

Subject Public Safety Omnibus Bill

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## Overview

This is the public safety omnibus appropriations bill.

## Article 1: Appropriations

This article contains appropriations for the Department of Corrections, Sentencing Guidelines Commission, and Department of Public Safety.

### Section Description – Article 1: Appropriations

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- 1 **Appropriations.**  
Summarizes direct appropriations by fund.
- 2 **Corrections.**  
Appropriates \$1,014,000 in fiscal year 2020 and \$15,721,000 in fiscal year 2021 to the Department of Corrections. The appropriation funds increased compensation costs including overtime, increased funding for community services, and staffing for the procedure permitting early conditional release.
- 3 **Public safety; Bureau of Criminal Apprehension.**  
Appropriates \$4,782,000 in fiscal year 2021 for testing and storage of sexual assault kits, expanding laboratory capacity, and operations support for a new task force.
- 4 **Sentencing Guidelines.**  
Appropriates \$8,000 in fiscal year 2020 and \$36,000 in fiscal year 2021 for additional compensation costs.
- 5 **Expenditures eligible under the CARES Act.**  
Directs the commissioner of management and budget to determine whether any expenditures made under this article is an eligible use of funding received under the

**Section Description – Article 1: Appropriations**

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federal CARES Act and, if so, to appropriate the money from the account where the CARES Act money was deposited.

## **Article 2: Policy**

This article contains a variety of corrections and public safety policy provisions that address COVID-19 related issues, requires storage and testing of sexual assault examination kits, and establishes a task force on sentencing for aiding and abetting felony murder.

**Section Description – Article 2: Policy**

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- 1 Public access to correctional facility population data.**  
Requires the commissioner of corrections and sheriffs to post daily inmate population numbers for prisons, jails, and juvenile detention centers on publicly accessible websites administered by the agencies.
- 2 Correctional institutions; occupancy limits of cells.**  
Repeals language that encourages the commissioner of corrections to double bunk inmates as much as possible in the state’s custody level 1 to 4 correctional facilities. **[H.F. 4578]**
- 3 Submission and storage of sexual assault examination kits.**  
**(a)** Requires each unrestricted sexual assault examination kit to be tested and requires the kit to be retained indefinitely after being tested by the law enforcement agency investigating the case.  
  
**(b)** Requires restricted sexual assault examination kits to be submitted to the BCA within 60 days and for the BCA to store the kits for at least 30 months. **[H.F. 4540 and H.F. 2983]**
- 4 Uniform consent form.**  
Directs the BCA to develop and distribute a uniform sexual assault examination kit consent form for victims of sexual violence. **[H.F. 4540 and H.F. 2983]**
- 5 Web database requirement.**  
Requires the BCA to create a searchable web database where victims may determine the status of their sexual assault examination kits. **[H.F. 4540 and H.F. 2983]**

**Section Description – Article 2: Policy**

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**6 Motor vehicle charges and conviction data; report.**

Requires the court administrator to collect, compile, and report data on charges and convictions for driving after suspension or revocation, and payment of fines for violations related to the operation of a motor vehicle.

**7 Temporary emergency powers; commissioner of corrections.**

**Subd. 1. Applicability.** Limits the duration of the emergency powers granted to the commissioner of corrections under this section. The powers are retroactive to the date of the governor’s declaration of a peacetime emergency to respond to COVID-19. The powers expire when the peacetime emergency expires.

**Subd. 2. Temporary powers granted; limitations.** Grants temporary powers to the commissioner to protect the health and welfare of state correctional employees and inmates. The powers may only be used to prepare for or respond to an outbreak of COVID-19.

**Subd. 3. Expanded authority to grant early conditional release to certain offenders.** Grants the commissioner the authority to release certain nonviolent offenders who have 180 days or less in their term of imprisonment and pose a low risk of re-offending. The commissioner is directed to give priority for early release to inmates most likely to suffer serious illness or death from COVID-19. Provides additional requirements and guidance on applications, supervised release, and conformance with existing conditional release provisions.

**Subd. 4. Reports.** Requires the commissioner to report to the legislature within 30 days of the expiration of the peacetime emergency on the timeline about when the powers were exercised and an explanation for why the powers were necessary. Within 180 days of the expiration of the peacetime emergency, the commissioner must submit a second report to the legislature that provides specified aggregate data about the offenders to whom the commissioner granted early release.

**8 SARS-CoV-2 testing of public safety specialists.**

Directs health care providers to return SARS-CoV-2 test results to public safety specialists as soon as possible. Defines “public safety specialist,” “health care provider,” and “SARS-CoV-2” for purposes of this section.

**9 Task force on sentencing for aiding and abetting felony murder.**

Establishes a task force to review statutes and data related to charging, convicting, and sentencing individuals who aid and abet the commission of felony murder.

**Section Description – Article 2: Policy**

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**Subd. 1. Definitions.** Defines the terms “aiding and abetting” and “felony murder” for the purposes of the task force.

**Subd. 2. Establishment.** Establishes a task force to collect and analyze data related to sentencing individuals for aiding and abetting felony murder.

**Subd. 3. Membership.** Identifies the 12 members of the task force.

**Subd. 4. Officers; meetings.** Provides for the election of a chair, vice-chair, and any other necessary members of the task force. Requires the commissioner of corrections to convene the first meeting of the task force by August 1, 2020. Directs the task force to meet at least monthly and provides that the meetings are subject to the open meetings law. Directs the task force to request the cooperation of state agencies, academics, and others.

**Subd. 5. Duties.** Establishes duties for the task force including collecting and analyzing data related to charges and sentences for individuals convicted of aiding and abetting felony murder, reviewing relevant statutes, receiving input from victims and offenders; analyzing the benefits and unintended consequences of Minnesota’s laws related to charging, convicting, and sentencing individuals for aiding and abetting felony murder; and making recommendations to the legislature.

**Subd. 6. Report.** Directs the task force to submit a report by January 15, 2021.

**Subd. 7. Expiration.** Provides that the task force expires the day after it submits the required report. **[H.F. 3976]**



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