Department of Corrections
16.12 Fugitive Apprehension Unit; a city, metropolitan transit, or airport police department; or a
16.13 multijurisdictional entity established under section 299A.642 or 299A.681.

16.14 (e) "Contraband" means goods that, in themselves, are unlawful to possess. Contraband
16.15 includes but is not limited to scheduled drugs without a valid prescription; bullet-resistant
16.16 vests, as defined in section 609.486, worn or possessed during the commission or attempted
16.17 commission of a crime; and weapons upon conviction of the weapon's owner or possessor
16.18 for:

16.19 (1) a controlled substance crime;

16.20 (2) any offense of this chapter or chapter 624; or

16.21 (3) a violation of an order for protection under section 518B.01, subdivision 14.

16.22 In this chapter, contraband does not include proceeds derived from an alleged crime or an
16.23 instrumentality used in an alleged crime.

16.24 (f) "Conveyance" means a device used for transportation and includes a motor vehicle,
16.25 trailer, snowmobile, airplane, vessel, or any equipment attached to one of these devices.
16.26 The term does not include property that is stolen or taken in violation of the law.

16.27 (g) "Designated offense" means:

16.28 (1) for weapons used, any violation of this chapter or chapter 152 or 624;

16.29 (2) for driver's license or identification card transactions, any violation of section 171.22;

16.30 (3) all controlled substances that were manufactured, distributed, dispensed, or acquired
16.31 in violation of chapter 152, and all property, real and personal, that has been used or is

17.1 intended for use, or has in any way facilitated, in whole or in part, the manufacturing,
 17.2 compounding, processing, delivering, importing, cultivating, exporting, transporting, or
 17.3 exchanging of contraband, or a controlled substance that has not been lawfully manufactured,
 17.4 distributed, dispensed, and acquired, is subject to forfeiture under this section, except as
 17.5 provided in this section;

17.6 (4) a violation of section 169A.20 (driving while impaired) under the circumstances
 17.7 described in section 169A.24 (first-degree driving while impaired) or 169A.25 (second-degree
 17.8 driving while impaired);

17.9 (5) a violation of section 169A.20 or an ordinance in conformity with it:

17.10 (i) by a person whose driver's license or driving privileges have been canceled as inimical
 17.11 to public safety under section 171.04, subdivision 1, clause (10), and not reinstated; or

17.12 (ii) by a person who is subject to a restriction on the person's driver's license under
 17.13 section 171.09 (commissioner's license restrictions), which provides that the person may
 17.14 not use or consume any amount of alcohol or a controlled substance; or

17.15 (6) for all other purposes, a felony violation of or a felony-level attempt or conspiracy
 17.16 to violate section 325E.17; 325E.18; 609.185; 609.19; 609.195; 609.2112; 609.2113;
 17.17 609.2114; 609.221; 609.222; 609.223; 609.2231; 609.2335; 609.24; 609.245; 609.25;
 17.18 609.255; 609.282; 609.283; 609.322; 609.342, subdivision 1, clauses (a) to (f); 609.343,
 17.19 subdivision 1, clauses (a) to (f); 609.344, subdivision 1, clauses (a) to (e) and (h) to (j);
 17.20 609.345, subdivision 1, clauses (a) to (e) and (h) to (j); 609.352; 609.42; 609.425; 609.466;
 17.21 609.485; 609.487; 609.52; 609.525; 609.527; 609.528; 609.53; 609.54; 609.551; 609.561;
 17.22 609.562; 609.563; 609.582; 609.59; 609.595; 609.611; 609.631; 609.66, subdivision 1e;
 17.23 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89;
 17.24 609.893; 609.895; 617.246; or 617.247; or a gross misdemeanor or felony violation of
 17.25 section 609.891 or 624.7181; or any violation of section 609.324; or a felony violation of
 17.26 or a felony-level attempt or conspiracy to violate Minnesota Statutes 2012, section 609.21.

17.27 (h) "Instrumentality" means property otherwise lawful to possess that is used in the
 17.28 commission of a designated offense. An instrumentality includes but is not limited to land,
 17.29 buildings, a container, a conveyance, equipment, materials, products, a tool, a computer,
 17.30 computer software, a telecommunications device, a firearm, or ammunition.

17.31 (i) "Proceeds" means money, securities, negotiable instruments, or other means of
 17.32 exchange obtained by the sale of property.

17.33 Subd. 2. **Purpose.** Forfeiture is disfavored. The purpose of this chapter is to:

18.1 (1) deter criminal activity by reducing its economic incentives;

18.2 (2) confiscate property used in violation of the law and disgorge the fruits of illegal
 18.3 conduct; and

18.4 (3) protect rights due to defendants and innocent owners.

18.5 Subd. 3. **Seizure of personal property with process.** At the request of the state at any
 18.6 time, a court may issue an ex parte preliminary order to attach, seize, or secure personal
 18.7 property for which forfeiture is sought and to provide for its custody. Application, issuance,
 18.8 execution, and return are subject to state statute and court rules.

18.9 Subd. 4. **Seizure of personal property without process.** (a) Personal property is subject
 18.10 to forfeiture and may be seized without a court order if:

18.11 (1) the personal property is the subject of a prior judgment in favor of the state;

18.12 (2) the seizure of personal property is incident to a lawful arrest for a designated offense,
 18.13 the property was discovered in a lawful search, and the appropriate agency has probable
 18.14 cause to believe the property:

18.15 (i) was used in any manner or part to commit or to facilitate the commission of the
 18.16 designated offense; or

18.17 (ii) constitutes or was derived directly from proceeds of a designated offense; or

18.18 (3) the appropriate agency has probable cause to believe that the delay occasioned by
 18.19 the necessity to obtain process would result in the removal or destruction of the property
 18.20 and that:

18.21 (i) the property was used or is intended to be used in commission of a felony; or

18.22 (ii) the property is dangerous to health or safety.

18.23 (b) Mere presence or possession of United States currency, without other indicia of an
 18.24 offense that authorizes forfeiture of property, is insufficient probable cause for seizure of
 18.25 United States currency.

18.26 Subd. 5. **Seizure or restraint of real property with process.** (a) Seizure or restraint of
 18.27 real property requires a court order. Except as provided in subdivision 6, a court may issue
 18.28 an order to seize or secure real property for which forfeiture is sought only after proper
 18.29 notice to property owners and an opportunity for a contested hearing to determine the
 18.30 sufficiency of probable cause for the seizure.

19.1 (b) Except as provided in subdivision 6, nothing in this section prohibits the prosecuting
19.2 authority from seeking a lis pendens or restraining order to hinder the sale or destruction
19.3 of the real property. However, if the prosecuting attorney obtains a lis pendens or restraining
19.4 order, the prosecuting authority shall notify any party with an interest in any real property
19.5 within 30 days.

19.6 (c) Application, filing, issuance, execution, and return of any order are subject to state
19.7 law.

19.8 **Subd. 6. Rental property.** (a) When contraband or a controlled substance manufactured,
19.9 distributed, or acquired in violation of chapter 152 is seized on residential rental property
19.10 incident to a lawful search or arrest, the prosecuting authority shall give the notice required
19.11 by this subdivision to (1) the landlord of the property or the fee owner identified in the
19.12 records of the county assessor, and (2) the agent authorized by the owner to accept service
19.13 pursuant to section 504B.181. The notice is not required during an ongoing investigation.
19.14 The notice shall state what has been seized and specify the applicable duties and penalties
19.15 under this subdivision. The notice shall state that the landlord who chooses to assign the
19.16 right to bring an eviction action retains all rights and duties, including removal of a tenant's
19.17 personal property following issuance of the writ of recovery and delivery of the writ to the
19.18 sheriff for execution. The notice shall also state that the landlord may contact the prosecuting
19.19 authority if threatened by the tenant. Notice shall be sent by certified letter, return receipt
19.20 requested, within 30 days of the seizure. If receipt is not returned, notice shall be given in
19.21 the manner provided by law for service of summons in a civil action.

19.22 (b) Within 15 days after notice of the first occurrence, the landlord shall bring or assign
19.23 to the prosecuting authority of the county in which the real property is located the right to
19.24 bring an eviction action against the tenant. The assignment must be in writing on a form
19.25 prepared by the prosecuting authority. If the landlord chooses to assign the right to bring
19.26 an eviction action, the assignment shall be limited to those rights and duties up to and
19.27 including delivery of the writ of recovery to the sheriff for execution.

19.28 (c) Upon notice of a second occurrence on any residential rental property owned by the
19.29 same landlord in the same county and involving the same tenant, and within one year after
19.30 notice of the first occurrence, the property is subject to forfeiture under this section unless
19.31 an eviction action has been commenced as provided in paragraph (b) or the right to bring
19.32 an eviction action was assigned to the prosecuting authority as provided in paragraph (b).
19.33 If the right has been assigned and not previously exercised, or if the prosecuting authority
19.34 requests an assignment and the landlord makes an assignment, the prosecuting authority
19.35 may bring an eviction action rather than an action for forfeiture.

20.1 (d) The Department of Corrections Fugitive Apprehension Unit shall not seize real
20.2 property for the purposes of forfeiture as described in paragraphs (a) to (c).

20.3 (e) It is a defense against a proceeding under paragraph (b) that the tenant had no
20.4 knowledge or reason to know of the presence of the contraband or controlled substance or
20.5 could not prevent its being brought onto the property. It is a defense against a proceeding
20.6 under paragraph (c) that the landlord made every reasonable attempt to evict a tenant or to
20.7 assign the prosecuting authority the right to bring an eviction action against the tenant or
20.8 that the landlord did not receive notice of the seizure.

20.9 (f) This subdivision shall not apply if the retail value of the controlled substance is less
20.10 than \$100, but this subdivision does not subject real property to forfeiture unless (1) the
20.11 retail value of the controlled substance is \$1,000 or more, or (2) there have been two previous
20.12 controlled substance seizures involving the same tenant.

20.13 Subd. 7. **Exemptions.** (a) The following property is exempt from seizure and forfeiture:

20.14 (1) homestead real property;

20.15 (2) United States currency totaling no more than \$300; and

20.16 (3) a motor vehicle of no more than \$2,500 in market value, except that this provision
20.17 does not apply to a motor vehicle used in violation of section 609.66, subdivision 1e.

20.18 (b) A prosecuting authority may establish an exemption with a minimum dollar amount
20.19 larger than those in paragraph (a), clauses (2) and (3), in the prosecuting authority's
20.20 jurisdiction.

20.21 Subd. 8. **Contraband.** No property right exists in contraband. Contraband is subject to
20.22 seizure and shall be disposed of according to law.

20.23 Subd. 9. **Waiver prohibition.** (a) An appropriate agency may not request, require, or
20.24 in any manner induce any person to execute a document purporting to waive, for purposes
20.25 of forfeiture under this section, the person's interest in or rights to property seized. This
20.26 prohibition does not apply to the prosecuting agency responsible for the litigation of the
20.27 forfeiture case.

20.28 (b) Any document in violation of paragraph (a) purporting to waive a person's interest
20.29 in, or right to, property seized under this chapter is null, void, and inadmissible in court.

20.30 Subd. 10. **Receipt.** When property is seized, the appropriate agency shall give an itemized
20.31 receipt to the person possessing the property or, in the absence of any person, leave a receipt
20.32 in the place where the property was found, if reasonably possible.

21.1 Subd. 11. Criminal forfeiture; property subject to forfeiture. When a person is
21.2 convicted of violating a designated offense, the court, consistent with this chapter, may
21.3 order the person to forfeit:

21.4 (1) any property constituting or derived directly from proceeds of the underlying offense
21.5 for which the person is convicted; or

21.6 (2) any of the person's property used in any manner or part to commit or to facilitate the
21.7 commission of the offense for which the person is convicted.

21.8 Subd. 12. Conviction required; standard of proof. (a) There shall be no civil forfeiture
21.9 under this chapter.

21.10 (b) Property may be forfeited if (1) the offense is a designated offense, (2) the offense
21.11 is established by proof of a criminal conviction, and (3) the state establishes that the property
21.12 is subject to forfeiture under subdivision 11 by clear and convincing evidence.

21.13 (c) Nothing in this section prevents property from being forfeited by plea agreement
21.14 approved by the presiding criminal court except the court shall not accept a plea agreement
21.15 or other arrangement that prevents the claims of any person who filed a statement of interest
21.16 or ownership pursuant to subdivision 20 or 21 from being adjudicated.

21.17 (d) The court may waive the conviction requirement if the prosecuting authority shows
21.18 by clear and convincing evidence that, before conviction, the defendant:

21.19 (1) died;

21.20 (2) no longer resides in the United States;

21.21 (3) was granted immunity or reduced punishment in exchange for testifying or assisting
21.22 a law enforcement investigation or prosecution;

21.23 (4) fled state jurisdiction; or

21.24 (5) abandoned the property.

21.25 (e) Notwithstanding any law to the contrary, the court shall order the sale of personal
21.26 property that is (1) seized from a person who flees state jurisdiction, or (2) abandoned to
21.27 be credited to the state general fund.

21.28 (f) The court shall order currency that is (1) seized from a person who flees the
21.29 jurisdiction, or (2) abandoned to be credited to the state general fund.

22.1 Subd. 13. **Forfeiture indictment.** (a) In any case in which the state seeks forfeiture of
22.2 property except through a complaint as provided in subdivision 14, the prosecuting authority
22.3 shall file an indictment or information that includes:

22.4 (1) a criminal charge; and

22.5 (2) a charge for which forfeiture of property under this chapter may be ordered. This
22.6 property-related charge shall identify the specific assets to be forfeited, if known, or the
22.7 relevant forfeiture statutes if specific assets to be forfeited are not known at the time the
22.8 prosecuting authority requests the issuance of the indictment.

22.9 (b) Upon application of the prosecuting authority, the court may enter a restraining order
22.10 or injunction, or take other action to preserve the availability of property only:

22.11 (1) upon the issuance of an indictment or information according to paragraph (a); or

22.12 (2) prior to the issuance of such an indictment or information if the court determines
22.13 there is a substantial probability the state will prevail on the issue of criminal forfeiture and
22.14 that failure to enter the order will result in property being destroyed, removed from the
22.15 jurisdiction, or otherwise made unavailable for forfeiture.

22.16 (c) Any order entered pursuant to paragraph (b) shall be effective for not more than 90
22.17 days, unless extended by the court for good cause shown or unless an indictment or
22.18 information described in paragraph (b), clause (1), has been subsequently issued.

22.19 (d) Notice must be provided as set forth in the complaint process provided in subdivision
22.20 14 to all persons known to have an interest in the property who are not named in the
22.21 indictment or information.

22.22 Subd. 14. **Forfeiture complaint; service of process.** (a) In any case in which the state
22.23 seeks forfeiture of property, except when the state seeks forfeiture through indictment or
22.24 information as provided in subdivision 13, the prosecuting authority shall file a criminal
22.25 complaint that includes (1) criminal charges, and (2) the information identified in paragraph
22.26 (b) before the defendant's first appearance in court. Upon motion by the prosecuting authority,
22.27 a court may permit the filing of an amended criminal complaint within seven days of the
22.28 first appearance for good cause shown. Service of an amended criminal complaint on a
22.29 represented party must be made on the attorney. Service on the attorney or party must be
22.30 made in the manner provided by the rules of practice of the court, including by electronic
22.31 means as authorized by the court. The court shall verify service at the defendant's next
22.32 appearance.

22.33 (b) A complaint in any case in which the state seeks forfeiture of property must include:

- 23.1 (1) a description of the property seized;
- 23.2 (2) the date and place of the seizure;
- 23.3 (3) the name and address of the appropriate agency responsible for the seizure;
- 23.4 (4) a statement of facts establishing probable cause to believe that the charged offense
23.5 has been committed, that the defendant committed it, and that the seized property is an
23.6 instrument or represents the proceeds of the underlying offense;
- 23.7 (5) the name of any person known to the prosecuting authority to have an interest in the
23.8 property and the nature of that interest; and
- 23.9 (6) references to the relevant statutory provisions required to show the property is the
23.10 type of property that may be forfeited under subdivision 11.
- 23.11 (c) If notice is not served in accordance with paragraphs (a) and (b) to all persons
23.12 appearing to have an interest in the property and no time extension is granted or the extension
23.13 period has expired, the appropriate agency shall, upon the owner's request, return the property
23.14 to the person from whom the property was seized, if known. The agency shall not be required
23.15 to return contraband.
- 23.16 (d) Failure to file a forfeiture complaint required by this subdivision shall not invalidate
23.17 prosecution for the underlying criminal offense.
- 23.18 (e) Unless otherwise specified in law, the prosecuting authority shall provide notice of
23.19 the forfeiture proceeding to the registered owner of any vehicle and any other individual
23.20 known to have an interest in any property subject to forfeiture under this section who is not
23.21 charged with a crime in the complaint. Notice must be given within seven days of the filing
23.22 of the complaint pursuant to paragraph (a) or, if an interest was not known at the time of
23.23 the filing, within seven days of discovery of an individual with an interest in the property
23.24 and may be made by personal service if the owner is a resident of this state, or by certified
23.25 mail if the person is a resident of another state.
- 23.26 (f) The notice must be in writing and contain:
- 23.27 (1) a description of the property seized;
- 23.28 (2) the date of seizure; and
- 23.29 (3) a copy of the complaint filed pursuant to paragraph (a).
- 23.30 (g) Substantially, the following language must appear conspicuously in the notice:

24.1 "WARNING: You may lose the right to be heard in court if you do not file a petition
24.2 pursuant to Minnesota Statutes, section 609.112, subdivision 20 or 21. You do not have to
24.3 pay a filing fee to file your notice."

24.4 Subd. 15. **Title.** (a) Title to the property subject to forfeiture vests with the state when
24.5 the court issues a forfeiture judgment and relates back to the time when the state seizes or
24.6 restrains the property.

24.7 (b) Title to substitute assets vests when the court issues an order forfeiting substitute
24.8 assets.

24.9 (c) For either paragraph (a) or (b), title is subject to claims by third parties adjudicated
24.10 under this chapter.

24.11 Subd. 16. **Defendant's pretrial replevin hearing.** (a) Following the seizure of property,
24.12 a defendant has a right to a pretrial hearing to determine the validity of the seizure.

24.13 (b) The court shall hold the hearing at the time the defendant enters a plea or no later
24.14 than 14 days after the defendant's first appearance under rule 5 of the Rules of Criminal
24.15 Procedure.

24.16 (c) Either party may, by agreement or for good cause, move the court for one extension
24.17 of no more than ten days. This motion may be supported by affidavits or other submissions.

24.18 (d) The court shall issue a writ of replevin if it finds that:

24.19 (1) it is likely the final judgment will be that the state must return the property to the
24.20 defendant;

24.21 (2) the property is not reasonably required to be held for evidentiary reasons; and

24.22 (3) the property is the only reasonable means for the defendant to pay for legal
24.23 representation and minimum living expenses in the forfeiture or criminal proceeding unless
24.24 the prosecuting authority shows by clear and convincing evidence that the property is the
24.25 instrument or proceeds of an offense for which the defendant is charged. At the court's
24.26 discretion, it may order the return of funds or property sufficient to obtain counsel of choice
24.27 but less than the total amount seized.

24.28 Subd. 17. **Discovery.** Discovery is subject to the Rules of Criminal Procedure.

24.29 Subd. 18. **Venue; trial proceedings.** (a) The district court with jurisdiction over the
24.30 related criminal matter has jurisdiction over the forfeiture proceeding.

24.31 (b) The litigation related to the forfeiture of property shall be held in a single proceeding
24.32 following entry of a plea of guilty or the trial of the related alleged offense. The litigation

25.1 associated with the forfeiture of property of less than \$10,000 in value shall be held before
25.2 only a judge.

25.3 (c) The court is not bound by the rules of evidence or technical or formal rules of pleading
25.4 or procedure in the litigation related to the forfeiture of property when a property owner
25.5 engages in pro se representation in a case before a judge.

25.6 (d) If the defendant in the related criminal matter was represented by the public defender,
25.7 the state public defender or chief public defender of the judicial district may authorize
25.8 representation of the defendant in the forfeiture proceeding.

25.9 Subd. 19. **Proportionality hearing.** (a) At any time during a hearing pursuant to
25.10 subdivision 16 or 18, the defendant may petition the court to determine whether the forfeiture
25.11 is unconstitutionally excessive under the state or federal constitution.

25.12 (b) The defendant has the burden of proving the forfeiture is disproportional to the
25.13 seriousness of the offense by a preponderance of the evidence at a hearing conducted by
25.14 the court without a jury.

25.15 (c) In determining whether the forfeiture of an instrumentality is unconstitutionally
25.16 excessive, the court may consider all relevant factors, including but not limited to:

25.17 (1) the seriousness of the offense and its impact on the community, including the duration
25.18 of the activity and the harm caused by the defendant;

25.19 (2) the extent to which the defendant participated in the offense;

25.20 (3) the extent to which the property was used in committing the offense;

25.21 (4) the sentence imposed for committing the crime authorizing forfeiture; and

25.22 (5) whether the offense was completed or attempted.

25.23 (d) In determining the value of the instrumentality subject to forfeiture, the court may
25.24 consider the fair market value of the property.

25.25 (e) The court may also consider:

25.26 (1) the hardship to the defendant if the forfeiture is realized and if the forfeiture would
25.27 deprive the property owner of the owner's livelihood; and

25.28 (2) the hardship from the loss of a primary residence, motor vehicle, or other property
25.29 to the defendant's family members or others if the property is forfeited.

25.30 (f) The court may not consider the value of the instrumentality to the state in determining
25.31 whether the forfeiture of an instrumentality is constitutionally excessive.

26.1 Subd. 20. Secured interest. (a) Property encumbered by a bona fide security interest is
26.2 not subject to forfeiture. A person claiming a security interest must establish by clear and
26.3 convincing evidence the validity of the interest.

26.4 (b) The prosecuting authority summarily and without unreasonable delay shall return
26.5 seized property to the person with a bona fide security interest, up to the value of the secured
26.6 interest.

26.7 (c) If the person alleges a valid security interest but the state seeks to proceed with the
26.8 forfeiture against the property claimed by the person, the state shall prove by clear and
26.9 convincing evidence that the person had actual knowledge of the underlying crime giving
26.10 rise to the forfeiture. Either party may ask the court for a hearing at any time before the
26.11 court enters a judgment in the criminal prosecution.

26.12 Subd. 21. Innocent owner. (a) Any person, including an heir but excluding the defendant
26.13 or a secured-interest holder, asserting a legal interest in property that has been seized or
26.14 restrained may, at any time before the court enters judgment in the criminal prosecution,
26.15 petition the court for a hearing to adjudicate the validity of the person's alleged interest in
26.16 the property. The hearing shall be held before the court without a jury.

26.17 (b) The petitioner shall file a simple statement of interest or ownership. The petitioner
26.18 shall sign the petition under penalty of perjury and shall set forth the nature and extent of
26.19 the petitioner's right, title, or interest in the property; the time and circumstances of the
26.20 petitioner's acquisition of the right, title, or interest in the property; any additional facts
26.21 supporting the petitioner's claim; and the relief sought.

26.22 (c) The filing fee for the statement under this subdivision is waived.

26.23 (d) The hearing on the petition shall, to the extent practicable and consistent with the
26.24 interests of justice, be held within 30 days of the filing of the petition. The court may
26.25 consolidate the hearing on the petition with a hearing on any other petition filed by a person
26.26 other than the defendant under this subdivision.

26.27 (e) At the hearing, the petitioner may testify and present evidence and witnesses on the
26.28 petitioner's own behalf and cross-examine witnesses who appear at the hearing. The state
26.29 may present evidence and witnesses in rebuttal and in defense of its claim to the property
26.30 and cross-examine witnesses who appear at the hearing.

26.31 (f) The petitioner who has an ownership interest in property subject to forfeiture at the
26.32 time the commission of the crime giving rise to forfeiture occurred and who claims to be

27.1 an innocent owner bears the burden of proving by clear and convincing evidence that the
27.2 person has a legal right, title, or interest in the property seized under this chapter.

27.3 (g) If paragraph (f) is satisfied and the state seeks to proceed with the forfeiture of the
27.4 property, the state shall prove by clear and convincing evidence that the petitioner had actual
27.5 knowledge of the underlying crime giving rise to the forfeiture.

27.6 (h) A petitioner who acquired an ownership interest in property subject to forfeiture
27.7 after the commission of the crime giving rise to the forfeiture and who claims to be an
27.8 innocent owner bears the burden of proving by clear and convincing evidence that the person
27.9 has a legal right, title, or interest in the property seized under this chapter.

27.10 (i) If paragraph (h) is satisfied and the state seeks to proceed with the forfeiture of the
27.11 property, the state shall prove by clear and convincing evidence that, at the time the petitioner
27.12 acquired the property, the person:

27.13 (1) had actual knowledge that the property was subject to forfeiture; or

27.14 (2) was not a bona fide purchaser without notice of any defect in title and for valuable
27.15 consideration.

27.16 (j) If the state fails to meet its burden in paragraph (g) or (i), the court shall find that the
27.17 petitioner is an innocent owner and shall order the state to relinquish all claims of title to
27.18 the property.

27.19 (k) No information in the statement of interest or ownership filed pursuant to this section
27.20 shall be used as evidence in the criminal matter. Nothing in this section prohibits the
27.21 petitioner who has filed a statement of interest or ownership under this section from providing
27.22 information to any prosecuting authority or defendant involved in the related criminal matter
27.23 or representatives of any prosecuting authority or defendant, or from testifying in any
27.24 criminal trial as to facts within the petitioner's knowledge.

27.25 (l) The defendant or convicted offender may invoke the right against self-incrimination
27.26 or the marital privilege during the forfeiture-related stage of the prosecution. The trier of
27.27 fact at the hearing may draw an adverse inference from the invocation of the right or
27.28 privilege.

27.29 Subd. 22. **Judgment.** (a) If the prosecuting authority fails to meet its burden as to any
27.30 claimant, the court must enter judgment dismissing the forfeiture proceeding and delivering
27.31 the property to the prevailing owner, unless the owner's possession of the property is illegal.

27.32 (b) If the prosecuting authority meets its burden as to all claimants, the court shall enter
27.33 judgment forfeiting the seized property.

28.1 (c) A court may enter judgment following a hearing or pursuant to a stipulation or plea
28.2 agreement.

28.3 Subd. 23. **Substitution of assets.** Upon the state's motion following conviction, the court
28.4 may order the forfeiture of substitute property owned by the defendant up to the value of
28.5 unreachable property that is beyond the court's jurisdiction or cannot be located through
28.6 due diligence only if the state proves by a preponderance of the evidence that the defendant
28.7 intentionally:

28.8 (1) dissipated property;

28.9 (2) transferred, sold, or deposited property with a third party to avoid forfeiture;

28.10 (3) diminished substantially the value of the property; or

28.11 (4) commingled property with other property that cannot be divided without difficulty.

28.12 Subd. 24. **No additional remedies.** The state may not seek personal money judgments
28.13 or other remedies related to the forfeiture of property not provided for in this section.

28.14 Subd. 25. **No joint and several liability.** A defendant is not jointly and severally liable
28.15 for forfeiture awards owed by other defendants. When ownership is unclear, a court may
28.16 order each defendant to forfeit property on a pro rata basis or by another means the court
28.17 finds equitable.

28.18 Subd. 26. **Appeal.** (a) A party to forfeiture litigation, other than the defendant, may
28.19 appeal the district court's decision regarding the seizure, on an interlocutory basis, or
28.20 forfeiture of property under this chapter.

28.21 (b) The defendant may appeal the district court's decision regarding the seizure or
28.22 forfeiture of property following judgment in the forfeiture litigation.

28.23 Subd. 27. **Attorney fees.** In any proceeding in which a property owner's claims prevail
28.24 by recovering at least half, by value, of the property or currency claimed, the seizing agency
28.25 shall be liable for:

28.26 (1) attorney fees and other litigation costs reasonably incurred by the claimant;

28.27 (2) postjudgment interest; and

28.28 (3) in cases involving currency, other negotiable instruments, or the proceeds of an
28.29 interlocutory sale, any interest actually paid from the date of seizure.

28.30 Subd. 28. **Return of property; damages; costs.** (a) If the court orders the return of
28.31 property, the appropriate agency that holds the property shall return the property to the

29.1 owner or other prevailing claimant within a reasonable period of time not to exceed five
29.2 days after entry of judgment.

29.3 (b) Any owner to whom property is returned shall not be subject to any charges for
29.4 storage of the property or expenses incurred in the preservation of the property.

29.5 (c) The appropriate agency that holds the property is responsible for any damages, storage
29.6 fees, and related costs applicable to property returned under this section.

29.7 Subd. 29. **Disposition of property and proceeds.** (a) At any time when contraband held
29.8 for evidentiary purposes is no longer needed for that purpose, the court may order that it be
29.9 destroyed pursuant to state law.

29.10 (b) At any time when abandoned property held for evidentiary purposes is no longer
29.11 needed for that purpose, the court may order the property to be sold and the proceeds
29.12 distributed pursuant to subdivision 12, paragraphs (e) and (f).

29.13 (c) If forfeiture is granted, the proceeds from the sale of forfeited personal property shall
29.14 first be used to pay all outstanding recorded liens on the forfeited property.

29.15 (d) The court may then order that a portion of the currency seized or proceeds from the
29.16 sale of forfeited property be used to (1) pay the victim of the crime for which the defendant
29.17 is convicted, and (2) pay reasonable nonpersonnel expenses for the seizure, storage, and
29.18 maintenance of any forfeited property.

29.19 (e) The court must then order remaining funds be credited equally to:

29.20 (1) the account of the Office of Justice Programs;

29.21 (2) the commissioner for distribution to crime victims services organizations that provide
29.22 services to sexually exploited youth, as defined in section 260C.007, subdivision 31;

29.23 (3) the Minnesota Board of Public Defense; and

29.24 (4) the state general fund.

29.25 Subd. 30. **Prohibition on retaining property; sale restrictions.** No appropriate agency
29.26 may retain forfeited or abandoned property for its own use or sell it directly or indirectly
29.27 to any employee of the agency, to a person related to an employee by blood or marriage,
29.28 or to another appropriate agency or any other law enforcement agency.

29.29 Subd. 31. **Prohibition of federal adoption.** A local, county, or state law enforcement
29.30 agency shall not refer, transfer, or otherwise relinquish possession of property seized under
29.31 state law to a federal agency by way of adoption of the seized property or other means by
29.32 the federal agency for the purpose of the property's forfeiture under the federal Controlled

30.1 Substances Act, United States Code, title 21, section 881, or the Comprehensive Drug Abuse
30.2 Prevention and Control Act of 1970, Public Law 91-513, section 413.

30.3 Subd. 32. **Limit on receiving forfeiture proceeds from joint task forces.** (a) In a case
30.4 in which the aggregate net equity value of the property and currency seized has a value of
30.5 \$50,000 or less, excluding the value of contraband, a local, county, or state law enforcement
30.6 agency or participant in a joint task force or other multijurisdictional collaboration with the
30.7 federal government shall transfer responsibility for the seized property to the state prosecuting
30.8 authority for forfeiture under state law.

30.9 (b) If the federal government prohibits the transfer of seized property and currency to
30.10 the state prosecuting authority as required by paragraph (a) and instead requires the property
30.11 be transferred to the federal government for forfeiture under federal law, the agency is
30.12 prohibited from accepting payment of any kind or distribution of forfeiture proceeds from
30.13 the federal government.

30.14 (c) Nothing in paragraph (a) or (b) shall be construed to restrict an agency from
30.15 transferring responsibility to the federal government for forfeiture of seized property and
30.16 currency that has an aggregate net equity value of greater than \$50,000, excluding the value
30.17 of contraband.

30.18 (d) Nothing in paragraph (a) or (b) or subdivision 31 shall be construed to restrict a local,
30.19 county, or state law enforcement agency from acting alone or collaborating with a federal
30.20 agency or other agency to seize contraband or property a law enforcement agent has probable
30.21 cause to believe is the proceeds or instruments of a crime that subjects property to forfeiture.

30.22 (e) Nothing in paragraph (a) or (b) or subdivision 31 shall be construed to prohibit the
30.23 federal government, acting without the involvement of a local, county, or state law
30.24 enforcement agency, from seizing property and seeking forfeiture under federal law.

30.25 Subd. 33. **Preemption.** This chapter preempts laws by other governments in the state
30.26 that regulate forfeiture of property in crimes related to controlled substances and driving
30.27 while impaired.

30.28 Subd. 34. **Exception.** The provisions of this section other than the reporting requirement
30.29 under subdivision 35 do not apply to seizure or forfeiture proceedings under chapter 84 or
30.30 97A.

30.31 Subd. 35. **Reporting requirement.** (a) For each forfeiture occurring in the state, the
30.32 appropriate agency and the prosecuting authority shall provide a written record of the
30.33 forfeiture incident to the state auditor. The record shall include the amount forfeited, the

31.1 statutory authority for the forfeiture, the date, a brief description of the circumstances
 31.2 involved, and whether the forfeiture was contested. The record shall also list the number of
 31.3 firearms forfeited and the make, model, and serial number of each firearm forfeited. The
 31.4 record shall indicate how the property was or is to be disposed of.

31.5 (b) An appropriate agency or the prosecuting authority shall report to the state auditor
 31.6 all instances in which property seized for forfeiture is returned to its owner either because
 31.7 forfeiture is not pursued or for any other reason.

31.8 (c) Reports shall be made on a monthly basis in a manner prescribed by the state auditor.
 31.9 The state auditor shall report annually to the legislature on the nature and extent of forfeitures.

31.10 (d) For forfeitures resulting from the activities of multijurisdictional law enforcement
 31.11 entities, the entity on its own behalf shall report the information required in this subdivision.

31.12 (e) The prosecuting authority is not required to report information required by this
 31.13 subdivision unless the prosecuting authority has been notified by the state auditor that the
 31.14 appropriate agency has not reported it.

31.15 Sec. 10. Minnesota Statutes 2018, section 609.66, subdivision 1d, is amended to read:

31.16 Subd. 1d. **Possession on school property; penalty.** (a) Except as provided under
 31.17 paragraphs (d) and (f), whoever possesses, stores, or keeps a dangerous weapon while
 31.18 knowingly on school property is guilty of a felony and may be sentenced to imprisonment
 31.19 for not more than five years or to payment of a fine of not more than \$10,000, or both.

31.20 (b) Whoever uses or brandishes a replica firearm or a BB gun while knowingly on school
 31.21 property is guilty of a gross misdemeanor.

31.22 (c) Whoever possesses, stores, or keeps a replica firearm or a BB gun while knowingly
 31.23 on school property is guilty of a misdemeanor.

31.24 (d) Notwithstanding paragraph (a), (b), or (c), it is a misdemeanor for a person authorized
 31.25 to carry a firearm under the provisions of a permit or otherwise to carry a firearm on or
 31.26 about the person's clothes or person in a location the person knows is school property.
 31.27 Notwithstanding ~~section 609.531~~ any law to the contrary, a firearm carried in violation of
 31.28 this paragraph is not subject to forfeiture.

31.29 (e) As used in this subdivision:

31.30 (1) "BB gun" means a device that fires or ejects a shot measuring .18 of an inch or less
 31.31 in diameter;

31.32 (2) "dangerous weapon" has the meaning given it in section 609.02, subdivision 6;

- 32.1 (3) "replica firearm" has the meaning given it in section 609.713; and
- 32.2 (4) "school property" means:
- 32.3 (i) a public or private elementary, middle, or secondary school building and its improved
- 32.4 grounds, whether leased or owned by the school;
- 32.5 (ii) a child care center licensed under chapter 245A during the period children are present
- 32.6 and participating in a child care program;
- 32.7 (iii) the area within a school bus when that bus is being used by a school to transport
- 32.8 one or more elementary, middle, or secondary school students to and from school-related
- 32.9 activities, including curricular, cocurricular, noncurricular, extracurricular, and supplementary
- 32.10 activities; and
- 32.11 (iv) that portion of a building or facility under the temporary, exclusive control of a
- 32.12 public or private school, a school district, or an association of such entities where conspicuous
- 32.13 signs are prominently posted at each entrance that give actual notice to persons of the
- 32.14 school-related use.
- 32.15 (f) This subdivision does not apply to:
- 32.16 (1) active licensed peace officers;
- 32.17 (2) military personnel or students participating in military training, who are on-duty,
- 32.18 performing official duties;
- 32.19 (3) persons authorized to carry a pistol under section 624.714 while in a motor vehicle
- 32.20 or outside of a motor vehicle to directly place a firearm in, or retrieve it from, the trunk or
- 32.21 rear area of the vehicle;
- 32.22 (4) persons who keep or store in a motor vehicle pistols in accordance with section
- 32.23 624.714 or 624.715 or other firearms in accordance with section 97B.045;
- 32.24 (5) firearm safety or marksmanship courses or activities conducted on school property;
- 32.25 (6) possession of dangerous weapons, BB guns, or replica firearms by a ceremonial
- 32.26 color guard;
- 32.27 (7) a gun or knife show held on school property;
- 32.28 (8) possession of dangerous weapons, BB guns, or replica firearms with written
- 32.29 permission of the principal or other person having general control and supervision of the
- 32.30 school or the director of a child care center; or

33.1 (9) persons who are on unimproved property owned or leased by a child care center,
 33.2 school, or school district unless the person knows that a student is currently present on the
 33.3 land for a school-related activity.

33.4 (g) Notwithstanding section 471.634, a school district or other entity composed
 33.5 exclusively of school districts may not regulate firearms, ammunition, or their respective
 33.6 components, when possessed or carried by nonstudents or nonemployees, in a manner that
 33.7 is inconsistent with this subdivision.

33.8 Sec. 11. Minnesota Statutes 2018, section 609.762, subdivision 2, is amended to read:

33.9 Subd. 2. **Seizure.** Forfeiture of property subject to forfeiture under identified in
 33.10 subdivision 1 may be seized by any law enforcement agency upon process issued by any
 33.11 court having jurisdiction over the property. Seizure without process may be made if: must
 33.12 be made pursuant to section 609.112.

33.13 ~~(1) the seizure is incident to an arrest or a search under a search warrant;~~

33.14 ~~(2) the property subject to seizure has been the subject of a prior judgment in favor of~~
 33.15 ~~the state in a criminal injunction or forfeiture proceeding; or~~

33.16 ~~(3) the law enforcement agency has probable cause to believe that the property was used~~
 33.17 ~~or is intended to be used in a gambling violation and the delay occasioned by the necessity~~
 33.18 ~~to obtain process would result in the removal, loss, or destruction of the property.~~

33.19 Sec. 12. Minnesota Statutes 2018, section 609.856, subdivision 2, is amended to read:

33.20 Subd. 2. **Forfeiture.** A radio or device defined in subdivision 1 that is used in the
 33.21 commission of a felony or violation of section 609.487 or attempt to commit a felony or
 33.22 violation of section 609.487 is contraband property and subject to the forfeiture provisions
 33.23 of section ~~609.531~~ 609.112.

33.24 Sec. 13. Minnesota Statutes 2018, section 609.895, subdivision 5, is amended to read:

33.25 Subd. 5. **Forfeiture.** Property used to commit or facilitate the commission of a violation
 33.26 of this section, and all money and property representing proceeds of a violation of this
 33.27 section, shall be forfeited in accordance with ~~sections 609.531 to 609.5316~~ section 609.112.
 33.28 Notwithstanding any provision of section ~~609.5315~~ 609.112 to the contrary, forfeited items
 33.29 bearing or identified by a counterfeit mark must be destroyed unless the intellectual property
 33.30 owner consents to another disposition.

34.1 Sec. 14. Minnesota Statutes 2018, section 609.908, subdivision 3, is amended to read:

34.2 Subd. 3. **Sale proceeds.** The proceeds of a sale or other disposition of forfeited property
34.3 under this section whether by final judgment, settlement, or otherwise, must be applied as
34.4 follows:

34.5 (1) to the fees and costs of the forfeiture and sale including expenses of seizure,
34.6 maintenance, and custody of the property pending its disposition, advertising, and court
34.7 costs;

34.8 (2) to all costs and expenses of investigation and prosecution including costs of resources
34.9 and personnel incurred in investigation and prosecution; and

34.10 (3) the balance to the appropriate agencies under section ~~609.5315, subdivision 5~~ 609.112,
34.11 subdivision 28.

34.12 Sec. 15. Minnesota Statutes 2018, section 609B.515, is amended to read:

34.13 **609B.515 DWI; VEHICLE FORFEITURE.**

34.14 Under section ~~169A.63~~ 609.112, a motor vehicle is subject to forfeiture if a driver is
34.15 convicted of a "designated offense," as defined in section ~~169A.63, subdivision 1~~ 609.112,
34.16 subdivision 1.

34.17 Section ~~169A.63, subdivision 7,~~ 609.112 specifies limitations on vehicle forfeiture.
34.18 ~~Section 169A.63, subdivisions 8 and 9, provide for administrative forfeiture procedure and~~
34.19 ~~judicial forfeiture procedure. Section 169A.63, subdivisions 10 and 11, provide for disposition~~
34.20 ~~of a forfeited vehicle.~~

34.21 Sec. 16. Minnesota Statutes 2018, section 611.32, subdivision 2, is amended to read:

34.22 Subd. 2. **Proceedings at time of apprehension or arrest.** Following the apprehension
34.23 or arrest of a person disabled in communication for an alleged violation of a criminal law,
34.24 the arresting officer, sheriff or other law enforcement official shall immediately make
34.25 necessary contacts to obtain a qualified interpreter and shall obtain an interpreter at the
34.26 earliest possible time at the place of detention. A law enforcement officer shall, with the
34.27 assistance of the interpreter, explain to the person disabled in communication, all charges
34.28 filed against the person, and all procedures relating to the person's detainment and release.
34.29 If the property of a person is seized under section ~~609.531, subdivision 4~~ 609.112, the seizing
34.30 officer, sheriff, or other law enforcement official shall, upon request, make available to the
34.31 person at the earliest possible time a qualified interpreter to assist the person in understanding
34.32 the possible consequences of the seizure and the person's right to judicial review. ~~If the~~

35.1 seizure is governed by section ~~609.5314~~, subdivision 2, a request for an interpreter must be
35.2 made within 15 days after service of the notice of seizure and forfeiture. For a person who
35.3 requests an interpreter under this section because of a seizure of property under section
35.4 ~~609.5314~~, the 60 days for filing a demand for a judicial determination of a forfeiture begins
35.5 when the interpreter is provided. The interpreter shall also assist the person with all other
35.6 communications, including communications relating to needed medical attention. Prior to
35.7 interrogating or taking the statement of the person disabled in communication, the arresting
35.8 officer, sheriff, or other law enforcement official shall make available to the person a
35.9 qualified interpreter to assist the person throughout the interrogation or taking of a statement.

35.10 Sec. 17. Minnesota Statutes 2018, section 624.714, subdivision 1b, is amended to read:

35.11 Subd. 1b. **Display of permit; penalty.** (a) The holder of a permit to carry must have the
35.12 permit card and a driver's license, state identification card, or other government-issued photo
35.13 identification in immediate possession at all times when carrying a pistol and must display
35.14 the permit card and identification document upon lawful demand by a peace officer, as
35.15 defined in section 626.84, subdivision 1. A violation of this paragraph is a petty misdemeanor.
35.16 The fine for a first offense must not exceed \$25. Notwithstanding section ~~609.531~~ 609.112,
35.17 a firearm carried in violation of this paragraph is not subject to forfeiture.

35.18 (b) A citation issued for violating paragraph (a) must be dismissed if the person
35.19 demonstrates, in court or in the office of the arresting officer, that the person was authorized
35.20 to carry the pistol at the time of the alleged violation.

35.21 (c) Upon the request of a peace officer, a permit holder must write a sample signature
35.22 in the officer's presence to aid in verifying the person's identity.

35.23 (d) Upon the request of a peace officer, a permit holder shall disclose to the officer
35.24 whether or not the permit holder is currently carrying a firearm.

35.25 Sec. 18. Minnesota Statutes 2018, section 624.714, subdivision 7a, is amended to read:

35.26 Subd. 7a. **Change of address; loss or destruction of permit.** (a) Within 30 days after
35.27 changing permanent address, or within 30 days of having lost or destroyed the permit card,
35.28 the permit holder must notify the issuing sheriff of the change, loss, or destruction. Failure
35.29 to provide notification as required by this subdivision is a petty misdemeanor. The fine for
35.30 a first offense must not exceed \$25. Notwithstanding section ~~609.531~~ 609.112, a firearm
35.31 carried in violation of this paragraph is not subject to forfeiture.

36.1 (b) After notice is given under paragraph (a), a permit holder may obtain a replacement
36.2 permit card by paying \$10 to the sheriff. The request for a replacement permit card must
36.3 be made on an official, standardized application adopted for this purpose under section
36.4 624.7151, and, except in the case of an address change, must include a notarized statement
36.5 that the permit card has been lost or destroyed.

36.6 Sec. 19. Minnesota Statutes 2018, section 624.714, subdivision 17, is amended to read:

36.7 Subd. 17. **Posting; trespass.** (a) A person carrying a firearm on or about his or her person
36.8 or clothes under a permit or otherwise who remains at a private establishment knowing that
36.9 the operator of the establishment or its agent has made a reasonable request that firearms
36.10 not be brought into the establishment may be ordered to leave the premises. A person who
36.11 fails to leave when so requested is guilty of a petty misdemeanor. The fine for a first offense
36.12 must not exceed \$25. Notwithstanding section ~~609.531~~ 609.112, a firearm carried in violation
36.13 of this subdivision is not subject to forfeiture.

36.14 (b) As used in this subdivision, the terms in this paragraph have the meanings given.

36.15 (1) "Reasonable request" means a request made under the following circumstances:

36.16 (i) the requester has prominently posted a conspicuous sign at every entrance to the
36.17 establishment containing the following language: "(INDICATE IDENTITY OF OPERATOR)
36.18 BANS GUNS IN THESE PREMISES."; or

36.19 (ii) the requester or the requester's agent personally informs the person that guns are
36.20 prohibited in the premises and demands compliance.

36.21 (2) "Prominently" means readily visible and within four feet laterally of the entrance
36.22 with the bottom of the sign at a height of four to six feet above the floor.

36.23 (3) "Conspicuous" means lettering in black arial typeface at least 1-1/2 inches in height
36.24 against a bright contrasting background that is at least 187 square inches in area.

36.25 (4) "Private establishment" means a building, structure, or portion thereof that is owned,
36.26 leased, controlled, or operated by a nongovernmental entity for a nongovernmental purpose.

36.27 (c) The owner or operator of a private establishment may not prohibit the lawful carry
36.28 or possession of firearms in a parking facility or parking area.

36.29 (d) The owner or operator of a private establishment may not prohibit the lawful carry
36.30 or possession of firearms by a peace officer, as defined in section 626.84, subdivision 1,
36.31 paragraph (c), within the private establishment or deny the officer access thereto, except
36.32 when specifically authorized by statute. The owner or operator of the private establishment

37.1 may require the display of official credentials issued by the agency that employs the peace
37.2 officer prior to granting the officer entry into the private establishment.

37.3 (e) This subdivision does not apply to private residences. The lawful possessor of a
37.4 private residence may prohibit firearms, and provide notice thereof, in any lawful manner.

37.5 (f) A landlord may not restrict the lawful carry or possession of firearms by tenants or
37.6 their guests.

37.7 (g) Notwithstanding any inconsistent provisions in section 609.605, this subdivision sets
37.8 forth the exclusive criteria to notify a permit holder when otherwise lawful firearm possession
37.9 is not allowed in a private establishment and sets forth the exclusive penalty for such activity.

37.10 (h) This subdivision does not apply to a security guard acting in the course and scope
37.11 of employment. The owner or operator of a private establishment may require the display
37.12 of official credentials issued by the company, which must be licensed by the Private Detective
37.13 and Protective Agent Services Board, that employs the security guard and the guard's permit
37.14 card prior to granting the guard entrance into the private establishment.

37.15 Sec. 20. Minnesota Statutes 2018, section 624.7142, subdivision 6, is amended to read:

37.16 Subd. 6. **Penalties.** (a) A person who violates a prohibition under subdivision 1, clauses
37.17 (1) to (5), is guilty of a misdemeanor. A second or subsequent violation is a gross
37.18 misdemeanor.

37.19 (b) A person who violates subdivision 1, clause (6), is guilty of a misdemeanor.

37.20 (c) In addition to the penalty imposed under paragraph (a), if a person violates subdivision
37.21 1, clauses (1) to (5), the person's authority to carry a pistol in a public place on or about the
37.22 person's clothes or person under the provisions of a permit or otherwise is revoked and the
37.23 person may not reapply for a period of one year from the date of conviction.

37.24 (d) In addition to the penalty imposed under paragraph (b), if a person violates subdivision
37.25 1, clause (6), the person's authority to carry a pistol in a public place on or about the person's
37.26 clothes or person under the provisions of a permit or otherwise is suspended for 180 days
37.27 from the date of conviction.

37.28 (e) Notwithstanding section ~~609.531~~ 609.112, a firearm carried in violation of subdivision
37.29 1, clause (6), is not subject to forfeiture.

38.1 Sec. 21. Minnesota Statutes 2018, section 629.715, subdivision 2, is amended to read:

38.2 Subd. 2. **Surrender of firearms.** The judge may order as a condition of release that the
 38.3 person surrender to the local law enforcement agency all firearms, destructive devices, or
 38.4 dangerous weapons owned or possessed by the person, and may not live in a residence
 38.5 where others possess firearms. Any firearm, destructive device, or dangerous weapon
 38.6 surrendered under this subdivision shall be inventoried and retained, with due care to preserve
 38.7 its quality and function, by the local law enforcement agency, and must be returned to the
 38.8 person upon the person's acquittal, when charges are dismissed, or if no charges are filed.
 38.9 If the person is convicted, the firearm must be returned when the court orders the return or
 38.10 when the person is discharged from probation and restored to civil rights. If the person is
 38.11 convicted of ~~a designated an offense as defined in section 609.531, under which~~ the firearm
 38.12 is subject to forfeiture, it is subject to forfeiture as provided under that section 609.112.
 38.13 This condition may be imposed in addition to any other condition authorized by rule 6.02
 38.14 of the Rules of Criminal Procedure.

38.15 Sec. 22. **REPEALER.**

38.16 Minnesota Statutes 2018, sections 169A.63; 609.531, subdivisions 1, 1a, 4, 5, 5a, 6a, 7,
 38.17 and 8; 609.5311; 609.5312; 609.5313; 609.5314; 609.5315; 609.5316; 609.5317; 609.5318;
 38.18 609.5319; 609.762, subdivisions 3, 4, 5, and 6; and 609.905, subdivision 3, are repealed.

38.19 Sec. 23. **EFFECTIVE DATE.**

38.20 This article is effective July 1, 2019.

38.21 ARTICLE 4

38.22 CIVIL POLICY

38.23 Section 1. **[3.8844] LEGISLATIVE COMMISSION ON INTELLIGENCE AND**
 38.24 **TECHNOLOGY.**

38.25 Subdivision 1. **Established.** The Legislative Commission on Intelligence and Technology
 38.26 is created to study and make recommendations on issues relating to the effect of emerging
 38.27 technology on privacy. The commission has investigatory and oversight jurisdiction over
 38.28 government surveillance programs and technology, including subpoena power.

38.29 Subd. 2. **Membership.** The commission consists of four members of the senate, two
 38.30 appointed by the majority leader and two appointed by the minority leader, and four members
 38.31 of the house of representatives, two appointed by the speaker of the house and two appointed

39.1 by the minority leader. Each appointing authority must make appointments as soon as
39.2 possible after the beginning of the regular legislative session in an odd-numbered year. Each
39.3 member of the commission must take an oath, swearing to faithfully discharge the duties
39.4 of members of the commission in compliance with the laws governing the commission.

39.5 Subd. 3. **Terms; vacancies.** Commission member terms begin upon appointment and
39.6 end at the beginning of the regular legislative session in the next odd-numbered year. In the
39.7 case of a vacancy, the appropriate appointing authority must fill the vacancy for the remainder
39.8 of the unexpired term.

39.9 Subd. 4. **Officers.** The commission must elect a chair and vice-chair and may elect other
39.10 officers as the commission determines is necessary. The chair alternates between a member
39.11 of the senate and a member of the house of representatives in January of each odd-numbered
39.12 year.

39.13 Subd. 5. **Staff.** Legislative staff must provide administrative and research assistance to
39.14 the commission.

39.15 Subd. 6. **Meetings; data.** Notwithstanding any other laws or legislative rules to the
39.16 contrary, the commission may determine that a meeting shall not be open to the public.
39.17 Notwithstanding any contrary provision of chapter 13 or other law, the commission may
39.18 require a law enforcement official to disclose not public data to the commission, as the
39.19 commission determines is necessary for performance of the commission's duties. If data
39.20 provided to the commission is disseminated by the commission or its members or agents
39.21 in violation of section 13.05, subdivision 4, the commission is subject to liability under
39.22 section 13.08, subdivisions 1 and 3. Disclosure of not public data by a member of the
39.23 commission is grounds for an ethics complaint to the committee with jurisdiction over ethics
39.24 in the chamber in which the member serves.

39.25 Subd. 7. **Subpoena power.** The chair or vice-chair or a member of the commission
39.26 designated by the chair may issue subpoenas requiring the appearance of persons, producing
39.27 relevant records, and giving relevant testimony on matters within the jurisdiction of the
39.28 commission. The person issuing the subpoena may request the issuance of an attachment
39.29 to compel the attendance of a witness who, having been duly subpoenaed to attend, fails to
39.30 do so. Section 3.153 applies to issuance of subpoenas under this section, except as otherwise
39.31 provided in this section.

39.32 **EFFECTIVE DATE.** This section is effective the day following final enactment.
39.33 Appointing authorities must make initial appointments by June 1, 2019. The speaker of the

40.1 house must designate one member of the commission to convene the first meeting of the
 40.2 commission by June 15, 2019.

40.3 Sec. 2. Minnesota Statutes 2018, section 13.599, is amended by adding a subdivision to
 40.4 read:

40.5 Subd. 5. **State Arts Board.** Notwithstanding subdivision 3, responses submitted by a
 40.6 grantee to the State Arts Board or to a regional arts council under chapter 129D become
 40.7 public data at the public review meeting at which they are considered, except for trade secret
 40.8 data as defined and classified in section 13.37.

40.9 Sec. 3. Minnesota Statutes 2018, section 257.56, is amended to read:

40.10 **257.56 ARTIFICIAL INSEMINATION ASSISTED REPRODUCTION.**

40.11 Subdivision 1. **Husband Spouse treated as biological father parent.** If, under the
 40.12 supervision of a licensed physician and with the consent of her husband spouse, a wife is
 40.13 inseminated artificially woman conceives through assisted reproduction with semen or ova
 40.14 or both, donated by a man not her husband donor or donors not her spouse, the husband
 40.15 spouse is treated in law as if he were the biological father the parent of a child thereby
 40.16 conceived. The husband's spouse's consent must be in writing and signed by him and his
 40.17 wife the spouse and the woman conceiving through assisted reproduction. The consent must
 40.18 be retained by the physician for at least four years after the confirmation of a pregnancy
 40.19 that occurs during the process of artificial insemination assisted reproduction.

40.20 All papers and records pertaining to the insemination assisted reproduction, whether
 40.21 part of the permanent record of a court or of a file held by the supervising physician or
 40.22 elsewhere, are subject to inspection only upon an order of the court for good cause shown.

40.23 Subd. 2. **Donor not treated as biological father parent.** The donor of semen or ova
 40.24 provided to a licensed physician for use in artificial insemination of assisted reproduction
 40.25 by a married woman other than the donor's wife spouse is treated in law as if he were the
 40.26 donor is not the biological father parent of a child thereby conceived, unless a court finds
 40.27 satisfactory evidence that the donor and the woman intended for the donor to be a parent.

40.28 Sec. 4. Minnesota Statutes 2018, section 363A.03, subdivision 43, is amended to read:

40.29 Subd. 43. **Sexual harassment.** (a) "Sexual harassment" includes unwelcome sexual
 40.30 advances, requests for sexual favors, sexually motivated physical contact or other verbal or
 40.31 physical conduct or communication of a sexual nature when:

41.1 (1) submission to that conduct or communication is made a term or condition, either
41.2 explicitly or implicitly, of obtaining employment, public accommodations or public services,
41.3 education, or housing;

41.4 (2) submission to or rejection of that conduct or communication by an individual is used
41.5 as a factor in decisions affecting that individual's employment, public accommodations or
41.6 public services, education, or housing; or

41.7 (3) that conduct or communication has the purpose or effect of substantially interfering
41.8 with an individual's employment, public accommodations or public services, education, or
41.9 housing, or creating an intimidating, hostile, or materially offensive employment, public
41.10 accommodations, public services, educational, or housing environment.

41.11 (b) Paragraph (a), clause (3), does not require the harassing conduct or communication
41.12 to be severe or pervasive. Conduct or communication has the purpose or effect of creating
41.13 an intimidating, hostile, or materially offensive environment when:

41.14 (1) a reasonable person in similar circumstances to the plaintiff would find the
41.15 environment intimidating, hostile, or materially offensive; and

41.16 (2) the plaintiff found the environment intimidating, hostile, or materially offensive.

41.17 The intimidating, hostile, or materially offensive environment must be determined based
41.18 on the totality of the circumstances.

41.19 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to causes
41.20 of action arising on or after that date.

41.21 Sec. 5. Minnesota Statutes 2018, section 363A.35, subdivision 3, is amended to read:

41.22 Subd. 3. **Access to closed files.** (a) Except as otherwise provided in this subdivision,
41.23 human rights investigative data contained in a closed case file are private data on individuals
41.24 or nonpublic data. The name and address of the charging party and respondent, factual basis
41.25 of the allegations, the statute under which the action is brought, the part of the summary of
41.26 the investigation that does not contain identifying data on a person other than the complainant
41.27 or respondent, and the commissioner's memorandum determining whether probable cause
41.28 has been shown are public data.

41.29 (b) The commissioner may make human rights investigative data contained in a closed
41.30 case file inaccessible to the charging party or the respondent in order to protect medical or
41.31 other security interests of the parties or third persons.

42.1 (c) Except for paragraph (b), when the charging party files a case in district court, the
42.2 commissioner may provide private data or nonpublic data in a closed case file to the charging
42.3 party and respondent.

42.4 Sec. 6. Minnesota Statutes 2018, section 363A.36, subdivision 1, is amended to read:

42.5 Subdivision 1. **Scope of application.** ~~(a) For all contracts for goods and services in~~
42.6 ~~excess of \$100,000, no department or agency of the state shall accept any bid or proposal~~
42.7 ~~for a contract or agreement from any business having more than 40 full-time employees~~
42.8 ~~within this state on a single working day during the previous 12 months, unless the~~
42.9 ~~commissioner is in receipt of the business' affirmative action plan for the employment of~~
42.10 ~~minority persons, women, and qualified disabled individuals. No department or agency of~~
42.11 ~~the state shall execute any such contract or agreement until the affirmative action plan has~~
42.12 ~~been approved by the commissioner. Receipt of a certificate of compliance issued by the~~
42.13 ~~commissioner shall signify that a firm or business has an affirmative action plan that has~~
42.14 ~~been approved by the commissioner. A certificate shall be valid for a period of four years.~~
42.15 A department, an agency of the state, the Metropolitan Council, an agency subject to section
42.16 473.143, subdivision 1, or a public officer or agency subject to section 16A.695 shall not
42.17 execute a contract for goods or services in excess of \$100,000 with a business that has 40
42.18 or more full-time employees in this state or a state where the business has its primary place
42.19 of business on a single day during the prior 12 months, unless the business has a workforce
42.20 certificate, as created in sections 363A.36 and 363A.37, from the commissioner of human
42.21 rights or has certified in writing that it is exempt. Determinations of exempt status shall be
42.22 made by the commissioner of human rights. A certificate is valid for four years. A
42.23 municipality as defined in section 466.01, subdivision 1, that receives state money for any
42.24 reason is encouraged to prepare and implement an affirmative action plan for the employment
42.25 of minority persons, people with disabilities, people of color, and women, and the qualified
42.26 disabled and to submit the plan to the commissioner.

42.27 ~~(b) This paragraph applies to a contract for goods or services in excess of \$100,000 to~~
42.28 ~~be entered into between a department or agency of the state and a business that is not subject~~
42.29 ~~to paragraph (a), but that has more than 40 full-time employees on a single working day~~
42.30 ~~during the previous 12 months in the state where the business has its primary place of~~
42.31 ~~business. A department or agency of the state may not execute a contract or agreement with~~
42.32 ~~a business covered by this paragraph unless the business has a certificate of compliance~~
42.33 ~~issued by the commissioner under paragraph (a) or the business certifies that it is in~~
42.34 ~~compliance with federal affirmative action requirements.~~

43.1 ~~(e)~~ (b) This section does not apply to contracts entered into by the State Board of
 43.2 Investment for investment options under section 356.645.

43.3 ~~(d)~~ (c) The commissioner shall issue a certificate of compliance or notice of denial within
 43.4 15 days of the application submitted by the business or firm.

43.5 Sec. 7. Minnesota Statutes 2018, section 363A.36, subdivision 4, is amended to read:

43.6 Subd. 4. **Revocation of contract.** A contract awarded by a department or agency of the
 43.7 state, the Metropolitan Council, an agency subject to section 473.143, subdivision 1, or a
 43.8 public officer or agency subject to section 16A.695, may be terminated or abridged by the
 43.9 department or agency, the Metropolitan Council, an agency subject to section 473.143,
 43.10 subdivision 1, or a public officer or agency subject to section 16A.695, because of suspension
 43.11 or revocation of a certificate based upon a contractor's failure to implement or make a good
 43.12 faith effort to implement an affirmative action plan approved by the commissioner under
 43.13 this section. If a contract is awarded to a person who does not have a contract compliance
 43.14 certificate required under subdivision 1, the commissioner may void the contract on behalf
 43.15 of the state.

43.16 Sec. 8. Minnesota Statutes 2018, section 363A.36, is amended by adding a subdivision to
 43.17 read:

43.18 Subd. 6. **Access to data.** Data created, collected, and maintained by the commissioner
 43.19 for a business to receive and retain a certificate of compliance under this section is private
 43.20 data or nonpublic data. Applications, forms, or similar documents submitted by a business
 43.21 seeking a certificate of compliance is public data. A letter that states the commissioner's
 43.22 decision to issue, not issue, revoke, or suspend a certificate of compliance is public data.

43.23 Sec. 9. Minnesota Statutes 2018, section 363A.44, subdivision 1, is amended to read:

43.24 Subdivision 1. **Scope.** (a) ~~Ne~~ A department, an agency of the state, the Metropolitan
 43.25 Council, ~~or~~ an agency subject to section 473.143, subdivision 1, or a public officer or agency
 43.26 subject to section 16A.695 shall not execute a contract for goods or services or an agreement
 43.27 for goods or services in excess of \$500,000 with a business that has 40 or more full-time
 43.28 employees in this state or a state where the business has its primary place of business on a
 43.29 single day during the prior 12 months, unless the business has an equal pay certificate or it
 43.30 has certified in writing that it is exempt. A certificate is valid for four years.

43.31 (b) This section does not apply to a business with respect to a specific contract if the
 43.32 commissioner of administration determines that application of this section would cause

44.1 undue hardship to the contracting entity. This section does not apply to a contract to provide
 44.2 goods and services to individuals under chapters 43A, 62A, 62C, 62D, 62E, 256B, 256I,
 44.3 256L, and 268A, with a business that has a license, certification, registration, provider
 44.4 agreement, or provider enrollment contract that is prerequisite to providing those goods and
 44.5 services. This section does not apply to contracts entered into by the State Board of
 44.6 Investment for investment options under section 352.965, subdivision 4.

44.7 Sec. 10. Minnesota Statutes 2018, section 517.02, is amended to read:

44.8 **517.02 PERSONS CAPABLE OF CONTRACTING.**

44.9 ~~Every~~ A person who has attained the full age of 18 years is capable in law of contracting
 44.10 into a civil marriage, if otherwise competent. ~~A person of the full age of 16 years may, with~~
 44.11 ~~the consent of the person's legal custodial parents, guardian, or the court, as provided in~~
 44.12 ~~section 517.08, receive a license to marry, when, after a careful inquiry into the facts and~~
 44.13 ~~the surrounding circumstances, the person's application for a license and consent for civil~~
 44.14 ~~marriage of a minor form is approved by the judge of the district court of the county in~~
 44.15 ~~which the person resides. If the judge of the district court of the county in which the person~~
 44.16 ~~resides is absent from the county and has not by order assigned another judge or a retired~~
 44.17 ~~judge to act in the judge's stead, then the court commissioner or any judge of district court~~
 44.18 ~~of the county may approve the application for a license.~~

44.19 ~~The consent for civil marriage of a minor must be in the following form:~~

44.20 ~~STATE OF MINNESOTA, COUNTY OF (insert county name)~~

44.21 ~~I/We (insert legal custodial parent or guardian names) under oath or~~
 44.22 ~~affirmation say:~~

44.23 ~~That I/we are the legal custodial parent(s) or guardian of (insert name~~
 44.24 ~~of minor), who was born at (insert place of birth) on (insert date of birth) who is presently the age of (insert age).~~

44.26 ~~That the minor has not been previously married.~~

44.27 ~~That I/we consent to the civil marriage of this minor to (insert name~~
 44.28 ~~of the person minor intends to marry) who is of the age of (insert age).~~

44.29 ~~That affidavit is being made for the purpose of requesting the judge's consent to allow~~
 44.30 ~~this minor to marry and make this civil marriage legal.~~

44.31 ~~Date:~~

44.32 ~~.....~~

45.1 _____

45.2 ~~(Signature of legal custodial parents or guardian)~~

45.3 ~~Sworn to or affirmed and acknowledged before me on this _____ day of _____~~

45.4 _____

45.5 NOTARY PUBLIC

45.6 ~~STATE OF MINNESOTA, COUNTY OF _____ (insert county name).~~

45.7 ~~The undersigned is the judge of the district court where the minor resides and grants the~~
45.8 ~~request for the minor to marry.~~

45.9 _____ (judge of district court)

45.10 _____ (date).

45.11 **EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2019, and
45.12 applies to marriages entered into on or after that date.

45.13 Sec. 11. Minnesota Statutes 2018, section 517.03, subdivision 1, is amended to read:

45.14 Subdivision 1. **General.** (a) The following civil marriages are prohibited:

45.15 (1) a civil marriage entered into before the dissolution of an earlier civil marriage of one
45.16 of the parties becomes final, as provided in section 518.145 or by the law of the jurisdiction
45.17 where the dissolution was granted;

45.18 (2) a civil marriage between an ancestor and a descendant, or between siblings, whether
45.19 the relationship is by the half or the whole blood or by adoption; ~~and~~

45.20 (3) a civil marriage between an uncle or aunt and a niece or nephew, or between first
45.21 cousins, whether the relationship is by the half or the whole blood, except as to civil marriages
45.22 permitted by the established customs of aboriginal cultures; and

45.23 (4) a civil marriage entered into between persons when both have not attained the full
45.24 age of 18 years.

45.25 (b) A civil marriage prohibited under paragraph (a), clause (4), that is recognized by
45.26 another state or foreign jurisdiction under common law or statute is void and against the
45.27 public policy of this state unless neither party was a resident of this state at the time the
45.28 marriage was entered into.

45.29 **EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2019, and
45.30 applies to marriages entered into on or after that date.

46.1 Sec. 12. Minnesota Statutes 2018, section 517.08, subdivision 1a, is amended to read:

46.2 Subd. 1a. **Form.** Application for a civil marriage license shall be made by both of the
46.3 parties upon a form provided for the purpose and shall contain the following information:

46.4 (1) the full names of the parties and the sex of each party;

46.5 (2) their post office addresses and county and state of residence;

46.6 (3) their full ages;

46.7 (4) if either party has previously been married, the party's married name, and the date,
46.8 place and court in which the civil marriage was dissolved or annulled or the date and place
46.9 of death of the former spouse;

46.10 ~~(5) if either party is a minor, the name and address of the minor's parents or guardian;~~

46.11 ~~(6)~~ (5) whether the parties are related to each other, and, if so, their relationship;

46.12 ~~(7)~~ (6) the address of the parties after the civil marriage is entered into to which the local
46.13 registrar shall send a certified copy of the civil marriage certificate;

46.14 ~~(8)~~ (7) the full names the parties will have after the civil marriage is entered into and
46.15 the parties' Social Security numbers. The Social Security numbers must be collected for the
46.16 application but must not appear on the civil marriage license. If a party listed on a civil
46.17 marriage application does not have a Social Security number, the party must certify on the
46.18 application, or a supplement to the application, that the party does not have a Social Security
46.19 number;

46.20 ~~(9)~~ (8) if one or both of the parties to the civil marriage license has a felony conviction
46.21 under Minnesota law or the law of another state or federal jurisdiction, the parties shall
46.22 provide to the county proof of service upon the prosecuting authority and, if applicable, the
46.23 attorney general, as required by section 259.13; and

46.24 ~~(10)~~ (9) notice that a party who has a felony conviction under Minnesota law or the law
46.25 of another state or federal jurisdiction may not use a different name after a civil marriage
46.26 except as authorized by section 259.13, and that doing so is a gross misdemeanor.

46.27 **EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2019, and
46.28 applies to applications submitted to the local registrar on or after that date.

46.29 Sec. 13. Minnesota Statutes 2018, section 517.08, subdivision 1b, is amended to read:

46.30 Subd. 1b. **Term of license; fee; premarital education.** (a) The local registrar shall
46.31 examine upon oath the parties applying for a license relative to the legality of the

47.1 contemplated civil marriage. Both parties must present proof of age to the local registrar.
 47.2 If one party is unable to appear in person, the party appearing may complete the absent
 47.3 applicant's information. The local registrar shall provide a copy of the civil marriage
 47.4 application to the party who is unable to appear, who must verify the accuracy of the
 47.5 appearing party's information in a notarized statement. The verification statement must be
 47.6 accompanied by a copy of proof of age of the party. The civil marriage license must not be
 47.7 released until the verification statement and proof of age has been received by the local
 47.8 registrar. If the local registrar is satisfied that there is no legal impediment to it, including
 47.9 the restriction contained in section 259.13, the local registrar shall issue the license,
 47.10 containing the full names of the parties before and after the civil marriage, and county and
 47.11 state of residence, with the county seal attached, and make a record of the date of issuance.
 47.12 The license shall be valid for a period of six months. Except as provided in paragraph (b),
 47.13 the local registrar shall collect from the applicant a fee of \$115 for administering the oath,
 47.14 issuing, recording, and filing all papers required, and preparing and transmitting to the state
 47.15 registrar of vital records the reports of civil marriage required by this section. If the license
 47.16 should not be used within the period of six months due to illness or other extenuating
 47.17 circumstances, it may be surrendered to the local registrar for cancellation, and in that case
 47.18 a new license shall issue upon request of the parties of the original license without fee. A
 47.19 local registrar who knowingly issues or signs a civil marriage license in any manner other
 47.20 than as provided in this section shall pay to the parties aggrieved an amount not to exceed
 47.21 \$1,000.

47.22 (b) The civil marriage license fee for parties who have completed at least 12 hours of
 47.23 premarital education is \$40. In order to qualify for the reduced license fee, the parties must
 47.24 submit at the time of applying for the civil marriage license a statement that is signed, dated,
 47.25 and notarized or marked with a church seal from the person who provided the premarital
 47.26 education on their letterhead confirming that it was received. The premarital education must
 47.27 be provided by a licensed or ordained minister or the minister's designee, a person authorized
 47.28 to solemnize civil marriages under section 517.18, or a person authorized to practice marriage
 47.29 and family therapy under section 148B.33. The education must include the use of a premarital
 47.30 inventory and the teaching of communication and conflict management skills.

47.31 (c) The statement from the person who provided the premarital education under paragraph
 47.32 (b) must be in the following form:

47.33 "I, (name of educator), confirm that (names of both
 47.34 parties) received at least 12 hours of premarital education that included the use of a premarital
 47.35 inventory and the teaching of communication and conflict management skills. I am a licensed

48.1 or ordained minister, a person authorized to solemnize civil marriages under Minnesota
 48.2 Statutes, section 517.18, or a person licensed to practice marriage and family therapy under
 48.3 Minnesota Statutes, section 148B.33."

48.4 The names of the parties in the educator's statement must be identical to the legal names
 48.5 of the parties as they appear in the civil marriage license application. Notwithstanding
 48.6 section 138.17, the educator's statement must be retained for seven years, after which time
 48.7 it may be destroyed.

48.8 (d) If section 259.13 applies to the request for a civil marriage license, the local registrar
 48.9 shall grant the civil marriage license without the requested name change. Alternatively, the
 48.10 local registrar may delay the granting of the civil marriage license until the party with the
 48.11 conviction:

48.12 (1) certifies under oath that 30 days have passed since service of the notice for a name
 48.13 change upon the prosecuting authority and, if applicable, the attorney general and no
 48.14 objection has been filed under section 259.13; or

48.15 (2) provides a certified copy of the court order granting it. The parties seeking the civil
 48.16 marriage license shall have the right to choose to have the license granted without the name
 48.17 change or to delay its granting pending further action on the name change request.

48.18 **EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2019, and
 48.19 applies to applications submitted to the local registrar on or after that date.

48.20 Sec. 14. Minnesota Statutes 2018, section 517.08, is amended by adding a subdivision to
 48.21 read:

48.22 **Subd. 1d. Proof of age.** For purposes of this section, proof of age of a party may be
 48.23 established in the form of:

48.24 (1) an original or certified copy of a birth certificate or birth record;

48.25 (2) a driver's license or other identification card issued by a government entity or school;
 48.26 or

48.27 (3) a school record, immigration record, naturalization record, court record, or other
 48.28 document or record issued by a government entity that contains the date of birth of a party.

49.1 **ARTICLE 5**

49.2 **COOPERATIVE PRIVATE DIVORCE PROGRAM**

49.3 Section 1. Minnesota Statutes 2018, section 62A.21, subdivision 2a, is amended to read:

49.4 Subd. 2a. **Continuation privilege.** Every policy described in subdivision 1 shall contain
 49.5 a provision which permits continuation of coverage under the policy for the insured's
 49.6 dependent children, which is defined as required by section 62A.302, and former spouse,
 49.7 who was covered on the day before the entry of a valid decree of dissolution of marriage
 49.8 or a certificate of marital dissolution. The coverage shall be continued until the earlier of
 49.9 the following dates:

49.10 ~~(a)~~ (1) the date the insured's former spouse becomes covered under any other group
 49.11 health plan; or

49.12 ~~(b)~~ (2) the date coverage would otherwise terminate under the policy.

49.13 If the coverage is provided under a group policy, any required premium contributions
 49.14 for the coverage shall be paid by the insured on a monthly basis to the group policyholder
 49.15 for remittance to the insurer. The policy must require the group policyholder to, upon request,
 49.16 provide the insured with written verification from the insurer of the cost of this coverage
 49.17 promptly at the time of eligibility for this coverage and at any time during the continuation
 49.18 period. In no event shall the amount of premium charged exceed 102 percent of the cost to
 49.19 the plan for such period of coverage for other similarly situated spouses and dependent
 49.20 children with respect to whom the marital relationship has not dissolved, without regard to
 49.21 whether such cost is paid by the employer or employee.

49.22 Upon request by the insured's former spouse, who was covered on the day before the
 49.23 entry of a valid decree of dissolution, or dependent child, a health carrier must provide the
 49.24 instructions necessary to enable the child or former spouse to elect continuation of coverage.

49.25 Sec. 2. Minnesota Statutes 2018, section 518.191, is amended by adding a subdivision to
 49.26 read:

49.27 Subd. 6. **Summary real estate disposition judgment following certificate of marital**
 49.28 **dissolution.** A summary real estate disposition judgment may also be obtained after a
 49.29 certificate of marital dissolution is issued in accordance with section 518.80, subdivision
 49.30 5. Upon the filing of the certificate the district court administrator shall provide to a
 49.31 participant upon request certified copies of a summary real estate disposition judgment
 49.32 submitted by the participants that contains the following information:

50.1 (1) the dates of the participants' marriage and of the issuance of the certificate of marital
 50.2 dissolution;

50.3 (2) the legal description of each parcel of real estate;

50.4 (3) the name or names of the persons awarded an interest in each parcel of real estate
 50.5 and a description of the interest awarded;

50.6 (4) liens, mortgages, encumbrances, or other interests in the real estate described in the
 50.7 declaration of divorce; and

50.8 (5) triggering or contingent events set forth in the declaration of divorce affecting the
 50.9 disposition of each parcel of real estate.

50.10 Sec. 3. Minnesota Statutes 2018, section 518.195, is amended by adding a subdivision to
 50.11 read:

50.12 Subd. 5. **Issuance of qualified domestic relations order following certificate of marital**
 50.13 **dissolution.** A certificate of marital dissolution issued in accordance with section 518.80,
 50.14 subdivision 5, may be filed with the district court administrator. Upon the filing of the
 50.15 certificate, the district court administrator shall enter a decree of dissolution and shall issue
 50.16 a qualified domestic relations order submitted by the participants and approved by the
 50.17 retirement plan administrator for the assignment of an interest in a retirement plan as provided
 50.18 in the declaration of divorce.

50.19 Sec. 4. **[518.80] COOPERATIVE PRIVATE DIVORCE PROGRAM.**

50.20 Subdivision 1. **Commissioner.** For purposes of this section, "commissioner" means the
 50.21 commissioner of the Bureau of Mediation Services.

50.22 Subd. 2. **Establishment.** The commissioner shall establish a cooperative private divorce
 50.23 program as provided in this section.

50.24 Subd. 3. **Requirements.** The cooperative private divorce program must, at a minimum:

50.25 (1) be made available on the Bureau of Mediation Services website;

50.26 (2) make available to the participants of the program the notices and instructions provided
 50.27 under subdivisions 9 and 10 and section 518.82;

50.28 (3) allow participants of the program to electronically complete and submit to the
 50.29 commissioner an intent to divorce and a declaration of divorce as provided under subdivision
 50.30 11;

51.1 (4) require a separate unique login and password for each participant to access the
51.2 program;

51.3 (5) provide a notification system that automatically contacts one participant when the
51.4 other participant accesses the program;

51.5 (6) provide a list of supportive services and service providers that may be helpful to
51.6 participants;

51.7 (7) provide a method to authenticate the identities of the signatories of the forms required
51.8 under subdivision 11;

51.9 (8) employ security measures to protect the confidentiality and personal information of
51.10 the participants submitting information through the program; and

51.11 (9) encrypt all data sent and received through the program website.

51.12 Subd. 4. **Residency requirement.** Married participants seeking dissolution under this
51.13 section qualify for the cooperative private divorce program if the residency requirements
51.14 under section 518.07 have been met by the participants.

51.15 Subd. 5. **Procedure.** (a) Notwithstanding any law to the contrary, married participants
51.16 who meet the criteria under subdivision 4 may dissolve their marital status through the
51.17 cooperative private divorce program made available on the Bureau of Mediation Services
51.18 website by:

51.19 (1) signing and submitting the intent to divorce under subdivision 11; and

51.20 (2) completing, signing, and submitting the declaration of divorce under subdivision 11
51.21 at least 90 days after but not more than two years after the intent to divorce was submitted
51.22 by both participants.

51.23 (b) Upon receipt of the completed declaration of divorce, the commissioner shall issue
51.24 a certificate of marital dissolution that includes the following information:

51.25 (1) the name and any prior names of the two participants to the cooperative private
51.26 divorce dissolution;

51.27 (2) the name of any living minor or dependent children of the participants;

51.28 (3) that the marriage of the participants is dissolved and the date of the dissolution; and

51.29 (4) the Social Security numbers of the participants and any living minor or dependent
51.30 children of the participants.

52.1 (c) A certificate of marital dissolution issued under this section completely dissolves
52.2 the marital status of the participants.

52.3 (d) Upon receipt of a declaration of divorce, the commissioner shall issue a certificate
52.4 of marital dissolution that is accessible to each participant through the online cooperative
52.5 private divorce program. The certificate of marital dissolution is conclusive evidence of the
52.6 divorce.

52.7 (e) The commissioner shall maintain a public registry containing the following:

52.8 (1) the name and any prior names of any participant of the cooperative private divorce
52.9 program;

52.10 (2) the name of any living minor or dependent children of a participant; and

52.11 (3) that the marriage of the participants is dissolved and the date of the dissolution.

52.12 (f) Before the commissioner issues a certificate of marital dissolution to married
52.13 participants who are parents of minor children, the married participants must attend a
52.14 four-hour parent education program as required under section 518.81.

52.15 Subd. 6. **Certain agreements.** (a) Any agreement made by the participants as part of
52.16 the declaration of divorce that allocates expenses for their child or children is an enforceable
52.17 contract between the participants under section 518.1705.

52.18 (b) It is the intent of this paragraph that agreements recorded in a declaration of divorce
52.19 shall be deemed to be a decree of divorce wherever a decree of divorce is referred to in the
52.20 Internal Revenue Code, and agreements between the participants in a declaration of divorce
52.21 regarding alimony or maintenance shall be deemed to be a divorce or separation agreement
52.22 for purposes of deductibility under the Internal Revenue Code.

52.23 (c) Any issue that is not specifically addressed by the participants in the declaration of
52.24 divorce agreement is considered to be reserved for future agreement by the participants or
52.25 de novo review by the court.

52.26 Subd. 7. **Modification.** Any agreement made by the participants in their declaration of
52.27 divorce may be modified at any time after a declaration of divorce agreement is submitted
52.28 to the commissioner through the cooperative private divorce program if both participants
52.29 agree to the amendment and submit an amended declaration of divorce.

52.30 Subd. 8. **Court involvement.** (a) At any time prior to the submission of a declaration
52.31 of divorce, participants in a cooperative private divorce may initiate an action for marriage
52.32 dissolution under this chapter in district court. Any action under this chapter pending in

53.1 district court must be resolved or dismissed before participants may submit a declaration
 53.2 of divorce.

53.3 (b) Cooperative private divorce agreements contained in a declaration of divorce may
 53.4 be enforced, modified, or vacated by the district court, or the court may address issues that
 53.5 were reserved by the participants according to the provisions of this chapter.

53.6 (c) Upon the filing of a certificate of marital dissolution by the participants, the court
 53.7 administrator shall enter a decree of dissolution as provided in section 518.195 without
 53.8 necessity of court approval or a judgment and decree and without regard to the criteria or
 53.9 procedures in section 518.195, subdivisions 1 and 2.

53.10 (d) By executing a declaration of divorce with the Bureau of Mediation Services that
 53.11 may be filed with the court, each participant consents to the continuing personal jurisdiction
 53.12 of the Minnesota courts as to all matters related to the declaration of divorce.

53.13 (e) A participant in a cooperative private divorce may by petition initiate an action in
 53.14 district court to:

53.15 (1) enforce, modify, or vacate the declaration of divorce;

53.16 (2) petition the court to address any issue reserved by the participants;

53.17 (3) obtain a summary real estate disposition judgment;

53.18 (4) obtain a qualified domestic relations order; or

53.19 (5) obtain a court decree of dissolution when necessary to comply with state or federal
 53.20 law involving interstate enforcement of the participants' divorce.

53.21 A participant initiating an action under this paragraph must, by personal service, provide
 53.22 to the other participant notice of filing the certificate of marital dissolution with the district
 53.23 court together with any motion for relief. Any subsequent court action related to the certificate
 53.24 of marital dissolution may be initiated by notice of motion and motion. An action initiated
 53.25 under this paragraph shall be venued in a county located in this state where either participant
 53.26 was residing at the time the certificate of marital dissolution was issued by the Bureau of
 53.27 Mediation Services. The filing fee for any action under this paragraph is \$315. For a motion
 53.28 to vacate the declaration of divorce under section 518.145, the one-year period of limitation
 53.29 begins on the date of the participants' dissolution.

53.30 Subd. 9. Notices; introduction to private divorce; form. The commissioner shall make
 53.31 available the following form for use in the cooperative private divorce program:

53.32 **NOTICE: Introduction to Cooperative Private Divorce**

54.1 You are considering obtaining a Cooperative Private Divorce rather than going to court
54.2 to get divorced. Cooperative Private Divorce is a simplified procedure for couples who want
54.3 to avoid the expense, emotional strain, and arbitrary time frames that often accompany
54.4 adversarial court proceedings. To obtain a Cooperative Private Divorce you will need to
54.5 reach an agreement with your spouse about the issues in your divorce. Many public and
54.6 private services are available to help you.

54.7 The Cooperative Private Divorce process is based on the assumption that most people
54.8 have the capacity to divorce with respect and fairness if they are supported in that direction.
54.9 To that end, a Cooperative Private Divorce differs in two important ways from a court
54.10 divorce. First, the two of you have total control over your divorce and no one will oversee
54.11 or scrutinize the decisions you make. Second, it is a completely private process.

54.12 This leaves you with a great deal of flexibility. After you have educated yourself, you
54.13 can choose how detailed or simple to make your divorce decisions, and whether to postpone
54.14 some decisions to a later time. You can also create your own understanding of fairness
54.15 unique to your own situation.

54.16 These special features of a Cooperative Private Divorce, eliminating the anxiety of
54.17 someone else having control over your family, and lessening the pressure to resolve
54.18 everything all at once during a very stressful time are intended to replace conflict with your
54.19 spouse by creating a healthy transition for you and your family. You are encouraged to view
54.20 each other as partners in creating the best solution for you and your family in parenting and
54.21 financial matters.

54.22 **Basic Principles**

54.23 Cooperative Private Divorce is not for everyone. Because of the need to create a fair
54.24 and healthy plan without coercion or oversight, it is intended for couples who can work
54.25 together in good faith for the best interests of everyone in the family.

54.26 Here are the six principles underlying Cooperative Private Divorce. If you and your
54.27 spouse believe you can fashion your divorce according to these principles, then a Cooperative
54.28 Private Divorce may be the best procedure for you.

54.29 1. The preventing unnecessary divorce principle: You have reached a decision to initiate
54.30 a divorce only after exhausting other options to solve your problems within your marriage,
54.31 particularly if you have children.

54.32 2. The healthy relationships principle: If you have children, your parenting plan promotes
54.33 safe, nurturing, and stable relationships among the children and with both of their parents.

55.1 3. The maximum parent involvement principle: Your parenting plan promotes high
55.2 levels of involvement of both parents with the children when that is feasible and consistent
55.3 with the needs of the children.

55.4 4. The equity principle: Your financial plan promotes equitable and sustainable lifestyles
55.5 for all family members in light of the unique circumstances of your marriage and family.

55.6 5. The flexibility principle: Your divorce agreements take into account both the value
55.7 of having stable arrangements and the likelihood that the needs and circumstances of
55.8 your family will change over time.

55.9 6. The optimal timing principle: You create partial or comprehensive agreements with
55.10 the timing and sequence that work best for you and your family.

55.11 **Two Cautions**

55.12 First, if you feel pressured or intimidated by your spouse to use this process or to agree
55.13 to specific matters in your divorce, or if you have doubts generally about your spouse's
55.14 willingness to reach agreements that are best for everyone in your family, consider getting
55.15 professional assistance before going further.

55.16 Second, the flexibility of a Cooperative Private Divorce also leaves you with an important
55.17 responsibility. Some couples have relatively simple issues to address in their divorce. But
55.18 some couples have more complex financial and parenting matters to resolve. Financial
55.19 matters are often more complex if you are self-employed or a business owner. If you do not
55.20 consider such matters carefully, you may face problems such as having agreements that do
55.21 not work over time or that are not enforceable. You are responsible to educate yourself
55.22 about the issues in your divorce and to obtain professional assistance if you need it.

55.23 **Professional and Community Resources**

55.24 To begin with, recognize that going ahead with a divorce is a significant decision,
55.25 especially if you have children. Many research studies have shown that divorce can have
55.26 an adverse effect on children. If you want help to make sure you are making the right decision
55.27 for you and your family, you can make use of services available in local communities.

55.28 If you have made the decision to go ahead with the divorce, you may choose to work
55.29 with an advocate or with a facilitator who can guide you and your spouse in cooperative
55.30 processes that focus on your interests and needs and what will work for your family. You
55.31 may want to consult with an adviser on parenting or financial issues. From private sources
55.32 you can obtain sample agreements that may help you frame all of the issues you will likely

56.1 encounter. Although divorce can seem complex and difficult, these resources and professional
56.2 services can help make it easier for you and your spouse to reach an agreement.

56.3 The Bureau of Mediation Services serves as a clearinghouse for information about the
56.4 types of resources available. It can also provide information about services that are offered
56.5 for free or on a sliding fee.

56.6 Subd. 10. **Instructions; form.** The commissioner shall make available the following
56.7 form for use in the cooperative private divorce program:

56.8 **Instructions for Cooperative Private Divorce**

56.9 1. Both spouses obtain unique identifiers from the Bureau of Mediation Services.

56.10 2. Both spouses sign and submit the INTENT TO DIVORCE form with their unique
56.11 identifiers to register with the Bureau of Mediation Services.

56.12 3. At any time at least 90 days after but not more than two years after submitting the INTENT
56.13 TO DIVORCE form, submit the Declaration of Divorce form signed by both spouses.

56.14 4. Upon submitting the Declaration of Divorce form, both spouses will receive a certification
56.15 that your marriage is dissolved.

56.16 5. Most complete divorce agreements address the issues set forth in the Declaration of
56.17 Divorce form. It is up to you whether you want to record agreements in all or any of these
56.18 areas. But recognize that if your agreements are vague or incomplete or if you do not record
56.19 your agreements, it may be difficult for you to recall them, live up to your obligations, or
56.20 later ask a court to enforce an agreement. Use attachments if you want to record agreements
56.21 that are longer than space here permits. No one will review or approve the agreements you
56.22 set forth here before your divorce is certified. They are for your use only.

56.23 6. At any time, either spouse can retrieve the Declaration of Divorce form containing your
56.24 agreements by providing your unique identifier. No one except you and your spouse will
56.25 have access to this form.

56.26 7. At any time, you and your former spouse can retrieve the Declaration of Divorce form,
56.27 make additions or modifications that you both agree to, and resubmit it.

56.28 8. If you want to modify your previous agreements but you and your former spouse cannot
56.29 agree on the modifications, or if you want to seek enforcement of a previous agreement,
56.30 you are encouraged to seek assistance from professionals in the community who specialize
56.31 in helping former spouses reach fair agreements. You also have the option of going to court
56.32 to submit your Declaration of Divorce form.

57.1 9. Remember that by creating a smooth family transition now and working on issues that
 57.2 may arise in the future, developing a trustworthy working relationship with your spouse
 57.3 will be just as helpful as written agreements.

57.4 Subd. 11. **Intent to divorce; declaration of divorce; form.** The commissioner shall
 57.5 make available the following form for use in the cooperative private divorce program:

57.6 **Intent to Divorce**

57.7 We hereby declare that we are legally married, have both been residents of Minnesota
 57.8 for at least 180 days, and intend to divorce. We understand that our divorce will be certified
 57.9 if we submit the Declaration of Divorce form signed by both spouses at least 90 days after
 57.10 but not more than two years after the date this INTENT TO DIVORCE form is submitted.

- 57.11 Date and place of marriage:
- 57.12 Signature, date:
- 57.13 E-mail address:
- 57.14 Social Security number:
- 57.15 Signature, date:
- 57.16 E-mail address:
- 57.17 Social Security number:

57.18 **Declaration of Divorce**

57.19 **Facts**

- 57.20 1. We agree that the following is a list of all our assets and their approximate value:
- 57.21 2. We agree that the following is a list of all our debts:
- 57.22 3. Spouse A name, previous name(s) if any, and yearly income, including any bonuses:
- 57.23 4. Spouse B name, previous name(s) if any, and yearly income, including any bonuses:
- 57.24 5. The names, dates of birth, and Social Security numbers of our minor or dependent
 57.25 children covered by this agreement are:

57.26 **Agreements**

- 57.27 1. We agree to the following plan for parenting our child or children together after the
 57.28 divorce. If our plan is temporary, we agree to the following process for updating it. (A
 57.29 comprehensive plan would include: (a) how you will make important decisions like those
 57.30 about school, health care, and religion; (b) how you will allocate your time with the children
 57.31 during the school year, summer, holidays, and vacations to provide a nurturing environment
 57.32 and rich relationships with both of you; and (c) how you will communicate with each other
 57.33 and work out differences of opinion.)
- 57.34 2. We agree to the following plan for sharing the expenses of raising our child or children.

57.35 **Guideline Child Support**

58.1 The guideline child support for our child(ren) is \$..... We agree that will pay
58.2 the guideline child support amount.

58.3 (The Minnesota Child Support guidelines calculator can be accessed at)

58.4 Attach the guidelines printout.

58.5 **Non-Guideline Child Support**

58.6 We agree to deviate from the guideline child support amount after considering the
58.7 following factors that support deviation (Make a check or "X" on all that apply):

58.8 each of our earnings, income, circumstances, and resources, including our
58.9 real and personal property, but excluding income from excess employment
58.10 of the obligor or obligee that meets the criteria of Minnesota Statutes,
58.11 section 518A.29, paragraph (b);

58.12 the extraordinary financial needs and resources, physical and emotional
58.13 condition, and educational needs of our child(ren) to be supported;

58.14 the standard of living our child would enjoy if we were currently living
58.15 together, but recognizing that we now have separate households;

58.16 whether our child resides for more than one year in a foreign country that
58.17 has a substantially higher or lower cost of living than this country;

58.18 the income taxation dependency exemption and the financial benefit that
58.19 one of us receives from it;

58.20 our agreed-upon plan for paying off our debts under paragraph 4;

58.21 the obligor's total payments for court-ordered child support exceed the
58.22 limitations set forth in Minnesota Statutes, section 571.922;

58.23 an allocation of the expenses of our children that enables us to maintain a
58.24 suitable place for our children, taking into account our current standard of
58.25 living;

58.26 the following factor:

58.27 Make a check or "X" on one of the following:

58.28 Because of the factor(s) we have checked above, we agree that
58.29 will pay \$..... in child support on the of each month;

58.30 We will be sharing the following children's expenses: (list items) with
58.31 paying ... percent and paying ... percent; or

58.32 We agree that no child support will be exchanged between us, as we are
58.33 each paying the children's expenses directly.

58.34 Make a check or "X" on all that apply:

58.35 We agree to modify the amount of child support from time to time as our
58.36 circumstances may change.

58.37 We agree to a biennial adjustment in the amount of child support to be
58.38 paid based on cost-of-living changes using a cost-of-living index published
58.39 by the Department of Labor.

58.40 (If either parent is receiving public assistance, the county attorney must approve this
58.41 agreement or it is not enforceable. The county attorney may ask the court to modify any

59.1 child support agreement you make if a minor or dependent child receives or begins to receive
59.2 public assistance.)

59.3 **Caution**

59.4 If your former spouse does not pay you the child support agreed upon in the declaration
59.5 of divorce, you should act promptly to address the matter because if you decide to go to
59.6 court, the court may not order the payment of arrears.

59.7 3. We agree to the following plan for providing health insurance for our children.

59.8 4. We agree to the following plan for paying off our debts. (This agreement will not change
59.9 your obligations to any creditor. It is simply an agreement between the two of you about
59.10 who will be paying a debt.)

59.11 5. We agree to the following plan for dividing our property and assets. (If an allocation of
59.12 assets or debts, or both, deviates from a nearly equal division, provide the reasons for the
59.13 allocation. Educate yourself about the difference between marital and nonmarital property.)

59.14 a. Real estate (Include who will pay any mortgages or agreements to refinance a mortgage,
59.15 and make provisions for recording necessary documents with the county recorder. This
59.16 declaration of divorce does not transfer an interest in real estate. To transfer interest in
59.17 real estate, you must prepare a quitclaim deed or a summary real estate disposition
59.18 judgment for the court administrator, either of which you would need to file with the
59.19 county recorder. It is advisable to seek professional assistance about this process.)

59.20 b. Personal property, such as household furnishings, vehicles, and other objects you
59.21 own.

59.22 c. Financial assets, such as retirements, investments, stock, bank accounts, and business
59.23 interests. (This declaration of divorce has no effect on the division of a retirement account
59.24 or pension plan unless the account or plan receives proper instructions. Many retirement
59.25 assets cannot be divided unless they receive a qualified domestic relations order from a
59.26 court. Often a draft of such an order is approved by the pension plan administrator before
59.27 it is submitted to the court. It is advisable to seek professional assistance about this
59.28 process.)

59.29 6. We agree to the following schedule of payments for spousal support (alimony) which
59.30 ends upon the death of either of us or the remarriage of the payee spouse. (If there is a large
59.31 difference in your incomes and you agree to a minimal amount or no amount of spousal
59.32 support, provide the reasons for the spousal support agreement. For purposes of federal tax
59.33 deductibility, this agreement is deemed to be a divorce or separation instrument. Be aware

60.1 that, upon motion, a court has the authority to modify the amount of spousal support you
60.2 agree on here at any time during the time period in which spousal support is being paid.)

60.3 7. We agree to the following plan to maintain health insurance coverage for both spouses.
60.4 (If one spouse is interested in continuing health insurance coverage under the other spouse's
60.5 employer-provided policy, certain laws apply, including a requirement that an election must
60.6 be made and submitted to the other spouse's employer and health insurance carrier within
60.7 60 days of your divorce.)

60.8 8. We agree to the following plan for paying any past joint tax liability or future tax liability,
60.9 or both, and we agree to the following plan for who will claim the child or dependency
60.10 exemptions or credits for our child or children.

60.11 9. We have reached the following additional agreements which we wish to record.

60.12 (You may not use the cooperative private divorce program to legally change a name. A
60.13 name can be changed only by a court.)

60.14 **Dissolution**

60.15 We hereby agree to the dissolution of our marriage according to the preceding terms.
60.16 We hereby warrant that we have made complete disclosure to each other of all information
60.17 and documents that are important to these agreements, and that the list of assets and debts
60.18 contained in paragraph (1) are complete and accurate and there are no open court cases
60.19 involving these issues.

60.20 Signature, date:

60.21 Signature, date:

60.22 Subd. 12. **Fee.** The commissioner shall charge the participants of the cooperative private
60.23 divorce program a fee of \$1,062. Collected fees must be deposited in the cooperative divorce
60.24 account established under subdivision 13. The commissioner may reduce the fee to ensure
60.25 that revenue more closely matches the expenses of the program.

60.26 Subd. 13. **Cooperative divorce account.** The cooperative divorce account is established
60.27 as a separate account in the special revenue fund in the state treasury. Money in the account
60.28 is appropriated to the commissioner to administer and manage the online program under
60.29 this section.

60.30 Subd. 14. **Data.** Data collected under this section is classified as private data on
60.31 individuals as defined in section 13.02, subdivision 12.

61.1 Sec. 5. **[518.81] PARENT EDUCATION; COOPERATIVE PRIVATE DIVORCE.**

61.2 **Subdivision 1. Parent education requirements.** Married participants who are parents
61.3 of minor children shall attend a four-hour parent education program prior to receiving a
61.4 certificate of marital dissolution under section 518.80, subdivision 5. The parent education
61.5 program must provide information on:

61.6 (1) constructive parenting in the dissolution process, including risk factors for families,
61.7 how marriage dissolution affects children of different ages, and skills that parents can learn
61.8 to increase cooperation and minimize conflict, particularly conflict arising when parents
61.9 place children in the middle, creating conflicting loyalty. This component of the program
61.10 must be aimed at increasing a parent's sensitivity to a child's needs and at giving a parent
61.11 skills to improve the parent's and the child's adjustment to the dissolution of the marriage.
61.12 The primary emphasis of the program must be on constructive parenting information, and
61.13 its content must be consistent with and promote the principles of cooperative private divorce
61.14 as described in section 518.80, subdivision 9;

61.15 (2) assessing if a parent is perpetrating domestic violence against the other parent and
61.16 when cooperation in co-parenting may not be desirable because of safety risks, and providing
61.17 information on local domestic violence resources;

61.18 (3) information on the option of reconciliation, including research on reconciliation
61.19 interests among couples considering marriage dissolution, the potential benefits of avoiding
61.20 marriage dissolution, resources to assist with reconciliation for interested couples, and
61.21 information on when the risk of domestic violence should exclude consideration of
61.22 reconciliation; and

61.23 (4) an overview of the legal process of marital dissolution and the advantages and
61.24 disadvantages of litigation and alternative processes, including but not limited to mediation,
61.25 collaborative and cooperative law, and restorative circles.

61.26 **Subd. 2. Program requirements.** A parent education program under this section may
61.27 be conducted in person or online.

61.28 **Subd. 3. Confidentiality.** Unless all parties agree in writing, statements made by a party
61.29 during participation in a parent education program are inadmissible as evidence for any
61.30 purpose, including impeachment. No record may be made regarding a party's participation
61.31 in a parent education program, except a record of completion of the program as required
61.32 under this section. Instructors shall not disclose information regarding an individual
61.33 participant obtained as a result of participation in a parent education program. Parent
61.34 education instructors may not be subpoenaed or called as witnesses in court proceedings.

62.1 Subd. 4. **Costs and program providers.** Each parent education program must enable
 62.2 persons to have timely and reasonable access to education sessions. A party who qualifies
 62.3 for a waiver of filing fees under section 563.01 is exempt from paying the parent education
 62.4 program fee. Program providers shall implement a sliding fee scale.

62.5 Sec. 6. **[518.82] COOPERATIVE PRIVATE DIVORCE SCREENING; NOTICE;**
 62.6 **FORM.**

62.7 The commissioner of the Bureau of Mediation Services shall make available the following
 62.8 notice for use in the cooperative private divorce program under section 518.80 before full
 62.9 access to the program is granted to a user. The data maintained by the coercion screening
 62.10 tool are private data on individuals, as defined in section 13.02, subdivision 12, and shall
 62.11 not be tracked or recorded by any means at any time.

COERCION SCREENING TOOL

WHEN NOT TO USE COOPERATIVE PRIVATE DIVORCE

62.14 Cooperative private divorce is not for everyone. It is probably not appropriate for you if
 62.15 any of the following statements are true. Choices you make in this section are private. No
 62.16 record of any choice you make in this section will be recorded or tracked.

62.17 You are feeling undue pressure or intimidation from your spouse to use
 62.18 ... cooperative private divorce.

62.19 You have serious doubts about your spouse's willingness to reach agreements
 62.20 ... that are best for everyone in the family.

62.21 Your spouse has made threats of physical or emotional harm during discussions
 62.22 ... of divorce.

62.23 Your spouse has unilaterally ruled out involving any professionals in your divorce
 62.24 ... process even though you want this kind of support.

62.25 ... Your spouse is telling you not to discuss your divorce options with anyone.

62.26 Information on resources can be provided upon request if any of the above risks are occurring.

62.27 Sec. 7. Minnesota Statutes 2018, section 518A.43, subdivision 1, is amended to read:

62.28 Subdivision 1. **General factors.** Among other reasons, deviation from the presumptive
 62.29 child support obligation computed under section 518A.34 is intended to encourage prompt
 62.30 and regular payments of child support and to prevent either parent or the joint children from
 62.31 living in poverty. In addition to the child support guidelines and other factors used to calculate
 62.32 the child support obligation under section 518A.34, the court must take into consideration
 62.33 the following factors in setting or modifying child support or in determining whether to
 62.34 deviate upward or downward from the presumptive child support obligation:

63.1 (1) all earnings, income, circumstances, and resources of each parent, including real and
 63.2 personal property, but excluding income from excess employment of the obligor or obligee
 63.3 that meets the criteria of section 518A.29, paragraph (b);

63.4 (2) the extraordinary financial needs and resources, physical and emotional condition,
 63.5 and educational needs of the child to be supported;

63.6 (3) the standard of living the child would enjoy if the parents were currently living
 63.7 together, but recognizing that the parents now have separate households;

63.8 (4) whether the child resides in a foreign country for more than one year that has a
 63.9 substantially higher or lower cost of living than this country;

63.10 (5) which parent receives the income taxation dependency exemption and the financial
 63.11 benefit the parent receives from it;

63.12 (6) the parents' debts as provided in subdivision 2; ~~and~~

63.13 (7) the obligor's total payments for court-ordered child support exceed the limitations
 63.14 set forth in section 571.922-; and

63.15 (8) an allocation of expenses of the children in a parenting plan under section 518.1705,
 63.16 subdivision 8, or in a declaration of dissolution under section 518.80, subdivision 6, paragraph
 63.17 (a), that enables both parents to maintain a suitable place for their children, taking into
 63.18 account their current standard of living.

63.19 **Sec. 8. REPORT.**

63.20 The commissioner of the Bureau of Mediation Services shall conduct an evaluation of
 63.21 the cooperative private divorce program after the first and second years of operation. The
 63.22 areas of evaluation shall include but not be limited to:

63.23 (1) number of users of the cooperative private divorce program, both initially and
 63.24 transferring to and from a court divorce;

63.25 (2) costs of the cooperative private divorce program to government and families in
 63.26 comparison to court divorces;

63.27 (3) user satisfaction with the cooperative private divorce program process and with their
 63.28 agreements; and

63.29 (4) any correlation between use of the cooperative private divorce program system and
 63.30 subsequent use of court services for the same case or related cases."