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## **Chapter 123 – Judiciary and Public Safety Supplemental Budget and Policy Act (H.F. No. 5216)**

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### **Article 1 – Appropriations**

This article appropriates money and makes fiscal-related policy changes and clarifications.

**Section 1** explains the appropriation format of the act.

**Section 2** appropriates \$5,663,000 in fiscal year 2025 to the supreme court for the Safe and Secure Courthouse Initiative and to enhance cyber security.

**Section 3** appropriates \$6,652,000 in fiscal year 2024 and \$23,685,000 in fiscal year 2025 to the district courts to expand access to psychological services, increase the pay rate for forensic examiners, address the court interpreter deficit, increase the rate of pay for court interpreters, pay for travel time for court interpreters, address the jury program deficit, and provide vicarious trauma services to jurors.

**Section 4** appropriates \$7,000,000 in fiscal year 2024 and \$9,850,000 in fiscal year 2025 to the Department of Public Safety (DPS). Of this amount, \$7,000,000 in fiscal year 2024 is from the 911-E account in the special revenue fund. Supplemental funding is for:

- the Task Force on Domestic Violence and Firearms;
- the Motor Vehicle Registration Compliance Working Group;
- direct assistance to crime victims;
- a report on preventing violence against Latina women and queer Latines;
- law enforcement therapy dog grants;
- mediation and restorative justice grants; and,
- digital geographic information system mapping of school facilities.

**Section 5** appropriates \$5,900,000 in fiscal year 2024 and \$2,000,000 in fiscal year 2025 to the Department of Corrections (DOC) for the operation of correctional facilities.

**Section 6** appropriates \$986,000 in fiscal year 2025 for the Clemency Review Commission.

**Section 7** appropriates \$150,000 in fiscal year 2025 for the Office of Addiction and Recovery to provide support for the Task Force on Holistic and Effective Responses to Illicit Drug Use.

**Section 8** requires, at the end of a fiscal biennium, the commissioner of management and budget to transfer money to the Disaster Contingency Account if (1) the actual general fund closing balance for a biennium exceeds the projected closing balance, and (2) the Disaster Assistance Contingency Account contains less than \$50,000,000. The commissioner shall transfer an amount equal to the amount by which the actual general fund closing balance at the end of the biennium exceeds the projected closing balance, up to an amount sufficient to increase the balance of the Disaster Assistance Contingency Account to \$50,000,000.

**Section 9** eliminates a general fund base for the supreme court related to funding civil legal services to conform with establishing a separate board to oversee civil legal aid operations and funding.

**Section 10** authorizes Urban Search and Rescue and the Minnesota Air Rescue Team to receive reimbursements from the Non-responsible Party Fund. The fund provides reimbursement to state response assets when no identified responsible party is found.

**Section 11** amends the 2023 public safety finance act to allow an appropriation for Ramsey County youth treatment homes to be used through June 30, 2026.

**Sections 12 and 13** reduce the appropriation to the DOC by \$986,000 in fiscal year 2025 to reflect the establishment of the Clemency Review Commission as an independent entity.

**Section 14** establishes a onetime transfer to the Disaster Assistance Contingency Account from the difference between the actual general fund closing balance for fiscal year 2024 and the projected closing balance for that year in an amount equal to that balance or an amount sufficient to increase the money in the Disaster Assistance Contingency Account to \$50,000,000, whichever is less.

**Section 15** establishes a general fund appropriation base of \$34,167,000 for the Board of Civil Legal Aid beginning in fiscal year 2026.

**Section 16** directs the commissioner of public safety to provide a grant to Esperanza United to develop a report that provides preliminary research and recommendations to reduce, prevent, and end violence against Latina women and girls, including queer Latines, in Minnesota.

**Section 17** directs the commissioner of public safety to distribute \$500,000 of the money appropriated from the community crime and violence prevention account for fiscal year 2026 as grants to Anoka, Hennepin and Ramsey counties for these counties to issue sub-grants to community organizations providing intervention and support services to youth who come into contact with peace officers and are suspected to have committed a juvenile petty offense or delinquent act. Of the amount appropriated, 20 percent must be directed to Anoka County, 40 percent to Hennepin County, and 40 percent to Ramsey County.

**Section 18** directs the commissioner of public safety to issue grants to regional emergency communications boards to map school facilities. Requires that the maps be prepared in a format that can be shared with emergency responders such as fire departments, police departments, and emergency medical services.

## **Article 2 – Crime Victim Provisions**

This article contains provisions relating to crime victims.

**Sections 1, 3, 4, 6, and 10 to 15** amend various definitions of “victim” in statutes to make the definitions consistent with victims’ rights statutes.

**Sections 2 and 7** allow a victim and law enforcement agent to submit written material that is relevant to an end of confinement review committee’s determination when assigning a predatory offender a risk level and requires the commissioner of corrections to provide the risk level assignment to the victim, if requested. Also require the commissioner to make a good faith effort to notify any victim of the review process and the right to submit written input.

**Sections 3 and 4** (see summary of **Section 1**).

**Section 5** makes certain data related to reimbursement for the costs of sexual assault exams private.

**Section 6** (see summary of **Section 1**).

**Section 7** (see summary of **Section 2**).

**Section 8** provides that the sexual assault primary prevention services grants that the DPS must award are to be made to statewide organizations who will in turn provide subgrants to programs that will actually provide the prevention services.

**Section 9** removes donations and gifts from the list of items that can be deducted from reimbursement paid to a victim of a crime under the Crime Victims Reimbursement Act.

**Sections 10 to 15** (see summary of **Section 1**).

## **Article 3 – Law Enforcement Provisions**

This article contains provisions relating to peace officers and law enforcement agencies.

**Section 1** requires a peace officer making a traffic stop for a violation related to the motor vehicle code to inform the vehicle’s operator of the reason for the stop before engaging in questioning related to the suspected traffic violation.

**Section 2** provides that when the Peace Officer Standards and Training (POST) Board receives a complaint alleging a violation of statute or rule that the board is empowered to enforce, the board’s executive director may order an appropriate law enforcement agency to conduct an inquiry and requires such an agency to submit a written report. Under current law, the executive director must designate a law enforcement agency to investigate the complaint and the investigating agency must submit a written report.

**Section 3** authorizes railroads to employ peace officers.

**Subdivision 1** requires a railroad that intends to employ peace officers to appoint a chief law enforcement officer (CLEO) to oversee the peace officers and take responsibility for those officers. Requires a CLEO to be a Minnesota licensed peace officer.

**Subdivision 2** permits a railroad to employ railroad peace officers after appointing a CLEO. Railroad peace officers have the ability to work for the protection of property owned, or in the care or custody, of a railroad and to protect persons and property of railroad passengers and employees.

**Subdivision 3** requires a railroad that employs peace officers to cooperate with the POST Board with respect to the board's authority to oversee peace officer licensing. Such a railroad must respond to requests from the POST Board and produce any relevant information and data that the board requests. Failure to comply can result in sanctions against the railroad.

**Subdivision 4** establishes that a railroad CLEO has the same duties and responsibilities as any other CLEO, including supervising officers, ensuring ongoing training, and maintaining records.

**Subdivision 5** establishes that railroad peace officers have the powers and duties of other peace officers on railroad property. Requires railroad peace officers to coordinate with local peace officers. Prohibits railroads from directing, requiring, or allowing railroad peace officers to investigate violations of a railroad rule, policy, or procedure that are unrelated to a criminal offense or to any incident involving civil litigation. Directs the railroads to update their policies and share those updates with labor organizations. Provides that peace officers who violate the restrictions are subject to discipline as though they violated the peace officer standards of conduct.

**Subdivision 6** establishes that peace officers employed by a railroad are eligible for licensing as Minnesota peace officers under the same standards as other Minnesota peace officers.

**Subdivision 7** authorizes the POST board to revoke the license of a railroad peace officer or the railroad CLEO. Establishes that, if the board revokes the license of the CLEO, the other officers must be placed on inactive status or have their licenses revoked. Provides an exception for the license of an officer who is employed by a different law enforcement agency in Minnesota.

**Subdivision 8** provides that compensation for railroad peace officers is the responsibility of the railroad.

**Subdivision 9** establishes that liability for actions by railroad peace officers are subject to the privileges and immunities of other peace officers. Establishes that railroads are liable for the actions of railroad peace officers and must indemnify such officers consistent with the indemnification by an employer of other peace officers in the state.

**Subdivision 10** provides that nothing in this section restricts the rights, powers, or privileges granted to peace officers who are not railroad peace officers.

**Sections 4 and 7** amend definitions of "peace officer" to include railroad peace officers.

**Section 5** provides that the odor of cannabis may not serve as the sole basis to search a motor vehicle or its occupants.

**Section 6** requires the Use of Force Investigations Unit within the Bureau of Criminal Apprehension (BCA) to investigate any officer-involved death unless the officer was an employee of the BCA. Requires the investigating agency to submit a report to the prosecutor and requires a prosecutor who determines that there is no basis to file charges against an officer to disclose that decision and the report. Permits portions of the report to be redacted if those portions contain information that is not public under section 13.72.

**Section 7** (see summary of **Section 4**).

**Sections 8 and 10** change the name of the Ensuring Police Excellence and Improving Community Relations Advisory Council. The new name will be the Public Safety Advisory Council.

**Section 9** prohibits the POST Board from granting continuing education credit to a course that includes training on the detection or use of the term “excited delirium,” prohibits the board from reimbursing a law enforcement agency for a course that includes such training, and prohibits law enforcement agencies from providing any course to peace officers that includes training on excited delirium. Defines the term “excited delirium.”

**Section 10** (see summary of **Section 8**).

**Section 11** authorizes Anoka County to build a jail and criminal justice center in any city within the county to replace the current jail. Authorizes the county sheriff to keep office in the new location.

#### **Article 4 – Miscellaneous Criminal Justice Provisions**

This article contains provisions relating to juvenile delinquency and other criminal justice policy.

**Sections 1 and 22** require the Revisor of Statutes to annually compile and publish a list of collateral sanctions relating to criminal convictions and repeal MS, chapter 609B, which currently contains cross references to existing collateral sanctions.

**Sections 2, 3, and 5** amend the definitions of “delinquent child,” “juvenile petty offender,” and “child in need of protection or services,” to provide (effective 8/1/26) that a child who has committed a delinquent act or a juvenile petty offense before becoming 13 years old (rather than ten under current law) is considered a child in need of protection or services and not a delinquent child or a juvenile petty offender.

**Section 4** limits the situations in which a child may be subject to DNA analysis to those involving parental consent, a court order, or a warrant.

**Section 5** (see summary of **Section 2**).

**Sections 6 and 7** prohibit certain entities from having policies preventing or discouraging the reporting of child maltreatment and make so doing a misdemeanor.

**Section 8** eliminates requirements that certain individuals provide a biological specimen for DNA analysis prior to conviction or adjudication. These provisions have been held unconstitutional.

**Section 9** amends the statutory provision that addresses the time limit for filing a post-conviction relief petition. Modifies the current exception to the two-year time limit to file based on newly

discovered evidence. Under current law, that evidence, among other things, must establish the petitioner's innocence by clear and convincing evidence. Replaces this with a requirement that the evidence provide facts necessary to sustain one or more legally cognizable claims for relief.

**Section 10** extends the time that the county attorney or attorney general has to respond to the filing of a petition for post-conviction relief from 20 to 45 days.

**Section 11** expands the Good Samaritan immunity protections for those seeking emergency assistance for someone experiencing a drug-related overdose to include individuals acting in concert with the person who makes the emergency call, if they provide a name and contact information, remain at the scene until assistance arrives and cooperate with authorities.

Under current law, immunity is limited to the first person who seeks assistance for the individual experiencing the overdose.

**Section 12** corrects an incorrect statutory reference.

**Sections 13 and 14** make the following changes to the expungement law:

- exclude reckless driving resulting in great bodily harm or death to another and third-degree burglary (other than trespass) from the automatic expungement process (**Section 13**).
- provide a four-year (rather than five-year) waiting period for expungements of certain felonies that have been deemed gross misdemeanors or misdemeanors under law (**Section 14**).
- clarify that certain offering forged check crimes are eligible for expungement (felony offenses deemed to be gross misdemeanors or misdemeanors under law) (**Section 14**).

**Section 15** provides that a criminal sexual conduct charge involving a victim who was mentally incapacitated or physically helpless because of being asleep or not conscious may be brought in the county where any element of the crime took place or where the victim is located.

**Section 16** establishes a presumption that an admission, confession, or statement made by a person under 18 years of age during a custodial interrogation by a law enforcement officer or the officer's agent is presumed to have been made involuntarily if the law enforcement officer or agent communicated (1) material information that the officer or agent knew to be false or (2) statements about leniency that the officer or agent was not authorized to make. Authorizes a prosecutor to rebut the presumption. Establishes that the presumption does not apply to statements made before the prohibited conduct. Specifies that information may be admissible if it would have been discovered through independent, lawful means.

**Sections 17 to 21** amend the changes made last year to the aiding and abetting felony murder law to conform the standard for seeking retroactive relief for certain convictions to the standard applicable for initial criminal liability.

In 2023, Minnesota Statutes, section 609.05 (liability for crimes committed by another) was amended to provide that a person could no longer be held criminally liable for second degree felony murder under an accomplice liability theory when the death was caused by another unless the person was a major participant in the underlying felony *and* acted with extreme indifference to human life. In addition to this change, the law authorized persons already convicted of such a crime to petition to have the conviction vacated. However, the standard for retroactive relief did not match the standard for limiting initial criminal liability. For retroactive relief, the standard requires that a person seeking

relief establish that the person was not a major participant *and* did not act with extreme indifference to human life. Thus, as drafted, the standard for retroactive relief is narrower than the standard for avoiding initial criminal liability.

These sections:

- replace the “and” with “or” relating to being a major participant and acting with extreme indifference to human life in the provisions relating to seeking retroactive relief and receiving a pardon.
- extend the deadline in the retroactive relief law to accommodate persons seeking to take advantage of the new standard.
- authorize persons denied retroactive relief under the current standard and who would be now eligible for relief under the new standard to reapply for relief, and require the commissioner of corrections to notify persons who may be eligible for relief.
- expand the actions a court may take upon a successful application for relief to include vacating the original conviction and entering a conviction and imposing a sentence for a lesser included offense.

**Section 22** (see summary of **Section 1**).

## **Article 5 – Public Safety**

This article contains provisions relating to public safety and the DPS.

**Sections 1 to 9** expand references to search warrants in Minnesota’s DWI laws to include those from adjacent states that conform to Minnesota law and defines “search warrant” for these purposes.

**Sections 10 and 11** redefine two terms (“state emergency response asset” and “urban search and rescue”) in the public safety chapter of law.

**Section 12** authorizes the DPS to use up to 10% of youth intervention program appropriations for administrative costs (rather than the current 2%).

**Sections 13 to 15** require a company providing guards or other personnel to transport a person arrested on a warrant to have a protective agent license unless the transporter is a corrections agent, law enforcement agent, or emergency responder, and provide licensing sanctions and penalties for misconduct related to this.

**Section 16** establishes a working group on motor vehicle registration compliance (funded in article 1 at \$133K in FY ’25). Directs the commissioner of public safety to establish a working group to examine issues related to motor vehicle registration and registration tax compliance. Identifies the required membership of the group, lists the specific duties that are required, and provides that the working group must comply with Minnesota Statutes, chapters 13 and 13D. Requires the working group to submit a report by February 15, 2025. Provides that the group expires on June 30, 2025.

**Section 17** establishes a task force on holistic and effective responses to illicit drug use (funded in article 1 at \$150K in FY ’25).

**Subdivision 1** establishes a task force to review the reports on approaches to address illicit drug use prepared pursuant to the grant enacted in the 2023 legislative session and to develop recommendations based on that report.

**Subdivision 2** identifies the membership of the task force. Requires appointment by August 31, 2024, and establishes that members serve without compensation.

**Subdivision 3** establishes the duties of the task force, including reviewing relevant data, gathering public input, and making recommendations that include a specific implementation plan and timeline.

**Subdivision 4** directs the director of the Office of Addiction and Recovery to convene the first meeting of the task force by September 30, 2024. Establishes that meetings are subject to the open meeting requirements.

**Subdivision 5** directs the Office of Addiction and Recovery to provide space and administrative support for the task force.

**Subdivision 6** requires the task force to submit a report to the legislature with recommendations that include proposed legislation and implementation plans.

**Subdivision 7** provides that the task force expires June 30, 2025.

**Section 18** establishes a task force on domestic violence and firearm surrender (funded in article 1 at \$50K in FY '25). Establishes a task force to review laws that require the surrender of firearms by individuals who are the subject of an order for protection, the subject of an extreme risk protection order, or have been convicted of certain offenses related to domestic violence. The task force must also identify best practices to both ensure the surrender of firearms and protect the safety of peace officers, victims, and others. The task force must begin meeting by September 15, 2024, and must submit a final report by February 1, 2025.

**Section 19** expands the permitted uses for a 2023 grant to the Grand Portage Band of Lake Superior Chippewa.

## Article 6 – Criminal Provisions

This article contains provisions establishing or amending crimes and criminal law.

**Sections 1, 3, and 8** add the aggravated first-degree witness tampering crime to the definitions of “crime against a person” in **Section 1** (Minnesota Statutes, sections 146A.08 (disciplinary actions against unlicensed complementary and alternative health care practitioners)) and **Section 3** (Minnesota Statutes, section 243.167 (predatory offender registration)), and to the definition of “violent crime” in **Section 8** (Minnesota Statutes, section 609.1095 (increased sentences for certain dangerous and repeat felony offenders)).

These three statutory definitions all include first-degree witness tampering but not the more serious crime of aggravated first-degree witness tampering. Not including the more serious crime was likely an oversight when the aggravated first-degree witness tampering crime was enacted in 1997.



**Section 2** amends the sentencing subdivision of the fifth-degree controlled substance crime to authorize peace officers to refer persons suspected of violating the law to a local service provider that can offer substance use assistance to the person. The officer is required to make the referral upon request at the time of the initial contact assuming doing so is practicable and there is availability.

**Section 3** (see summary of **Section 1**).

**Section 4** makes a conforming change related to **Section 5**.

**Section 5** specifies that force may not be used against another based on the other's actual or perceived sexual orientation, gender identity, or gender expression.

**Section 6** specifies that it is not a defense to a crime that a defendant acted based on another's actual or perceived sexual orientation, gender identity, or gender expression.

**Section 7** amends the criminal code's section that provides for deferred prosecutions for military veterans under certain circumstances. Requires courts when imposing a deferred sentence or when entering an adjudication of guilt to prepare a report containing specified information. These reports must be forwarded to the Sentencing Guidelines Commission and the Commission is required to submit annual reports to the legislature that contains specified summary data relating to these issues.

**Section 8** (see summary of **Section 1**).

**Section 9** addresses the issue of the maximum probation period for certain crimes. In 2023, the legislature limited the maximum probationary period for most felony offenses to five years, while providing exceptions for certain particularly serious ones. The exceptions did not address attempts or conspiracies to commit those crimes. This section establishes that the exception to the length of probation that permits extended periods of probation for certain serious offenses also applies to a felony-level attempt or conspiracy to complete one of those crimes. Also makes this applicable to attempts or conspiracies to violate the first-degree murder and first-degree murder of an unborn child crimes.

**Sections 10 to 13** define a "stay" for purposes of Minnesota Statutes, section 609.14 (revocation of stay), to include stays of adjudication, imposition, and execution, as well as deferred prosecutions.

In 2021, an unpublished court of appeals decision (*State v. Solien*) held that a deferred prosecution/stay of imposition under Minnesota Statutes, section 152.018 (deferred sentence/stay of adjudication for certain low-level drug possession crimes involving first time offenders), was not considered a stayed sentence under Minnesota Statutes, section 609.14. Accordingly, those types of dispositions do not fall under the provision of Minnesota Statutes, section 609.14, that allow for probation revocation proceedings to be initiated within six months of the expiration of the stay. This treats these types of stayed sentences differently than other types (stays of imposition or execution). Accordingly, under the decision all pending probation revocation issues have to be resolved before case expiration or the court loses jurisdiction (unlike how the matter is treated for stays of imposition or execution).

**Sections 10 to 12** make conforming and clarifying changes related to **Section 13**.

**Section 13** adds the definition of "stay" described above.

**Section 14** corrects an oversight in law relating to victim age-based distinctions for prostitution crimes. In 2021, the legislature modified the age range for various sex-related crimes to distinguish certain penalties based on the victim being either under 14 years or 14 years or older. However, one of the three ten-year felony provisions in the prostitution crime was not changed to reflect this. This section corrects that oversight.

**Sections 15 and 16** make technical changes to the organized retail theft crime.

**Section 17** establishes an enhanced penalty for falsely reporting an emergency and triggering an emergency response to the home of an elected official, judge, prosecuting attorney, employee of a correctional facility, or peace officer.

**Section 18** makes a technical change to the emergency telephone and communications crime.

**Section 19** makes it a felony (statutory maximum sentence of 5 years imprisonment and/or \$10,000 fine) to sell human remains or offer human remains for sale. Defines key terms, including “human remains.” Provides exceptions to the crime.

## **Article 7 – Predatory Offenders**

This article contains changes relating to predatory offenders and predatory offender registration.

**Section 1** defines the terms “conservator,” “guardian,” and “power of attorney” for purposes of the statutes governing predatory offender registration.

**Section 2** amends the predatory offender registration law to no longer require registration for a violation of the false imprisonment of someone else’s child crime. Clarifies that disseminating a pornographic work involving a minor is a registrable offense. Makes a technical change relating to a crime (caregiver of a vulnerable adult engaging in sexual activities with the vulnerable adult) that has been recodified.

**Section 3** amends the methods the BCA can use to verify that a person required to register as a predatory offender is living at an address in a new state and allows the bureau to determine if the evidence is sufficient to confirm the person’s new residence.

**Section 4** authorizes the guardian or conservator for, or power of attorney of, a person required to register as a predatory offender to complete all verification and registration paperwork on behalf of the person.

**Section 5** amends the predatory offender registration law to change the standard for restarting the ten-year registration period so that the registration period starts over based on a conviction for a new offense that requires registration instead of any new offense.

**Section 6** requires a law enforcement agency in the area where a predatory offender who has been assigned to risk level II resides, expects to reside, is employed, or is regularly found to disclose information that is relevant and necessary to counteract the offender’s dangerousness to public officials who are likely to visit the offender’s home in the course of the official’s duties, including property assessors, property inspectors, and code enforcement officials.

**Section 7** amends the requirement that the agency responsible for supervising a level III predatory offender consider the offender's proximity to certain locations to include child care facilities and group family day care programs, licensed facilities for vulnerable adults, attractions within public parks that are regularly used by minors (such as playgrounds and athletic fields), and community centers. Limits the considerations to situations where the proximity presents a risk of reoffending.

**Section 8** permits a court to extend a continuance in certain juvenile delinquency cases involving sexual assault and similar conduct for successive periods that do not exceed a total of 24 months so that the offender can receive sex offender treatment. Requires the consent of the prosecutor to extend the continuance. A continuance permits a court to exercise jurisdiction over a juvenile without a finding of delinquency. Under current law, a court can issue a single continuance of 180 days.

## **Article 8 – Corrections Provisions**

This article contains provisions relating to corrections and the DOC.

**Sections 1 and 24** authorize the commissioner of corrections to disclose, upon release of an offender, the offender's city and five-digit zip code to the crime victim. Under current law, the commissioner may only disclose this information to victims of a qualified domestic violence-related offense.

**Section 2** clarifies that the DOC may obtain any data the commissioner deems necessary from any DOC-licensed facility to conduct a review of any emergency or unusual occurrence at the facility.

**Section 3** amends the membership of the state correctional facilities security audit group in the following manner:

- removes a physical plant safety consultant and a private security consultant;
- adds an individual with expertise in security related to infrastructure and operational logistics;
- adds the commissioner of health or a designee; and
- adds the commissioner of administration or a designee.

Establishes that the ombudsperson for corrections (or a designee) must chair the group, requires the group to submit a report whenever it updates security audit standards, and requires the group to meet twice a year and make recommendation within 60 days of a meeting. Provides that the group is not subject to the open meeting law; that Minnesota Statutes, section 15.059 governs the terms, compensation, and removal of members; that members serve without compensation but get expense reimbursement; and that the group is permanent.

**Section 4** amends the membership of the health care peer review committee by removing the director of health services and adding the following people:

- one or more licensed physicians or nurse practitioners from the community;
- the director of psychiatry of a contracted vendor;
- the pharmacist liaison of a contracted vendor's pharmacy vendor;
- the clinical pharmacist of a contracted vendor; and
- other ad hoc members at the discretion of the DOC medical director.

In cases of suicide or unanticipated death, a representative from the Office of Special Investigations shall be appointed the committee.

**Section 5** requires local correctional facilities to report specified information relating to their communications contracts for incarcerated persons within their jurisdiction.

**Section 6** prohibits the commissioner of corrections from entering into agreements or contracts with higher education institutions that are organized as for-profit companies or charge a higher per-credit rate to incarcerated individuals than to those who are not incarcerated.

**Section 7** authorizes a medical director's designee, provided they are a licensed physician, to make health care decisions for inmates who lack decision-making capacity when no other family or designated agents are available.

**Section 8** eliminates the requirement that a correctional officer who uses force must be the person who can articulate the threat with specificity.

**Section 9** provides that when the supervised release board denies supervised release of an inmate, the board, upon request of the inmate, must conduct another release hearing within three years and then (if requested by the inmate) every three years following. Authorizes the board to meet in closed session when reviewing a victim's statement, at the request of the victim. Makes a technical change relating to the name of the board.

**Section 10** strikes obsolete language that prohibits offenders with certain medical conditions from participating in the Challenge Incarceration Program if that condition is listed by the DOC as a disqualifying condition.

**Section 11** changes the DOC legislative reporting date on probation and supervision data from January 15<sup>th</sup> of each year to May 1<sup>st</sup>. Counties report local data to the DOC in April of each year. The change will provide the legislature with the DOC compiled statistics eight months earlier than current practice. The section also deletes obsolete language regarding recommended methods of coordinating the exchange of probation information.

**Sections 12 to 16** are related to the Minnesota Rehabilitation and Reinvestment Act (MRRA), the earned incentive release program enacted by the 2023 Legislature. These changes clarify that the same MRRA incentives for those individuals serving supervised release terms will also apply to those who are subject to a term of conditional release.

**Section 17** amends distribution of funds in the MRRA earned incentive release savings account to eliminate a transfer of 25 percent to the general fund and increase the transfer to the Office of Justice Programs for crime victims services from 25 percent to 50 percent.

**Section 18** specifies that participation in postsecondary education satisfies a requirement that a person on supervised release work or be employed.

**Section 19** defines "local advisory board" for the purposes of the Community Corrections Act (CCA).

**Section 20** appropriates savings from the MRRA to each CCA jurisdiction.

**Section 21** defines "conditional release" in the criminal code.

**Section 22** authorizes a supervising agent or the commissioner of corrections to provide private or confidential data to a prosecutor for purposes of a petition for sentence adjustment.

**Section 23** removes the executive director of the Cannabis Expungement Board from the salary requirements of chapter 15A.

**Section 24** (see summary of **Section 1**).

**Section 25** establishes that, effective July 1, 2025, the Board of Regents of the University of Minnesota may request that the commissioner of public safety designate one or more campuses to provide certain law enforcement training and authorizes the commissioner to make the designation.

**Section 26** authorizes the DOC to send certifications of terms of commitment by either certified mail or by e-filing. Under current law both forms of notification are required.

**Section 27** removes the executive director of the Clemency Review Commission from the salary requirements of Minnesota Statutes, chapter 15A.

**Section 28** extends the transition period in which the DOC provides administrative support to the Clemency Review Commission from February 29, 2024 to June 30, 2024. This provision is effective retroactively from February 28, 2024.

**Section 29** extends the transition period in which the DOC provides administrative support to the Cannabis Expungement Board from March 1, 2024 to August 1, 2024. This section is effective retroactively from February 28, 2024.

**Section 30** requires the commissioners of corrections and higher education to share data to identify incarcerated persons who are student aid borrowers and to develop a plan to assist incarcerated persons with enrolling in income-driven repayment plans for financial aid repayment.

**Section 31** requires the commissioner of corrections to encourage eligible individuals who are incarcerated inmates to enroll in the Fresh Start program.

**Section 32** repeals Minnesota Statutes, section 241.265 (prohibiting the commissioner of corrections from paying for certain postsecondary degrees for individuals convicted of first- or second-degree murder).

## **Article 9 – Restorative Practices Restitution Program**

This article establishes grants to make restitution payments to victims on behalf of certain juveniles who participate in restorative practices programs.

**Section 1** authorizes the director of the Office of Restorative Practices to issue grants to make restitution payments to victims on behalf of certain juveniles who participate in restorative practices programs.

**Section 2** directs the Office of Restorative Practices to establish a restorative practices restitution grant program. Establishes eligibility requirements for grant applicants. Establishes requirements for restitution grants. Classifies data related to paying restitution to victims on behalf of certain juveniles who participate in restorative practices programs.

**Section 3** amends a 2023 appropriation to permit money to be used to support the restorative practices restitution grant program.

### **Article 10 – Protective Orders**

This article amends provisions related to orders for protection (OFPs) and harassment restraining orders (HROs).

**Sections 1, 3 to 9, and 11 to 13** define a “custodian” for purposes of the OFP law and require that the same notices related to an OFP that are provided to a respondent or petitioner be provided to a custodian. A custodian is any person other than the petitioner or respondent who is under a legal obligation to provide care and support for the petitioner’s minor child or who is providing care and support for the minor child.

**Sections 2, 8, 10, 11, and 14 to 17** consolidate the service of process requirements for OFPs and HROs; requires that certain individuals provide information to a sheriff, or other officer, who is attempting to locate a respondent to serve orders or other papers; requires the sheriff or other officer to make reasonable efforts to locate the respondent; and permits service to be made electronically or by mail for certain respondents.

### **Article 11 – State Board of Civil Legal Aid**

This article establishes the State Board of Civil Legal Aid as part of the Judicial Branch. The board replaces the Minnesota Supreme Court’s Legal Services Advisory Committee. The board consists of 11 members: six members appointed by the supreme court and five members appointed by the governor. The board must work to ensure access to high quality civil legal services, approve and recommend to the legislature a budget, establish procedures for distribution of funding to civil legal services programs, and establish civil legal program standards. This article is effective July 1, 2025.

### **Article 12 – Judicial Data Privacy**

This article protects the personal information of judicial officials as follows:

- classifies as private data any personal information of a judicial official held by a government entity under the Minnesota Data Practices Act;
- prohibits persons from knowingly publicly posting a judicial official’s personal information;
- permits a judicial official to submit a sworn affidavit to private and public entities requesting the removal of publicly posted personal information;
- provides for the recovery of damages and costs if a person or entity knowingly violates a court order granting injunctive relief; and
- provides criminal penalties if a person knowingly publishes a judicial official’s personal information with the intent to threaten, intimidate, harass, or physically injure.

This article provides several exemptions from the general privacy protections, including exemptions for real property records.

### **Article 13 – Judicial Branch Policy**

This article contains provisions related to the courts and judicial branch.

**Section 1** modifies the state law on eminent domain. This section clarifies that the award must be deposited with the court administrator and that if the amount exceeds \$10,000, the award must be deposited in an interest-bearing account within five business days.

**Sections 2 and 3** clarify that the court administrator must notify the commissioner of public safety that a judgment related to a claim arising out of ownership, maintenance, or use of a motor vehicle has not been satisfied.

**Sections 4 and 7** modify the definition of “court examiner” for purposes of the law governing civil commitment and competency proceedings. Court examiners must either be licensed in Minnesota or hold authority to practice in Minnesota under an approved interstate compact.

**Section 5** exempts court debts sent to the Department of Revenue for revenue recapture from certain notice and hearing requirements.

**Section 6** requires employers to release an employee from their regular work schedule to permit the employee to attend court for prospective jury service. This section prohibits the employer from requiring an employee to work an alternative shift on a day when the juror is required to report for jury service. This section does not prevent a juror from voluntarily working an alternative shift.

#### **Article 14 – Public Defense and Other Criminal Justice Policy**

This article contains provisions related to public defenders and the board established to address competency of defendants.

**Section 1** eliminates the requirement that the State Board of Public Defense establish an ad hoc Board of Public Defense to appoint district public defenders.

**Section 2** removes references to the “appointed counsel system.”

**Section 3** establishes that the state public defender may be removed before the end of a term by a majority vote of board members.

**Section 4** establishes that the chief appellate public defender may be removed before the end of a term by a majority vote of the members present at a meeting of the State Board of Public Defense. Removes references to the employment status of assistant state appellate public defenders. Removes language referencing dates that have passed.

**Section 5** removes the requirements that the State Board of Public Defense must convene an ad hoc board to appoint a district public defender. Establishes that the chief district public defenders may be removed before the end of a term by a majority vote of the members present at a meeting of the State Board of Public Defense.

**Section 6** removes the requirement that the Board of Public Defense review information on the compensation of county attorneys when establishing the compensation of the chief district public defenders.

**Section 7** eliminates the authority for the budgets for the district public defender services in the Second District (Ramsey County) and Fourth District (Hennepin County).

**Section 8** removes the requirement that assistant district public defenders be appointed by the board and be appointed to ensure broad geographic representation and caseload distribution within the district.

**Section 9** removes the statement that the district public defenders in Ramsey and Hennepin Counties are county employees.

**Section 10** removes references to public defenders who transitioned from being county employees to state employees in 1993 and their ability to retain insurance through the county.

**Section 11** eliminates the requirement that a chief district public defender submit a comprehensive budget to the State Board of Public Defense. Eliminates the requirement that the board consider the distribution of public defenders and the equity of compensation among the judicial districts when distributing funds to district public defenders.

**Section 12** provides that the chief district public defender may request that the state public defender authorize appointment of counsel other than the district public defender when the chief district public defender does not believe that the office can provide adequate representation.

**Section 13** makes a conforming change.

**Section 14** makes a conforming change and provides that all billings for services performed by attorneys other than public defenders who are state employees must be approved by the district public defender before being forwarded to the state public defender for payment.

**Section 15** removes references to billing for services related to correctional facility inmates.

**Section 16** removes references to situations when a prosecuting attorney appeals to the court of appeals. Makes conforming changes. Increases the maximum amount that can be paid for services rendered under this section from \$5,000 to \$10,000.

**Section 17** changes the name of the State Competency Attainment Board (SCAB) to the Minnesota Competency Attainment Board (MCAB).

**Section 18** makes a conforming change related to renaming the MCAB.

**Section 19** makes a conforming change related to renaming the MCAB.

**Section 20** makes a conforming change related to renaming the MCAB.

**Section 21** makes a conforming change related to renaming the MCAB.

**Section 22** directs the Revisor of Statutes to move subdivisions of law from Minnesota Statutes, section 611.27 to section 611.24, and renumber the subdivisions.

**Section 23** repeals sections of law related to defendants paying reimbursement for the costs associated with having a public defender (Minnesota Statutes, section 611.20, subdivisions 3 and 4); the duties of the state public defender concerning statistical data, budget information, and other cost factors (Minnesota Statutes, section 611.25, subdivision 3); and the reporting of certain information and



appointment of counsel other than the district public defenders (Minnesota Statutes, section 611.27, subdivisions 6, 9, and 12).

## Article 15 – Civil Law Provisions

This article modifies provisions related to the safe at home program, real property, guardianship, and other civil law provisions.

**Sections 1 to 5** permit a person who is not a Minnesota resident to apply for certification as a Safe at Home program participant if the person intends to be a Minnesota resident within 60 days. Nonresidents may be certified for a period of 60 days and the secretary of state must cancel the certification of a program participant who does not reside in Minnesota within 60 days of the certification. These sections also permit mailing to an alternative address if the program participant owns real property through a trust or limited liability company and the participant requests correspondence regarding ownership of the real property to the alternate address.

**Section 6** increases the jurisdictional dollar amount limit for cases that may be heard in conciliation court from \$15,000 to \$20,000.

**Sections 7 to 9** prohibit a homeowners' association, a community association, or other associations subject to a homeowners' association document from refusing to permit the owner of a dwelling from having a licensed in-home daycare. This prohibition only applies to certain single family detached dwellings and multifamily attached dwellings where the owner is the sole owner of the entire building and solely responsible for the entire building. The license holder remains subject to any HOA rules or regulations that are not in conflict with **Section 7**. **Sections 8 and 9** require that a common interest community's (CIC) declaration and bylaws comply with this prohibition and that the CIC association exercise their powers in compliance with this prohibition.

**Sections 10 and 11** provide that a guardian who fails to satisfy their statutorily required duties must be removed as a guardian. This section provides that the guardian may be held liable for acts or omissions that result in harm to the person subject to guardianship and that constitute reckless or willful misconduct, or gross negligence.

**Section 12** permits a guardian to petition the court for resignation, if after a good faith effort, the guardian is unable to find a successor guardian. The court may allow the guardian to resign if the resignation would not result in substantial harm to the person subject to guardianship based on clear and convincing evidence.

**Section 13** modifies the collateral source rule, codified in Minnesota Statutes 548.251, which seeks to prevent a plaintiff from "double-recovery." Collateral sources include payments made by a third party related to the plaintiff's injury or disability. Within ten days of a verdict issued in favor of a plaintiff, a party may file a motion requesting the court to determine the effects of collateral sources on the amount of damages awarded. The court must reduce the amount of damages awarded by the amount of collateral sources paid to plaintiff and offset that reduction by any amount paid to secure the right to the collateral source benefit that the plaintiff received. This section extends the period for calculating the offset amount to when the judgment is rendered.

**Section 14** amends the law permitting a litigant to proceed without payment of court fees and costs, also known as proceeding "in forma pauperis." This section replaces the term "in forma pauperis" with "court fee waiver." This section permits an action, defense, or appeal to proceed without payment

of court fees and costs and without submission of an affidavit if the party is represented by a civil legal services attorney or a volunteer attorney program based on indigency.

## **Article 16 – Contracts For Deed**

This article modifies the law governing contracts for deeds and makes several conforming changes. This article defines and prohibits churning; requires investor sellers to make certain disclosures to purchasers prior to the execution of a contract for deed, including disclosure of balloon payments; provides the purchaser with a right to cancel the purchase agreement and receive a refund of payment subject to offsets; permits the purchaser to bring an action against the investor seller; and permits enforcement by the attorney general.

## **Article 17 – State Government Data and Policy**

This article modifies provisions related to state government data and policy.

**Section 1** establishes data protection provisions for the Office of Administrative Hearings (OAH), Tax Court, and Workers’ Compensation Court of Appeals.

**Section 2** makes it a requirement that an agency file rule-related documents with the OAH by electronic transmission.

**Section 3** eliminates a requirement for the chief administrative law judge (ALJ) to file paper copies of an adopted rule with the Secretary of State. This section also changes the expression of a deadline from five days, excluding weekends and holidays, to five working days.

**Section 4** eliminates a requirement for the chief ALJ to file paper copies of a rule adopted after public hearing with the Secretary of State.

**Section 5** eliminates a requirement for the chief ALJ to file paper copies of a rule adopted without a public hearing with the Secretary of State.

**Section 6** eliminates a requirement for the chief ALJ to file paper copies of a rule adopted under the exempt rule procedure, with the Secretary of State.

**Section 7** changes the expression of a deadline from five days, excluding weekends and holidays, to five working days.

**Section 8** extends the authority to any ALJ to approve an agency’s notice plan for publishing a notice of a rule repeal. Current law requires the approval of the chief ALJ.

**Section 9** extends authority to any ALJ to approve the publication of a notice to repeal an obsolete rule. Current law requires the approval of the chief ALJ.

**Section 10** requires the chief administrative law judge to appoint a deputy chief judge. Specifies that either an incumbent chief administrative law judge or a deputy chief judge will serve in an acting capacity in the event of a vacancy in the position of the chief administrative law judge. Authorizes the appointing authority of the chief administrative law judge to appoint a person other than the deputy chief judge to serve as temporary chief administrative law judge and to replace any other acting or temporary chief administrative law judge.

**Section 11** authorizes the chief ALJ to enter into contracts with interpreters identified by the Supreme Court through its Court Interpreter Program and to make use of interpreters at the chief ALJ's direction. Interpreter contracts are not subject to certain procedures for the procurement of services.

**Section 12** specifies that a 90-day deadline for an agency to modify or reject a final decision after the report or order of an ALJ is tolled while the chief ALJ considers a request for reasonable extension if the agency requests the extension within the 90-day period.

**Section 13** sets the salary for a deputy chief judge at 100 percent of the salary of a district court judge. Eliminates a set salary for assistant chief administrative law judge.

**Section 14** adds government "initiatives" to the list of items that the Department of Information Technology Services is authorized to sponsor, support, and facilitate. This addition of "initiatives" appears throughout the sections amending Minnesota Statutes, chapter 16E.

**Section 15** adds certain responsibilities for the Department of Information Technology Services with respect to initiatives. Replaces a requirement to promote and coordinate public information access and network initiatives with a requirement to continue to collaborate on the development of MN.gov, the state's official online service. Specifies the type of project leaders within state agencies with specified duties regarding information and telecommunications technology projects. Requires that the project leaders ensure alignment with enterprise technology strategic direction. Eliminates the cost threshold for the projects the chief information officer (CIO) is required to monitor. Eliminates the cost threshold for projects for which the CIO must present analysis of an independent audit to agency executive sponsors. Makes it unclear, or adds flexibility as to, who is responsible for having an independent audit of a project conducted. Expands reporting requirement by the CIO to the legislature to cover all IT projects and initiatives; current law only requires this for security related projects. Eliminates the list of specific information to be included in the report to the legislature.

**Section 16** replaces a requirement for the CIO to coordinate, review, and approve all information and technology projects, with a requirement for the CIO to develop and implement processes for review, approval, and monitoring of information and telecommunications technology systems and services.

**Section 17** replaces a requirement for written approval of the CIO for an information and telecommunications project, with a requirement that the CIO's approval be recorded as part of the project.

**Section 18** modifies the required elements for the CIO's evaluation procedure for information and communications projects. Eliminates a requirement to consider the flexibility of the proposed data processing device or system, its relationship to other state data processing devices or systems, and the costs and benefits when compared to other options.

**Section 19** makes conforming changes that follow from adding "initiatives" in **Section 14** to the list of items that the Department of Information Technology Services is authorized to sponsor, support, and facilitate.

**Section 20** authorizes the CIO or chief information security officer to advise and consult on security strategy and programs for certain state entities and political subdivisions.

**Section 21** changes a requirement to an authorization for the office of information technology to develop and establish a state information architecture. Changes a requirement to an authorization for the office to review and approve agency requests for grant funding that have an information and technology component.

**Section 22** raises the project cost threshold from \$5,000,000 to \$10,000,000 to trigger the requirement for an outside entity to conduct a risk assessment and prepare a mitigation plan.

**Section 23** makes modifications to the statute section that previously described the “North Star” system to instead describe the MN.gov site and associated websites that provide online government information services.

**Section 24** requires public agencies to report cybersecurity incidents to the commissioner of information technology.

**Subdivision 1** defines terms including “cybersecurity incident,” “cyber threat indicator,” “defensive measure,” “government contractor,” “information resource,” “information system,” “information technology,” “private entity,” and “public agency.”

**Subdivision 2** requires certain public entities to report cybersecurity incidents to the commissioner of information technology and establishes requirements for that reporting. Requires government contractors and vendors for public agencies to report cybersecurity incidents that impact the agency to the agency. Requires the commissioner to establish a system, with specified features, through which public agencies can report cybersecurity incidents. Specifies treatment of the reports received and conditions for how the commissioner may share and must protect certain cyber threat information.

**Subdivision 3** requires an annual report to the governor and legislature on cybersecurity incident reports.

**Section 25** makes a conforming change that follows from the repeal of the False Political and Campaign Material statute in this article and makes other technical and clarifying changes.

**Section 26** modifies the computation of the deadline by which an administrative law judge (ALJ) must hold a probable cause hearing on a complaint of an unfair campaign practice.

**Section 27** gives an ALJ three days to make a determination of probable cause after a hearing on a complaint of an unfair campaign practice. Current law requires an ALJ to make a determination at the hearing.

**Section 28** requires the chief ALJ to assign certain complaints to a panel of three ALJs. Makes technical and clarifying changes.

**Section 29** specifies that the time limit for the panel to dispose of a complaint is three business days after the hearing record closes, if an expedited probable cause hearing was required.

**Section 30** adds a requirement that the selection of the professional archaeologist, qualified anthropologist, or other appropriate expert to be retained to gather information to assess or identify cemeteries must be approved by the Indian Affairs Council if probable American Indian cemeteries are to be disturbed or probable American Indian remains analyzed.

**Section 31** repeals several sections and subdivisions and subdivisions of law as follows:

- **Section 16E.035:** requires the CIO to prepare a financial inventory of technology owned or leased, with specified information and to report the inventory to the legislature.
- **Section 16E.0465, subdivisions 1 and 2:** requires a state agency to divide an information and telecommunications project into phases and requires the Department of Information Technology Services to review each phase for specified criteria before an encumbrance or expenditure can be made for the phase. This section applies to projects for which more than \$1,000,000 in state or federal funds is appropriated.
- **Section 16E.055:** eliminates a requirement that agencies must use the single-entry site if the agency implements electronic government services for fees, licenses, sales, or other purposes.
- **Section 16E.20:** requires the CIO to develop and implement a system under which state business can be conducted and permits or licenses obtained through electronic communication with state agencies, and under which applications for grants can be made electronically to state agencies when feasible.

### **Article 18 – Uniform Public Expression Protection Act**

This article is model legislation, developed by the Uniform Laws Commission, aimed at preventing “Strategic Lawsuits Against Public Participation” (SLAPPs). Anti-SLAPP laws generally permit defendants to quickly dismiss claims brought against them for exercising their free speech rights. In 2017, the Minnesota Supreme Court, in *Leiendecker v. Asian Women United of Minnesota*, 895 N.W.2d 623 (Minn. 2017), held Minnesota’s anti-SLAPP statute unconstitutional as applied to claims at law alleging torts. This article repeals Minnesota’s current anti-SLAPP statutes and replaces it with the Uniform Public Expression Protection Act (UPEPA), a new anti-SLAPP law. The UPEPA permits a party to file a special motion for expedited relief to dismiss a claim if the cause of action is against a person based on the person’s communication in a governmental proceeding; communication on an issue under consideration in a governmental proceeding; or exercise of the right to freedom of speech on a matter of public concern.

The UPEPA does not apply to several types of claims, including:

- actions against government units or employees acting in an official capacity;
- actions against a person primarily engaged in selling or leasing goods or services if the action arises out of a communication related to the sale of the goods or services;
- a crime victim’s action against a perpetrator;
- actions related to the establishment of property rights;
- certain common law fraud claims;
- claims arising out of an insurance contract or under the insurance code;
- personal injury or wrongful death claims;
- family law actions;
- actions for a restraining order or order for protection;
- claims under the Fair Labor Standards Act and other labor and employment laws;
- certain consumer protection claims; and
- any claim brought under federal law.