

1.1 **Senator Limmer from the Committee on Judiciary and Public Safety Finance and**
 1.2 **Policy, to which was referred**

1.3 **S.F. No. 2673:** A bill for an act relating to public safety; prohibiting courts from
 1.4 sentencing a person without regard to the mandatory minimum sentence applicable to certain
 1.5 designated crimes involving firearms; amending Minnesota Statutes 2020, section 609.11,
 1.6 subdivision 8.

1.7 Reports the same back with the recommendation that the bill be amended as follows:

1.8 Delete everything after the enacting clause and insert:

1.9 **"ARTICLE 1**

1.10 **APPROPRIATIONS AND RELATED PROVISIONS**

1.11 Section 1. **APPROPRIATIONS.**

1.12 The sums shown in the columns marked "Appropriations" are added to or, if shown in
 1.13 parentheses, subtracted from the appropriations in Laws 2021, First Special Session chapter
 1.14 11, article 1, to the agencies and for the purposes specified in this article. The appropriations
 1.15 are from the general fund, or another named fund, and are available for the fiscal years
 1.16 indicated for each purpose. The figures "2022" and "2023" used in this article mean that
 1.17 the addition to or subtraction from the appropriation listed under them is available for the
 1.18 fiscal year ending June 30, 2022, or June 30, 2023, respectively. "The first year" is fiscal
 1.19 year 2022. "The second year" is fiscal year 2023. Supplemental appropriations and reductions
 1.20 to appropriations for the fiscal year ending June 30, 2022, are effective the day following
 1.21 final enactment.

| | | <u>APPROPRIATIONS</u> | |
|------|---|--------------------------------------|---------------------------------|
| | | <u>Available for the Year</u> | |
| | | <u>Ending June 30</u> | |
| | | <u>2022</u> | <u>2023</u> |
| 1.26 | Sec. 2. <u>SUPREME COURT</u> | <u>\$</u> | <u>-0- \$ 2,304,000</u> |
| 1.27 | <u>Justices' compensation is increased by six</u> | | |
| 1.28 | <u>percent.</u> | | |
| 1.29 | Sec. 3. <u>COURT OF APPEALS</u> | <u>\$</u> | <u>-0- \$ 621,000</u> |
| 1.30 | <u>Judges' compensation is increased by six</u> | | |
| 1.31 | <u>percent.</u> | | |
| 1.32 | Sec. 4. <u>DISTRICT COURTS</u> | <u>\$</u> | <u>-0- \$ 14,803,000</u> |
| 1.33 | <u>Judges' compensation is increased by six</u> | | |
| 1.34 | <u>percent.</u> | | |
| 1.35 | Sec. 5. <u>PUBLIC DEFENDERS</u> | <u>\$</u> | <u>-0- \$ 50,000,000</u> |

| | | | | | |
|------|--|------------------|-------------------|------------------|--------------------------|
| 2.1 | Sec. 6. <u>SENTENCING GUIDELINES</u> | <u>\$</u> | <u>-0-</u> | <u>\$</u> | <u>838,000</u> |
| 2.2 | <u>(a) Searchable Public Database</u> | | | | |
| 2.3 | <u>\$265,000 is to develop and maintain a publicly</u> | | | | |
| 2.4 | <u>searchable database pursuant to Minnesota</u> | | | | |
| 2.5 | <u>Statutes, section 244.09, subdivision 6a. The</u> | | | | |
| 2.6 | <u>base is \$289,000 in fiscal year 2024 and</u> | | | | |
| 2.7 | <u>\$87,000 in fiscal year 2025 and beyond.</u> | | | | |
| 2.8 | <u>(b) Recordings of Commission Meetings</u> | | | | |
| 2.9 | <u>\$4,000 is to make visual and audio recordings</u> | | | | |
| 2.10 | <u>of commission meetings and to make the</u> | | | | |
| 2.11 | <u>recordings available to the public on the</u> | | | | |
| 2.12 | <u>commission's website. This is a onetime</u> | | | | |
| 2.13 | <u>appropriation.</u> | | | | |
| 2.14 | <u>(c) Reports on Dismissals by Prosecutors</u> | | | | |
| 2.15 | <u>\$569,000 is to implement the reporting</u> | | | | |
| 2.16 | <u>requirement in Minnesota Statutes, section</u> | | | | |
| 2.17 | <u>244.09, subdivision 15. The base for this is</u> | | | | |
| 2.18 | <u>\$145,000 in fiscal year 2024 and beyond.</u> | | | | |
| 2.19 | Sec. 7. <u>CORRECTIONS</u> | | | | |
| 2.20 | <u>Subdivision 1. Total</u> | | | | |
| 2.21 | <u>Appropriation</u> | <u>\$</u> | <u>-0-</u> | <u>\$</u> | <u>27,782,000</u> |
| 2.22 | <u>The amounts that may be spent for each</u> | | | | |
| 2.23 | <u>purpose are specified in the following</u> | | | | |
| 2.24 | <u>subdivisions.</u> | | | | |
| 2.25 | <u>Subd. 2. Incarceration and Prerelease Services</u> | | <u>-0-</u> | | <u>2,782,000</u> |
| 2.26 | <u>Interstate Adult Offender Transfer</u> | | | | |
| 2.27 | <u>Transportation Expenses</u> | | | | |
| 2.28 | <u>\$250,000 is for reimbursement of</u> | | | | |
| 2.29 | <u>transportation expenses related to the return</u> | | | | |
| 2.30 | <u>of probationers to the state who are being held</u> | | | | |
| 2.31 | <u>in custody under Minnesota Statutes, section</u> | | | | |
| 2.32 | <u>243.1605. Reimbursement shall be based on</u> | | | | |
| 2.33 | <u>a fee schedule agreed to by the Department of</u> | | | | |

3.1 Corrections and the Minnesota Sheriffs'
 3.2 Association. The required return to the state
 3.3 of a probationer in custody as a result of a
 3.4 nationwide warrant issued pursuant to the
 3.5 Interstate Compact for Adult Supervision must
 3.6 be arranged and supervised by the sheriff of
 3.7 the county in which the court proceedings are
 3.8 to be held and at the expense of the state as
 3.9 provided for in this subdivision. This expense
 3.10 offset is not applicable to the transport of
 3.11 individuals from pickup locations within 250
 3.12 miles of the office of the sheriff arranging and
 3.13 supervising the offender's return to the state.

3.14 **Subd. 3. Community**
 3.15 **Supervision and Postrelease**
 3.16 **Services**

-0-

25,000,000

3.17 **(a) Community Corrections Act**

3.18 \$16,250,000 is added to the Community
 3.19 Corrections Act subsidy under Minnesota
 3.20 Statutes, section 401.14.

3.21 **(b) County Probation Officer**
 3.22 **Reimbursement**

3.23 \$5,000,000 is added to the county probation
 3.24 officer reimbursement program as described
 3.25 in Minnesota Statutes, section 244.19,
 3.26 subdivision 6.

3.27 **(c) Department of Corrections Supervision**
 3.28 **Services**

3.29 \$3,750,000 is for the department's probation
 3.30 and supervised release services.

3.31 **(d) Reporting Required**

3.32 By January 1, 2023, each county receiving
 3.33 reimbursement under Minnesota Statutes,
 3.34 section 244.19, and each county or group of

4.1 counties receiving funding under Minnesota
 4.2 Statutes, section 401.14, shall report to the
 4.3 commissioner of corrections how they spent
 4.4 the additional funds appropriated in this
 4.5 subdivision, including how many new
 4.6 probation officers or other supervisory staff
 4.7 were hired, and any new supervision programs
 4.8 initiated.

4.9 **(e) Reporting Required**

4.10 By February 1, 2023, the commissioner shall
 4.11 collate the information received under
 4.12 paragraph (d) and submit it to the chairs and
 4.13 ranking minority members of the legislative
 4.14 committees having jurisdiction over criminal
 4.15 justice policy and finance. The commissioner
 4.16 shall also report on how the additional funds
 4.17 appropriated in paragraph (c) to the
 4.18 Department of Corrections for probation and
 4.19 supervised release were spent, using the same
 4.20 statistical indexes and format.

4.21 **Sec. 8. PUBLIC SAFETY** **\$** **-0-** **\$** **101,685,000**

4.22 **(a) Promoting Peace Officers**

4.23 \$1,000,000 is to implement, in coordination
 4.24 with the Peace Officer Standards and Training
 4.25 Board, a marketing and advertising campaign
 4.26 to publicly promote the importance of peace
 4.27 officers for the safety of Minnesotans and to
 4.28 recruit more persons into law enforcement
 4.29 careers. This is a onetime appropriation.

4.30 By January 15, 2024, the commissioner shall
 4.31 report to the chairs and ranking minority
 4.32 members of the legislative committees having
 4.33 jurisdiction over criminal justice policy and
 4.34 finance on the campaign required by this

5.1 paragraph. The report must provide a detailed
5.2 overview on how the appropriation was spent,
5.3 including but not limited to information that
5.4 itemizes how the campaign was conducted,
5.5 the types of marketing and advertising
5.6 activities conducted, and the types of media
5.7 used. In addition, the report must address the
5.8 level of success and efficacy of the campaign
5.9 using objective and verifiable criteria.

5.10 **(b) Pathway to Policing**

5.11 \$1,000,000 is for reimbursement grants to state
5.12 and local law enforcement agencies that
5.13 operate pathway to policing programs intended
5.14 to bring persons with nontraditional
5.15 backgrounds into law enforcement. Applicants
5.16 for reimbursement grants may receive up to
5.17 50 percent of the cost of compensating and
5.18 training pathway to policing participants.
5.19 Reimbursement grants must be proportionally
5.20 allocated based on the number of grant
5.21 applications approved by the commissioner.

5.22 By February 15 of each odd-numbered year,
5.23 the commissioner shall report to the chairs and
5.24 ranking minority members of the legislative
5.25 committees with jurisdiction over public safety
5.26 policy and finance on the pathway to policing
5.27 grant program. At a minimum, the report must
5.28 identify the agencies receiving the grants and
5.29 the number of individuals recruited or hired
5.30 based on the grants and the nature of the
5.31 individual's nontraditional backgrounds, and
5.32 include an evaluation of the success of the
5.33 program in achieving its goals.

5.34 **(c) Gunshot Detection System**

6.1 \$2,000,000 is for a grant to the Ramsey
6.2 County Sheriff's Office to improve the
6.3 detection of incidents involving gunfire and
6.4 facilitate a rapid response to those incidents.

6.5 This is a onetime appropriation.

6.6 This money may be used to:

6.7 (1) purchase technology systems, including
6.8 portable devices, that detect outdoor audible
6.9 gunfire within a specific coverage area using
6.10 acoustic sensors that accurately pinpoint the
6.11 location of the gunfire; and

6.12 (2) obtain and maintain software that allows
6.13 peace officers to receive an alert on a mobile
6.14 computer, smartphone, or tablet indicating the
6.15 address of the gunfire, the time frame in which
6.16 shots were fired, the number of shots fired,
6.17 and any other available information.

6.18 The Ramsey County Sheriff's Office shall
6.19 place technology that detects outdoor audible
6.20 gunfire in areas in the county where there are
6.21 a disproportionately high number of gunfire
6.22 incidents.

6.23 **(d) First Responders Mental Health**

6.24 \$1,000,000 is for a grant to a nonprofit
6.25 organization that provides nonmedical mental
6.26 health support to first responders who have
6.27 experienced traumatic events. The grant
6.28 recipient shall use the money to fund mental
6.29 health treatment for present and former law
6.30 enforcement officers and first responders
6.31 facing employment-related mental health
6.32 issues, utilizing interactive group activity and
6.33 other methods.

7.1 By February 15 of each odd-numbered year,
7.2 the commissioner shall report to the chairs and
7.3 ranking minority members of the legislative
7.4 committees with jurisdiction over public safety
7.5 policy and finance on the grant made under
7.6 this paragraph. The report must identify the
7.7 grantee and give detailed information on how
7.8 the money was used by the grantee and
7.9 provide an evaluation of the success of the
7.10 grantee in meeting the goals of the program.

7.11 **(e) Violent Crime Enforcement Teams**

7.12 \$2,500,000 is for additional violent crime
7.13 enforcement teams.

7.14 **(f) Local Government Emergency**
7.15 **Management**

7.16 \$3,000,000 is to award grants in equal
7.17 amounts to the emergency management
7.18 organizations of the 87 counties, 11 federally
7.19 recognized Tribes, and four cities of the first
7.20 class for reimbursement of planning and
7.21 preparedness activities, including capital
7.22 purchases, that are eligible under federal
7.23 emergency preparedness grant guidelines.
7.24 Local emergency management organizations
7.25 must make a request to Homeland Security
7.26 and Emergency Management for these grants.
7.27 Current local funding for emergency
7.28 management and preparedness activities may
7.29 not be supplanted by these additional state
7.30 funds. Of this amount, up to one percent may
7.31 be used for the department's administrative
7.32 costs. This appropriation does not lapse and
7.33 is available until expended. Unspent money
7.34 may be redistributed to eligible local
7.35 emergency management organizations.

8.1 By February 15 of each odd-numbered year,
8.2 the commissioner shall submit a report on the
8.3 grant awards to the chairs and ranking
8.4 minority members of the legislative
8.5 committees with jurisdiction over emergency
8.6 management and preparedness activities. At
8.7 a minimum, the report must identify grant
8.8 recipients and give detailed information on
8.9 how the grantees used the money received.

8.10 **(g) Youth Intervention Grants**

8.11 \$3,000,000 is for youth intervention program
8.12 grants under Minnesota Statutes, section
8.13 299A.73.

8.14 **(h) School Safety Center**

8.15 \$250,000 is for two school safety specialists
8.16 at the Minnesota School Safety Center.

8.17 **(i) Prosecutorial Training**

8.18 \$100,000 is for a grant to the Minnesota
8.19 County Attorneys Association to be used for
8.20 prosecutorial and law enforcement training,
8.21 including trial school training and
8.22 train-the-trainers courses.

8.23 **(j) Ramsey County Sheriff Violent Crime**

8.24 **Initiative; Air Patrol**

8.25 \$2,400,000 is for a grant to the Ramsey
8.26 County Sheriff's Office. In coordination with
8.27 other sheriffs' offices, police departments, and
8.28 Metro Transit, the Ramsey County sheriff shall
8.29 use the funds to prevent and combat surging
8.30 rates of violent crime, including murder,
8.31 assault, carjacking, and other crimes against
8.32 the person, in the seven-county metropolitan
8.33 area with a concentration of efforts in areas

9.1 that have experienced the largest increase in
9.2 violent crimes since July 1, 2020. The Ramsey
9.3 County sheriff may use these funds to
9.4 reimburse or directly compensate peace
9.5 officers from other jurisdictions who assist in
9.6 crime prevention efforts coordinated by the
9.7 sheriff. This is a onetime appropriation.

9.8 \$600,000 is for the State Patrol's use of the air
9.9 patrol, in coordination with the Ramsey
9.10 County sheriff, to prevent and combat violent
9.11 crime in the seven-county metropolitan area
9.12 with a concentration of efforts in areas that
9.13 have experienced the largest increase in
9.14 violent crimes since July 1, 2020. This is a
9.15 onetime appropriation.

9.16 By February 1, 2024, the commissioner shall
9.17 report to the chairs and ranking minority
9.18 members of the legislative committees with
9.19 jurisdiction over criminal justice policy and
9.20 finance on how the appropriations in this
9.21 paragraph were used. The report must detail
9.22 the impact the appropriations had on reducing
9.23 violent criminal activity in the seven-county
9.24 metropolitan area and make recommendations
9.25 on how future state appropriations can be used
9.26 to reduce violent crime in the seven-county
9.27 metropolitan area. The report must provide
9.28 specific details on the number of arrests made
9.29 in whole or in part from the grant, the crimes
9.30 for which the arrests were made, the
9.31 convictions obtained, the number of resulting
9.32 forfeitures, and the specific uses to which the
9.33 air patrol was employed. In addition, the report
9.34 must identify instances in which a portion of
9.35 the appropriation was used to reimburse or

10.1 directly compensate peace officers from other
10.2 jurisdictions, specifying this by agency and
10.3 amount.

10.4 **(k) Portable Recording Systems**

10.5 \$5,000,000 is to provide grants for portable
10.6 recording systems and portable recording
10.7 system data under Minnesota Statutes, section
10.8 299A.88, purchased or contracted for on or
10.9 after July 1, 2022.

10.10 **(l) Use of Force Training; Reimbursement**

10.11 \$2,625,000 is for reimbursement grants, to be
10.12 made in consultation with the executive
10.13 director of the Peace Officer Standards and
10.14 Training Board, to postsecondary schools
10.15 certified to provide programs of professional
10.16 peace officer education for providing
10.17 in-service training programs on the use of
10.18 force, including deadly force, by peace
10.19 officers. This is a onetime appropriation and
10.20 is available until June 30, 2025.

10.21 To be eligible for reimbursement, training
10.22 offered by a postsecondary school must:

10.23 (1) satisfy the requirements of Minnesota
10.24 Statutes, section 626.8452, and be approved
10.25 by the Peace Officer Standards and Training
10.26 Board;

10.27 (2) utilize scenario-based training that
10.28 simulates real-world situations and involves
10.29 the use of real firearms that fire nonlethal
10.30 ammunition; and

10.31 (3) be offered to peace officers at no charge
10.32 to the peace officer or law enforcement
10.33 agency.

- 11.1 A postsecondary school that offers training
11.2 consistent with the requirements of this
11.3 paragraph may apply for reimbursement for
11.4 the costs of offering the training.
11.5 Reimbursement shall be made at a rate of \$250
11.6 for each officer who participates in the
11.7 training. The postsecondary school shall
11.8 submit the name and peace officer license
11.9 number of the peace officer who received the
11.10 training.
- 11.11 As used in this paragraph:
- 11.12 (i) "law enforcement agency" has the meaning
11.13 given in Minnesota Statutes, section 626.84,
11.14 subdivision 1, paragraph (f); and
- 11.15 (ii) "peace officer" has the meaning given in
11.16 Minnesota Statutes, section 626.84,
11.17 subdivision 1, paragraph (c).
- 11.18 **(m) Peace Officer Education**
11.19 **Reimbursement**
- 11.20 \$2,500,000 is for education reimbursement
11.21 grants, to be made in consultation with the
11.22 executive director of the Peace Officer
11.23 Standards and Training Board, to eligible
11.24 peace officers.
- 11.25 An eligible peace officer is a person who:
- 11.26 (1) is a peace officer as defined in Minnesota
11.27 Statutes, section 626.84, subdivision 1,
11.28 paragraph (c);
- 11.29 (2) began employment as a peace officer on
11.30 or after July 1, 2021;
- 11.31 (3) has been continuously employed as a peace
11.32 officer for at least 12 months;

- 12.1 (4) has not been found to be in violation of the
12.2 standards of conduct set forth in Minnesota
12.3 Rules, part 6700.1600; and
- 12.4 (5) paid tuition or other fees to a
12.5 postsecondary school to participate in a
12.6 professional peace officer education program
12.7 as defined in Minnesota Statutes, section
12.8 626.84, subdivision 1, paragraph (g).
- 12.9 An eligible peace officer may receive
12.10 reimbursement equal to the amount paid in
12.11 tuition or other fees to a postsecondary school
12.12 to participate in a professional peace officer
12.13 education program or \$5,000, whichever is
12.14 less. An eligible peace officer may not receive
12.15 reimbursement for any amount paid by a third
12.16 party or reimbursed by any other entity, or any
12.17 amount of a loan that was forgiven or is
12.18 eligible to be forgiven from money borrowed
12.19 from a financial institution or other entity.
- 12.20 The commissioner, in consultation with the
12.21 executive director, shall establish the
12.22 requirements for an application for
12.23 reimbursement of education expenses. At a
12.24 minimum, the application must include:
- 12.25 (i) the name, date of birth, and peace officer
12.26 license number of the applicant;
- 12.27 (ii) the postsecondary school to which tuition
12.28 or other fees were paid and the amount paid;
- 12.29 (iii) the date of completion of a professional
12.30 peace officer education program;
- 12.31 (iv) the date on which the person began
12.32 employment as a peace officer;

- 13.1 (v) certification by a chief law enforcement
13.2 officer that the person is employed as a peace
13.3 officer at the time of application and has been
13.4 employed as a peace officer for at least the
13.5 previous 12 months; and
- 13.6 (vi) a statement signed by the applicant, under
13.7 penalty of perjury as provided in Minnesota
13.8 Statutes, section 609.48, attesting that the
13.9 applicant paid the tuition or fees being
13.10 claimed; the amount paid was not reimbursed
13.11 by any other entity or through any other
13.12 program; and the applicant is not claiming
13.13 reimbursement for any amount of a loan that
13.14 was forgiven or is eligible to be forgiven from
13.15 money borrowed from a financial institution
13.16 or other entity.
- 13.17 The commissioner shall prepare and make
13.18 forms available on its website for use by
13.19 applicants and chief law enforcement officers.
- 13.20 By February 15 of each odd-numbered year,
13.21 the commissioner shall report to the chairs and
13.22 ranking minority members of the legislative
13.23 committees having jurisdiction over public
13.24 safety policy and finance on the grants made
13.25 under this paragraph. At a minimum, the report
13.26 must give details on the number of grants
13.27 made, the amount of each grant, the
13.28 postsecondary schools attended, and the law
13.29 enforcement agency the peace officer is
13.30 employed by.
- 13.31 **(n) Reimbursement Grants to Law**
13.32 **Enforcement Agencies for New Peace**
13.33 **Officer Hiring Bonuses**

14.1 \$20,000,000 is for grants, to be made in
14.2 consultation with the executive director of the
14.3 Peace Officer Standards and Training Board,
14.4 to law enforcement agencies under this
14.5 paragraph. This is a onetime appropriation and
14.6 is available until June 30, 2025.

14.7 The commissioner, in consultation with the
14.8 executive director, may make reimbursement
14.9 grants as provided in this paragraph to law
14.10 enforcement agencies that have paid
14.11 recruitment bonuses to newly hired peace
14.12 officers. Agencies may apply for grants on
14.13 forms and as directed by the commissioner.

14.14 The maximum amount of a grant is \$10,000
14.15 per officer hired. An agency may apply for
14.16 multiple grants to cover multiple eligible
14.17 bonuses. Grants are awarded at the discretion
14.18 of the commissioner, in consultation with the
14.19 executive director, and are limited to the
14.20 amount appropriated for this purpose.

14.21 Law enforcement agencies may offer
14.22 recruitment bonuses to provide incentives to
14.23 individuals to become peace officers with the
14.24 agency. A reimbursement grant under this
14.25 paragraph may be made only if the peace
14.26 officer was hired after having received notice
14.27 of the availability of a recruitment bonus and
14.28 only after the agency has paid the bonus. An
14.29 officer is eligible for a bonus upon reaching
14.30 the officer's one year anniversary of starting
14.31 employment at the agency and only if the
14.32 officer is a member in good standing with the
14.33 agency. A grant may be awarded only for a
14.34 bonus paid to a newly licensed peace officer
14.35 hire. Grants may not reimburse bonuses paid

15.1 to officers moving laterally from other
15.2 jurisdictions within the state or officers who
15.3 previously served as correctional officers
15.4 within the state. If the demand for grants
15.5 exceeds the amount appropriated, the
15.6 commissioner, in consultation with the
15.7 executive director, shall award grants in a
15.8 manner that ensures that grants are distributed
15.9 to agencies in a geographically balanced
15.10 manner and also in a balanced manner in terms
15.11 of the size of the law enforcement agencies
15.12 receiving grants.

15.13 By January 15, 2025, the commissioner shall
15.14 report to the chairs and ranking minority
15.15 members of the legislative committees having
15.16 jurisdiction over criminal justice policy and
15.17 finance on the grant program. At a minimum,
15.18 the report must provide detailed information
15.19 on the grants awarded under this paragraph,
15.20 including the amount of each grant and the
15.21 recipient agency, and the number of new hires
15.22 made in whole or in part because of the grants.

15.23 **(o) Peace Officer Bonus Program**

15.24 \$2,500,000 is for the bonus program described
15.25 in Minnesota Statutes, section 626.8415.

15.26 **(p) Bonus Payments to Peace Officers**

15.27 \$47,000,000 is to distribute, in consultation
15.28 with the executive director of the Peace
15.29 Officer Standards and Training Board, a
15.30 onetime bonus payment to each peace officer,
15.31 as defined in Minnesota Statutes, section
15.32 626.84, subdivision 1, who is employed as of
15.33 July 1, 2022. The bonus payment must be
15.34 \$3,000 for peace officers under the age of 50

16.1 as of July 1, 2022, and \$10,000 for peace
16.2 officers aged 55 or over as of July 1, 2022.
16.3 For a peace officer aged 50 to 54 as of July 1,
16.4 2022, the bonus payment is \$3,000. However,
16.5 the peace officer must be paid an additional
16.6 \$7,000 bonus upon reaching 55 years of age
16.7 if the person is still employed as a peace
16.8 officer or upon working an additional two
16.9 years as a peace officer, whichever occurs
16.10 first. This is a onetime appropriation and is
16.11 available until June 30, 2025.

16.12 By February 1, 2026, the commissioner shall
16.13 report to the chairs and ranking minority
16.14 members of the legislative committees with
16.15 jurisdiction over public safety policy and
16.16 finance on the bonus payments made under
16.17 this paragraph. At a minimum, the report must
16.18 identify the number of grants made, the
16.19 amount of each grant, the number of grants
16.20 by category, and the number of grants made
16.21 to peace officers aged 50 to 54 that were later
16.22 supplemented upon the peace officer working
16.23 two additional years or turning 55.

16.24 **(q) Police Officer Skills Training and**
16.25 **Provider Program Grants**

16.26 \$5,000,000 is to transfer to the Minnesota
16.27 State Colleges and Universities Board of
16.28 Trustees for grants to the nine Minnesota State
16.29 Colleges and Universities police officer skills
16.30 training and provider programs. The grants
16.31 may be used for technological needs, including
16.32 body cameras to enhance student learning
16.33 through the use of real-time review; fleet
16.34 vehicles and accessories such as automatic
16.35 vehicle locators, light bars, and radio racks; a

17.1 de-escalation simulation program; a
17.2 360-degree force continuum simulator; a
17.3 tactical warehouse recording system; personal
17.4 interaction replay equipment, such as
17.5 electronic tablets for crime scene investigation
17.6 scenarios; and other costs associated with
17.7 operating a skills program.

17.8 The Board of Trustees shall award the grants
17.9 based on the nine police officer skills training
17.10 and provider program enrollment. This is a
17.11 onetime appropriation.

17.12 **(r) Racially Diverse Youth**

17.13 \$210,000 is for grants to organizations to
17.14 address racial disparity of youth using shelter
17.15 services in the Rochester and St. Cloud
17.16 regional areas. A grant recipient shall establish
17.17 and operate a pilot program connected to
17.18 shelter services to engage in community
17.19 intervention outreach, mobile case
17.20 management, family reunification, aftercare,
17.21 and follow up when family members are
17.22 released from shelter services. A pilot program
17.23 must specifically address the high number of
17.24 racially diverse youth that enter shelters in the
17.25 regions. This is a onetime appropriation.

17.26 **(s) Administration Costs**

17.27 Except as otherwise provided, up to 2.5
17.28 percent of the money appropriated in this
17.29 section may be used by the commissioner to
17.30 administer the grant programs described.

17.31 **(t) Costs of Sexual Assault Medical**
17.32 **Examinations**

17.33 \$..... is to pay for the cost of medical
17.34 examinations for sexual assault victims in

18.1 accordance with Minnesota Statutes, new

18.2 section 609.35.

18.3 **(u) Prohibition on Supplanting**

18.4 Notwithstanding any contrary provision in

18.5 ordinance or contract, a local unit of

18.6 government may not use any money

18.7 appropriated or granted under this section to

18.8 supplant its funding of peace officer salaries,

18.9 salary ranges, or other compensation, or use

18.10 it in a manner that differs from the purposes

18.11 specified.

18.12 Sec. 9. Minnesota Statutes 2020, section 144.6586, subdivision 2, is amended to read:

18.13 Subd. 2. **Contents of notice.** The commissioners of health and public safety, in
18.14 consultation with sexual assault victim advocates and health care professionals, shall develop
18.15 the notice required by subdivision 1. The notice must inform the victim, at a minimum, of:

18.16 (1) the obligation under section 609.35 of the ~~county where the criminal sexual conduct~~
18.17 ~~occurred~~ state to pay for the examination performed for the purpose of gathering evidence,
18.18 that payment is not contingent on the victim reporting the criminal sexual conduct to law
18.19 enforcement, and that the victim may incur expenses for treatment of injuries;

18.20 (2) the victim's rights if the crime is reported to law enforcement, including the victim's
18.21 right to apply for reparations under sections 611A.51 to 611A.68, information on how to
18.22 apply for reparations, and information on how to obtain an order for protection or a
18.23 harassment restraining order; and

18.24 (3) the opportunity under section 611A.27 to obtain status information about an
18.25 unrestricted sexual assault examination kit, as defined in section 299C.106, subdivision 1,
18.26 paragraph (h).

18.27 **EFFECTIVE DATE.** This section is effective July 1, 2022, and applies to any
18.28 examination that occurs on or after that date.

18.29 Sec. 10. Minnesota Statutes 2020, section 244.09, is amended by adding a subdivision to
18.30 read:

18.31 **Subd. 6a. Publicly searchable database.** (a) The commission shall maintain a public
18.32 website with a searchable database that provides the public with information on criminal

19.1 sentences stayed or imposed by the courts. The website must not include information that
19.2 is not public data, as defined in section 13.02, subdivision 8a.

19.3 (b) The website required under paragraph (a) must contain all the information transmitted
19.4 from the sentencing court to the commission including information in the sentencing
19.5 worksheet transmitted pursuant to section 609.115, subdivision 2a, and the sentencing order
19.6 and departure report, if any, sent pursuant to Rules of Criminal Procedure, rule 27.03. Data
19.7 received by the commission must be entered into separate fields in the database.

19.8 (c) The searchable database must allow a user of the website to:

19.9 (1) search by individual fields, including but not limited to:

19.10 (i) case number;

19.11 (ii) defendant name;

19.12 (iii) date of offense;

19.13 (iv) judicial district where the sentence was stayed or imposed;

19.14 (v) county where the sentence was stayed or imposed;

19.15 (vi) year in which the sentence was stayed or imposed;

19.16 (vii) judge who stayed or imposed the sentence;

19.17 (viii) crime for which the sentence was stayed or imposed;

19.18 (ix) defendant's criminal history score;

19.19 (x) severity level of the offense for which a sentence was stayed or imposed;

19.20 (xi) executed sentences, including the length of sentence imposed and executed;

19.21 (xii) stayed sentences, including the length of probation ordered and, if applicable, the
19.22 length of sentence imposed but not executed;

19.23 (xiii) whether the sentence was a departure from the Sentencing Guidelines and, if so,
19.24 whether it was an aggravated durational, aggravated dispositional, mitigated durational,
19.25 mitigated dispositional, or hybrid departure; and

19.26 (xiv) whether a departure from the Sentencing Guidelines was ordered with prosecutor
19.27 agreement;

19.28 (2) perform a search using at least two fields;

19.29 (3) sort by each field;

20.1 (4) obtain information grouped or aggregated by each field, where groups or subtotals
20.2 are feasible; and

20.3 (5) allow the user to download the data into a user-controlled database.

20.4 Sec. 11. Minnesota Statutes 2020, section 244.09, subdivision 11, is amended to read:

20.5 Subd. 11. **Modification.** The commission shall meet as necessary for the purpose of
20.6 modifying and improving the guidelines. The commission shall allow members of the public
20.7 to monitor each meeting electronically from a remote location and to comment from that
20.8 location during the public comment period of each meeting. The commission shall make a
20.9 visual and audio recording of each meeting and make the recordings available to the public
20.10 on the commission's website or through a link posted on the website. Any modification
20.11 which amends the Sentencing Guidelines grid, including severity levels and criminal history
20.12 scores, or which would result in the reduction of any sentence or in the early release of any
20.13 inmate, with the exception of a modification mandated or authorized by the legislature or
20.14 relating to a crime created or amended by the legislature in the preceding session, shall be
20.15 submitted to the legislature by January 15 of any year in which the commission wishes to
20.16 make the change and shall be effective on August 1 of that year, unless the legislature by
20.17 law provides otherwise. All other modifications shall take effect according to the procedural
20.18 rules of the commission. On or before January 15 of each year, the commission shall submit
20.19 a written report to the committees of the senate and the house of representatives with
20.20 jurisdiction over criminal justice policy that identifies and explains all modifications made
20.21 during the preceding 12 months and all proposed modifications that are being submitted to
20.22 the legislature that year.

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

20.24 Sec. 12. Minnesota Statutes 2020, section 244.09, is amended by adding a subdivision to
20.25 read:

20.26 Subd. 15. **Report on dismissals with agreement of the prosecutor.** The Sentencing
20.27 Guidelines Commission shall include in its annual report to the legislature a summary and
20.28 analysis of reports received from county attorneys under section 388.052.

20.29 Sec. 13. **[299A.88] PORTABLE RECORDING SYSTEMS.**

20.30 Subdivision 1. **Grants.** The commissioner of public safety shall award grants to local
20.31 law enforcement agencies for the purchase, maintenance, support, and storage of portable
20.32 recording systems and portable recording system data. An applicant must provide a 25

21.1 percent match to be eligible to receive a grant. The commissioner shall give priority to law
 21.2 enforcement agencies located outside of the seven-county metropolitan area that do not
 21.3 have a portable recording system program. Grants under this section apply only to contracts
 21.4 for portable recording systems and portable recording system data with a duration of five
 21.5 years or less.

21.6 Subd. 2. **Reporting.** By February 15 of each odd-numbered year, the commissioner
 21.7 shall report to the chairs and ranking minority members of the legislative committees with
 21.8 jurisdiction over public safety policy and finance on the grants made pursuant to this section.
 21.9 At a minimum, the report must specify the agencies receiving grants and how they used the
 21.10 money, including whether it was used for new purchases or replacements; the number of
 21.11 providers used to provide or support the systems, the length of the contracts for this, and
 21.12 whether the contracts included other items; and what features were included with the systems.

21.13 Sec. 14. Minnesota Statutes 2021 Supplement, section 357.021, subdivision 1a, is amended
 21.14 to read:

21.15 Subd. 1a. **Transmittal of fees to commissioner of management and budget.** (a) Every
 21.16 person, including the state of Minnesota and all bodies politic and corporate, who shall
 21.17 transact any business in the district court, shall pay to the court administrator of said court
 21.18 the sundry fees prescribed in subdivision 2. Except as provided in paragraph (d), the court
 21.19 administrator shall transmit the fees monthly to the commissioner of management and budget
 21.20 for deposit in the state treasury and credit to the general fund. ~~\$30~~ \$60 of each fee collected
 21.21 in a dissolution action under subdivision 2, clause (1), must be deposited by the commissioner
 21.22 of management and budget in the special revenue fund and is appropriated to the
 21.23 commissioner of employment and economic development for the Minnesota Family
 21.24 Resiliency Partnership under section 116L.96.

21.25 (b) In a county which has a screener-collector position, fees paid by a county pursuant
 21.26 to this subdivision shall be transmitted monthly to the county treasurer, who shall apply the
 21.27 fees first to reimburse the county for the amount of the salary paid for the screener-collector
 21.28 position. The balance of the fees collected shall then be forwarded to the commissioner of
 21.29 management and budget for deposit in the state treasury and credited to the general fund.
 21.30 In a county in a judicial district under section 480.181, subdivision 1, paragraph (b), which
 21.31 has a screener-collector position, the fees paid by a county shall be transmitted monthly to
 21.32 the commissioner of management and budget for deposit in the state treasury and credited
 21.33 to the general fund. A screener-collector position for purposes of this paragraph is an

22.1 employee whose function is to increase the collection of fines and to review the incomes
22.2 of potential clients of the public defender, in order to verify eligibility for that service.

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

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

22.7 (2) civil commitment under chapter 253B;

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

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

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

22.13 (6) forfeiture of property under sections 169A.63 and 609.531 to 609.5317;

22.14 (7) recovery of amounts issued by political subdivisions or public institutions under
22.15 sections 246.52, 252.27, 256.045, 256.25, 256.87, 256B.042, 256B.14, 256B.15, 256B.37,
22.16 260B.331, and 260C.331, or other sections referring to other forms of public assistance;

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

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

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

22.24 (e) No fee is required under this section from any federally recognized Indian Tribe or
22.25 its representative in an action for:

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

22.28 (2) civil commitment under chapter 253B;

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

22.31 (4) court relief under chapters 260, 260A, 260B, 260C, and 260D.

23.1 Sec. 15. Minnesota Statutes 2020, section 357.021, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

24.3 (9) Filing and indexing trade name; or recording basic science certificate; or recording
24.4 certificate of physicians, osteopathic physicians, chiropractors, veterinarians, or optometrists,
24.5 \$5.

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

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

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

24.9 (13) Filing a motion or response to a motion for modification of child support, a fee of
24.10 \$50.

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

24.13 (15) In addition to any other filing fees under this chapter, a surcharge in the amount of
24.14 \$75 must be assessed in accordance with section 259.52, subdivision 14, for each adoption
24.15 petition filed in district court to fund the fathers' adoption registry under section 259.52.

24.16 The fees in clauses (3) and (5) need not be paid by a public authority or the party the
24.17 public authority represents. No fee may be charged for an uncertified copy of an instrument
24.18 from a civil or criminal proceeding.

24.19 Sec. 16. **[388.052] REPORT ON CRIMINAL CHARGES AND CASES DISMISSED.**

24.20 (a) In each case where the defendant is charged with a felony, a county attorney who
24.21 dismisses any part of a criminal action pursuant to Rules of Criminal Procedure, rule 30.01,
24.22 shall record the following information in writing:

24.23 (1) the name of the defendant;

24.24 (2) the date of the offense;

24.25 (3) all crimes charged;

24.26 (4) any charges that were dismissed;

24.27 (5) the name of the assistant county attorney who authorized the dismissal;

24.28 (6) the date of dismissal; and

24.29 (7) any reason for the dismissal, including dismissals due to diversion, suppression or
24.30 loss of evidence, lack of cooperation of a victim or witness, a plea agreement on a single

25.1 felony complaint with multiple felony counts, or a plea agreement involving more than one
25.2 separately charged felony complaint.

25.3 The county attorney may not record any information under this paragraph that indicates the
25.4 cooperation of a defendant as a reason for a dismissal.

25.5 (b) The county attorney shall forward the information recorded under paragraph (a) to
25.6 the Sentencing Guidelines Commission upon forms prescribed by the commission and must
25.7 publish the information on the county attorney's publicly accessible website. Information
25.8 forwarded to the Sentencing Guidelines Commission and posted on the county attorney's
25.9 website must not include the identifying information of any victim.

25.10 **EFFECTIVE DATE.** This section is effective July 1, 2022, and applies to dismissals
25.11 that take place on or after that date.

25.12 Sec. 17. Minnesota Statutes 2020, section 517.08, subdivision 1c, is amended to read:

25.13 Subd. 1c. **Disposition of license fee.** (a) Of the civil marriage license fee collected
25.14 pursuant to subdivision 1b, paragraph (a), \$25 must be retained by the county. The local
25.15 registrar must pay \$90 to the commissioner of management and budget to be deposited as
25.16 follows:

25.17 (1) ~~\$55~~ \$25 in the general fund;

25.18 (2) \$3 in the state government special revenue fund to be appropriated to the
25.19 commissioner of public safety for parenting time centers under section 119A.37;

25.20 (3) \$2 in the special revenue fund to be appropriated to the commissioner of health for
25.21 developing and implementing the MN ENABL program under section 145.9255;

25.22 (4) ~~\$25~~ \$55 in the special revenue fund is appropriated to the commissioner of
25.23 employment and economic development for the Minnesota Family Resiliency Partnership
25.24 under section 116L.96; and

25.25 (5) \$5 in the special revenue fund, which is appropriated to the Board of Regents of the
25.26 University of Minnesota for the Minnesota couples on the brink project under section 137.32.

25.27 (b) Of the \$40 fee under subdivision 1b, paragraph (b), \$25 must be retained by the
25.28 county. The local registrar must pay \$15 to the commissioner of management and budget
25.29 to be deposited as follows:

25.30 (1) \$5 as provided in paragraph (a), clauses (2) and (3); and

26.1 (2) \$10 in the special revenue fund is appropriated to the commissioner of employment
 26.2 and economic development for the Minnesota Family Resiliency Partnership under section
 26.3 116L.96.

26.4 Sec. 18. Minnesota Statutes 2020, section 609.35, is amended to read:

26.5 **609.35 COSTS OF MEDICAL EXAMINATION.**

26.6 (a) Costs incurred by a ~~county, city, or private~~ hospital or other emergency medical
 26.7 facility or by a ~~private~~ physician or other licensed health care provider for the examination
 26.8 of a victim of criminal sexual conduct when the examination is performed for the purpose
 26.9 of gathering evidence shall be paid by the ~~county in which the criminal sexual conduct~~
 26.10 ~~occurred~~ state. These costs include, but are not limited to, the full cost of the rape kit
 26.11 examination; any associated tests and treatment relating to the complainant's a sexually
 26.12 transmitted disease status, infection; and any associated tests relating to the victim's
 26.13 pregnancy status. A hospital, emergency medical facility, or health care provider shall
 26.14 submit the costs for the examination and any associated tests and necessary treatment to
 26.15 the Office of Justice Programs for payment. Upon receipt of the costs, the office shall provide
 26.16 payment to the facility or health care provider.

26.17 (b) Nothing in this section shall be construed to limit the duties, responsibilities, or
 26.18 liabilities of any insurer, whether public or private. However, ~~a county~~ the state may seek
 26.19 insurance reimbursement from the victim's insurer only if authorized by the victim. This
 26.20 authorization may only be sought after the examination is performed. When seeking this
 26.21 authorization, the ~~county~~ state shall inform the victim that if the victim does not authorize
 26.22 this, the ~~county~~ state is required by law to pay for the examination and that the victim is in
 26.23 no way liable for these costs or obligated to authorize the reimbursement.

26.24 (c) The applicability of this section does not depend upon whether the victim reports
 26.25 the offense to law enforcement or the existence or status of any investigation or prosecution.

26.26 **EFFECTIVE DATE.** This section is effective July 1, 2022, and applies to any
 26.27 examination that occurs on or after that date.

26.28 Sec. 19. **[626.8415] PEACE OFFICER BONUS PROGRAM.**

26.29 **Subdivision 1. Program established.** The commissioner of public safety, in consultation
 26.30 with the executive director of the Peace Officer Standards and Training Board, may issue
 26.31 bonus payments to peace officers employed by state or local law enforcement agencies as
 26.32 provided under this section. To be eligible for a bonus payment, the peace officer must have

27.1 been nominated by the chief law enforcement officer of the agency employing the peace
 27.2 officer. The commissioner, in consultation with the executive director, shall develop
 27.3 nomination forms and guidelines for bonus payment eligibility. The guidelines must describe
 27.4 the process and criteria by which payments are to be awarded. Final decisions on the actual
 27.5 awarding and amount of individual bonuses are at the discretion of the commissioner, in
 27.6 consultation with the executive director, and are limited to funds appropriated for this
 27.7 purpose.

27.8 Subd. 2. **Types of bonuses.** The commissioner, in consultation with the executive
 27.9 director, may accept nominations and award bonuses for exemplary service that goes above
 27.10 and beyond the call of duty, including but not limited to acts of heroism or valor. In addition,
 27.11 the commissioner, in consultation with the executive director, may award bonuses for
 27.12 recognition of meritorious service in which the recipient peace officer has served for a
 27.13 minimum of five years without having any adverse disciplinary actions taken against the
 27.14 peace officer. An individual bonus payment may not exceed \$10,000.

27.15 Subd. 3. **Report required.** By January 15 of each year, the commissioner shall report
 27.16 to the chairs and ranking minority members of the legislative committees having jurisdiction
 27.17 over criminal justice policy and finance on the bonus program. At a minimum, the report
 27.18 must provide detailed information on the bonuses awarded under this section, including the
 27.19 amount of each bonus, the agency employing the recipient, and general information on the
 27.20 reasons for the bonus.

27.21 **ARTICLE 2**

27.22 **CRIMINAL LAW AND SENTENCING CHANGES**

27.23 Section 1. Minnesota Statutes 2020, section 13A.02, subdivision 1, is amended to read:

27.24 Subdivision 1. **Access by government.** Except as authorized by this chapter, no
 27.25 government authority may have access to, or obtain copies of, or the information contained
 27.26 in, the financial records of any customer from a financial institution unless the financial
 27.27 records are reasonably described and:

27.28 (1) the customer has authorized the disclosure;

27.29 (2) the financial records are disclosed in response to a search warrant;

27.30 (3) the financial records are disclosed in response to a judicial or administrative subpoena;

27.31 (4) the financial records are disclosed to law enforcement, a lead investigative agency
 27.32 as defined in section 626.5572, subdivision 13, or prosecuting authority that is investigating

28.1 financial exploitation of a vulnerable adult in response to a judicial subpoena or
28.2 administrative subpoena under section 388.23; or

28.3 (5) the financial records are disclosed pursuant to section 609.527 or 609.535 or other
28.4 statute or rule.

28.5 **EFFECTIVE DATE.** This section is effective August 1, 2022.

28.6 Sec. 2. Minnesota Statutes 2020, section 13A.02, subdivision 2, is amended to read:

28.7 Subd. 2. **Release prohibited.** No financial institution, or officer, employee, or agent of
28.8 a financial institution, may provide to any government authority access to, or copies of, or
28.9 the information contained in, the financial records of any customer except in accordance
28.10 with the provisions of this chapter.

28.11 Nothing in this chapter shall require a financial institution to inquire or determine that
28.12 those seeking disclosure have duly complied with the requirements of this chapter, provided
28.13 only that the customer authorization, search warrant, subpoena, or written certification
28.14 pursuant to section 609.527, subdivision 8; 609.535, subdivision 6; 626.557; or other statute
28.15 or rule, served on or delivered to a financial institution shows compliance on its face.

28.16 **EFFECTIVE DATE.** This section is effective August 1, 2022.

28.17 Sec. 3. Minnesota Statutes 2020, section 169A.44, is amended to read:

28.18 **169A.44 CONDITIONAL RELEASE.**

28.19 Subdivision 1. **Nonfelony violations.** (a) This subdivision applies to a person charged
28.20 with a nonfelony violation of section 169A.20 (driving while impaired) under circumstances
28.21 described in section 169A.40, subdivision 3 (certain DWI offenders; custodial arrest).

28.22 (b) Except as provided in subdivision 3, unless maximum bail is imposed under section
28.23 629.471, a person described in paragraph (a) may be released from detention only if the
28.24 person agrees to:

28.25 (1) abstain from alcohol; and

28.26 (2) submit to a program of electronic alcohol monitoring, involving at least daily
28.27 measurements of the person's alcohol concentration, pending resolution of the charge.

28.28 Clause (2) applies only when electronic alcohol-monitoring equipment is available to
28.29 the court. The court shall require partial or total reimbursement from the person for the cost
28.30 of the electronic alcohol-monitoring, to the extent the person is able to pay.

29.1 Subd. 2. **Felony violations.** (a) Except as provided in subdivision 3, a person charged
29.2 with violating section 169A.20 within ten years of the first of three or more qualified prior
29.3 impaired driving incidents may be released from detention only if the following conditions
29.4 are imposed:

29.5 (1) the conditions described in subdivision 1, paragraph (b), if applicable;

29.6 (2) the impoundment of the registration plates of the vehicle used to commit the violation,
29.7 unless already impounded;

29.8 (3) if the vehicle used to commit the violation was an off-road recreational vehicle or a
29.9 motorboat, the impoundment of the off-road recreational vehicle or motorboat;

29.10 (4) a requirement that the person report weekly to a probation agent;

29.11 (5) a requirement that the person abstain from consumption of alcohol and controlled
29.12 substances and submit to random alcohol tests or urine analyses at least weekly;

29.13 (6) a requirement that, if convicted, the person reimburse the court or county for the
29.14 total cost of these services; and

29.15 (7) any other conditions of release ordered by the court.

29.16 (b) In addition to setting forth conditions of release under paragraph (a), if required by
29.17 court rule, the court shall also fix the amount of money bail without other conditions upon
29.18 which the defendant may obtain release.

29.19 Subd. 3. **Exception; ignition interlock program.** A court is not required, either when
29.20 initially reviewing a person's release or when modifying the terms of the person's release,
29.21 to order a person charged with violating section 169A.24 (first-degree driving while
29.22 impaired), 169A.25 (second-degree driving while impaired), or 169A.26 (third-degree
29.23 driving while impaired) to submit to a program of electronic alcohol monitoring under
29.24 subdivision 1 or 2 if the person becomes a program participant in the ignition interlock
29.25 program under section 171.306. A judicial officer, county agency, or probation office may
29.26 not require or suggest that the person use a particular ignition interlock vendor when
29.27 complying with this subdivision but may provide the person with a list of all Minnesota
29.28 vendors of certified devices.

29.29 Sec. 4. Minnesota Statutes 2020, section 171.174, is amended to read:

29.30 **171.174 REVOCATION; FLEEING PEACE OFFICER OFFENSE.**

29.31 The commissioner of public safety shall revoke the license of a person upon receipt of
29.32 a certificate of conviction showing that the person has in a motor vehicle violated section

30.1 609.487, subdivision 3, 3a, or 4, or an ordinance in conformity with those subdivisions. The
 30.2 commissioner shall revoke the license as follows:

30.3 (1) for the first offense under section 609.487, subdivision 3, for not less than one year;

30.4 (2) for the second offense or subsequent offenses under section 609.487, subdivision 3,
 30.5 for not less than three years;

30.6 (3) for an offense under section 609.487, subdivision 3a, for not less than four years;

30.7 (4) for an offense under section 609.487, subdivision 4, clause (a), for not less than ten
 30.8 years;

30.9 ~~(4)~~ (5) for an offense under section 609.487, subdivision 4, clause (b), for not less than
 30.10 seven years; and

30.11 ~~(5)~~ (6) for an offense under section 609.487, subdivision 4, clause (c), for not less than
 30.12 five years.

30.13 A limited license under section 171.30 may not be issued for one-half of the revocation
 30.14 period specified in clauses (1) to ~~(5)~~ (6) and after that period is over only upon and as
 30.15 recommended by the adjudicating court.

30.16 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
 30.17 committed on or after that date but may provide the person with a list of all Minnesota
 30.18 vendors of certified devices.

30.19 Sec. 5. Minnesota Statutes 2020, section 171.306, is amended by adding a subdivision to
 30.20 read:

30.21 **Subd. 9. Choice of vendor.** A judicial officer, county agency, or probation office may
 30.22 not require or suggest that a person participating in the ignition interlock device program
 30.23 under this section use a particular ignition interlock vendor but may provide the person with
 30.24 a list of all Minnesota vendors of certified devices.

30.25 Sec. 6. Minnesota Statutes 2020, section 244.01, subdivision 8, is amended to read:

30.26 **Subd. 8. Term of imprisonment.** "Term of imprisonment," as applied to inmates whose
 30.27 crimes were committed before August 1, 1993, is the period of time for which an inmate is
 30.28 committed to the custody of the commissioner of corrections minus earned good time. "Term
 30.29 of imprisonment," as applied to inmates whose crimes were committed on or after August
 30.30 1, 1993, is the period of time equal to ~~two-thirds~~ three-fourths of the inmate's executed
 30.31 sentence.

31.1 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
31.2 committed on or after that date.

31.3 Sec. 7. Minnesota Statutes 2020, section 244.05, subdivision 4, is amended to read:

31.4 Subd. 4. **Minimum imprisonment, life sentence.** (a) An inmate serving a mandatory
31.5 life sentence under section 609.106 or 609.3455, subdivision 2, must not be given supervised
31.6 release under this section.

31.7 (b) An inmate serving a mandatory life sentence under section 609.185, paragraph (a),
31.8 clause (3), (5), or (6); 609.2661, clause (3); or Minnesota Statutes 2004, section 609.109,
31.9 subdivision 3, must not be given supervised release under this section without having served
31.10 a minimum term of 30 years.

31.11 (c) An inmate serving a mandatory life sentence under section 609.385 must not be given
31.12 supervised release under this section without having served a minimum term of imprisonment
31.13 of 17 years.

31.14 (d) An inmate serving a mandatory life sentence under section 609.3455, subdivision 3
31.15 or 4, must not be given supervised release under this section without having served the
31.16 minimum term of imprisonment specified by the court in its sentence.

31.17 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
31.18 committed on or after that date.

31.19 Sec. 8. Minnesota Statutes 2020, section 244.05, subdivision 5, is amended to read:

31.20 Subd. 5. **Supervised release, life sentence.** (a) The commissioner of corrections may,
31.21 under rules promulgated by the commissioner, give supervised release to an inmate serving
31.22 a mandatory life sentence under section 609.185, paragraph (a), clause (3), (5), or (6);
31.23 609.2661, clause (3); 609.3455, subdivision 3 or 4; or 609.385; or Minnesota Statutes 2004,
31.24 section 609.109, subdivision 3, after the inmate has served the minimum term of
31.25 imprisonment specified in subdivision 4.

31.26 (b) The commissioner shall require the preparation of a community investigation report
31.27 and shall consider the findings of the report when making a supervised release decision
31.28 under this subdivision. The report shall reflect the sentiment of the various elements of the
31.29 community toward the inmate, both at the time of the offense and at the present time. The
31.30 report shall include the views of the sentencing judge, the prosecutor, any law enforcement
31.31 personnel who may have been involved in the case, and any successors to these individuals
31.32 who may have information relevant to the supervised release decision. The report shall also

32.1 include the views of the victim and the victim's family unless the victim or the victim's
32.2 family chooses not to participate.

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

32.9 (d) When considering whether to give supervised release to an inmate serving a life
32.10 sentence under section 609.3455, subdivision 3 or 4, the commissioner shall consider, at a
32.11 minimum, the following: the risk the inmate poses to the community if released, the inmate's
32.12 progress in treatment, the inmate's behavior while incarcerated, psychological or other
32.13 diagnostic evaluations of the inmate, the inmate's criminal history, and any other relevant
32.14 conduct of the inmate while incarcerated or before incarceration. The commissioner may
32.15 not give supervised release to the inmate unless:

32.16 (1) while in prison:

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

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

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

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

32.26 (e) As used in this subdivision, "victim" means the individual who suffered harm as a
32.27 result of the inmate's crime or, if the individual is deceased, the deceased's surviving spouse
32.28 or next of kin.

32.29 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
32.30 committed on or after that date.

33.1 Sec. 9. Minnesota Statutes 2020, section 244.09, subdivision 2, is amended to read:

33.2 Subd. 2. **Members.** The Sentencing Guidelines Commission shall consist of the
33.3 following:

33.4 (1) the chief justice of the supreme court or a designee;

33.5 (2) one judge of the court of appeals, appointed by the chief justice of the supreme court;

33.6 (3) one district court judge appointed by the chief justice of the supreme court;

33.7 (4) one public defender appointed by the governor upon recommendation of the state
33.8 public defender;

33.9 (5) one county attorney appointed by the governor upon recommendation of the board
33.10 of directors of the Minnesota County Attorneys Association;

33.11 (6) the commissioner of corrections or a designee;

33.12 (7) one peace officer as defined in section 626.84 appointed by the governor;

33.13 (8) one probation officer or parole officer appointed by the governor; and

33.14 (9) three public members appointed by the governor, one of whom shall be a victim of
33.15 a crime defined as a felony.

33.16 When an appointing authority selects individuals for membership on the commission,
33.17 the authority shall make reasonable efforts to appoint qualified members of protected groups,
33.18 as defined in section 43A.02, subdivision 33.

33.19 One of the members shall be designated by the governor as chair of the commission.

33.20 The appointments of members described in clauses (4), (5), (7), (8), and (9) are to be
33.21 made with the advice and consent of the senate. Section 15.066 applies to these appointments.

33.22 Sec. 10. Minnesota Statutes 2020, section 244.101, subdivision 1, is amended to read:

33.23 Subdivision 1. **Executed sentences.** When a felony offender is sentenced to a fixed
33.24 executed sentence for an offense committed on or after August 1, 1993, the executed sentence
33.25 consists of two parts: (1) a specified minimum term of imprisonment that is equal to
33.26 ~~two-thirds~~ three-fourths of the executed sentence; and (2) a specified maximum supervised
33.27 release term that is equal to ~~one-third~~ one-quarter of the executed sentence. The amount of
33.28 time the inmate actually serves in prison and on supervised release is subject to the provisions
33.29 of section 244.05, subdivision 1b.

34.1 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
34.2 committed on or after that date.

34.3 Sec. 11. Minnesota Statutes 2020, section 244.14, subdivision 3, is amended to read:

34.4 Subd. 3. **Sanctions.** The commissioner shall impose severe and meaningful sanctions
34.5 for violating the conditions of an intensive community supervision program. The
34.6 commissioner shall provide for revocation of intensive community supervision of an offender
34.7 who:

34.8 (1) commits a material violation of or repeatedly fails to follow the rules of the program;

34.9 (2) commits any misdemeanor, gross misdemeanor, or felony offense; or

34.10 (3) presents a risk to the public, based on the offender's behavior, attitude, or abuse of
34.11 alcohol or controlled substances. The revocation of intensive community supervision is
34.12 governed by the procedures in the commissioner's rules adopted under section 244.05,
34.13 subdivision 2.

34.14 An offender whose intensive community supervision is revoked shall be imprisoned for
34.15 a time period equal to the offender's term of imprisonment, but in no case for longer than
34.16 the time remaining in the offender's sentence. "Term of imprisonment" means a time period
34.17 equal to ~~two-thirds~~ three-fourths of the sentence originally executed by the sentencing court,
34.18 minus jail credit, if any.

34.19 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
34.20 committed on or after that date.

34.21 Sec. 12. Minnesota Statutes 2020, section 244.171, subdivision 4, is amended to read:

34.22 Subd. 4. **Sanctions.** The commissioner shall impose severe and meaningful sanctions
34.23 for violating the conditions of the challenge incarceration program. The commissioner shall
34.24 remove an offender from the challenge incarceration program if the offender:

34.25 (1) commits a material violation of or repeatedly fails to follow the rules of the program;

34.26 (2) commits any misdemeanor, gross misdemeanor, or felony offense; or

34.27 (3) presents a risk to the public, based on the offender's behavior, attitude, or abuse of
34.28 alcohol or controlled substances. The removal of an offender from the challenge incarceration
34.29 program is governed by the procedures in the commissioner's rules adopted under section
34.30 244.05, subdivision 2.

35.1 An offender who is removed from the challenge incarceration program shall be
35.2 imprisoned for a time period equal to the offender's term of imprisonment, minus earned
35.3 good time if any, but in no case for longer than the time remaining in the offender's sentence.
35.4 "Term of imprisonment" means a time period equal to ~~two-thirds~~ three-fourths of the sentence
35.5 originally executed by the sentencing court, minus jail credit, if any.

35.6 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
35.7 committed on or after that date.

35.8 Sec. 13. Minnesota Statutes 2020, section 609.035, subdivision 1, is amended to read:

35.9 Subdivision 1. **Conduct; multiple crimes; chargeable for one offense.** Except as
35.10 provided in subdivisions 2, 3, 4, ~~and~~ 5, 6, and 7, and in sections 609.2114, subdivision 3,
35.11 609.251, 609.2691, 609.486, 609.494, 609.585, and 609.856, and Minnesota Statutes 2012,
35.12 section 609.21, subdivision 1b, if a person's conduct constitutes more than one offense under
35.13 the laws of this state, the person may be punished for only one of the offenses and a
35.14 conviction or acquittal of any one of them is a bar to prosecution for any other of them. All
35.15 the offenses, if prosecuted, shall be included in one prosecution which shall be stated in
35.16 separate counts.

35.17 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
35.18 committed on or after that date.

35.19 Sec. 14. Minnesota Statutes 2020, section 609.035, is amended by adding a subdivision
35.20 to read:

35.21 Subd. 7. **Exception; certain theft offenses.** Notwithstanding section 609.04, a
35.22 prosecution or conviction for violating section 609.52, subdivision 3a, paragraph (b), is not
35.23 a bar to conviction of or punishment for any other crime committed by the defendant as
35.24 part of the same conduct.

35.25 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
35.26 committed on or after that date.

35.27 Sec. 15. Minnesota Statutes 2020, section 609.106, subdivision 2, is amended to read:

35.28 Subd. 2. **Life without release.** The court shall sentence a person to life imprisonment
35.29 without possibility of release under the following circumstances:

35.30 (1) the person is convicted of first-degree murder under section 609.185, paragraph (a),
35.31 clause (1), (2), (4), or (7);

36.1 (2) the person is convicted of committing first-degree murder in the course of a
 36.2 kidnapping under section 609.185, paragraph (a), clause (3); or

36.3 (3) the person is convicted of first-degree murder under section 609.185, paragraph (a),
 36.4 clause (3), (5), or (6), or 609.2661, clause (3), and the court determines on the record at the
 36.5 time of sentencing that the person has one or more previous convictions for a heinous crime;
 36.6 or

36.7 (4) the person is convicted of first-degree murder of an unborn child under section
 36.8 609.2661, clause (1) or (2).

36.9 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
 36.10 committed on or after that date.

36.11 Sec. 16. Minnesota Statutes 2020, section 609.1095, subdivision 2, is amended to read:

36.12 Subd. 2. **Increased sentences for dangerous offender who commits third violent**
 36.13 **crime.** Whenever a person is convicted of a violent crime that is a felony, and the judge
 36.14 presumption under the Sentencing Guidelines is imposing an executed sentence based on
 36.15 a Sentencing Guidelines presumptive imprisonment sentence of imprisonment, the judge
 36.16 may shall impose and execute a prison sentence with an aggravated durational departure
 36.17 from the presumptive imprisonment sentence up to the statutory maximum sentence if:

36.18 (1) the offender was at least 18 years old at the time the felony was committed, and;

36.19 ~~(2)~~ (2) the court determines on the record at the time of sentencing that the offender has
 36.20 two or more prior convictions for violent crimes; and

36.21 ~~(2)~~ (3) the fact finder determines that the offender is a danger to public safety. The fact
 36.22 finder may base its determination that the offender is a danger to public safety on the
 36.23 following factors:

36.24 (i) the offender's past criminal behavior, such as the offender's high frequency rate of
 36.25 criminal activity or juvenile adjudications, or long involvement in criminal activity including
 36.26 juvenile adjudications; or

36.27 (ii) the fact that the present offense of conviction involved an aggravating factor that
 36.28 would justify a durational departure under the Sentencing Guidelines.

36.29 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
 36.30 committed on or after that date.

37.1 Sec. 17. Minnesota Statutes 2020, section 609.1095, subdivision 3, is amended to read:

37.2 Subd. 3. **Mandatory sentence for dangerous offender who commits third violent**
 37.3 **felony.** (a) Unless a longer mandatory minimum sentence is otherwise required by law or
 37.4 the court imposes and executes a longer aggravated durational departure under subdivision
 37.5 2 or 4, a person who is convicted of a violent crime that is a felony ~~must~~ shall be committed
 37.6 to the commissioner of corrections for a mandatory sentence of at least the length of the
 37.7 presumptive sentence under the Sentencing Guidelines if the court determines on the record
 37.8 at the time of sentencing that the person has two or more prior felony convictions for violent
 37.9 crimes. The court shall impose and execute the prison sentence regardless of whether the
 37.10 guidelines presume an executed prison sentence.

37.11 ~~Any person convicted and sentenced as required by this subdivision is not eligible for~~
 37.12 ~~probation, parole, discharge, or work release, until that person has served the full term of~~
 37.13 ~~imprisonment imposed by the court, notwithstanding sections 241.26, 242.19, 243.05,~~
 37.14 ~~244.04, 609.12, and 609.135.~~

37.15 (b) For purposes of this subdivision, "violent crime" does not include a violation of
 37.16 section 152.023 or 152.024.

37.17 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
 37.18 committed on or after that date.

37.19 Sec. 18. Minnesota Statutes 2020, section 609.1095, subdivision 4, is amended to read:

37.20 Subd. 4. **Increased sentence for offender who commits sixth felony.** Whenever a
 37.21 person is convicted of a felony; and the judge presumption under the Sentencing Guidelines
 37.22 ~~is imposing~~ an executed sentence ~~based on a Sentencing Guidelines presumptive~~
 37.23 ~~imprisonment sentence of imprisonment~~, the judge ~~may~~ shall impose and execute a prison
 37.24 sentence with an aggravated durational departure from the presumptive sentence up to the
 37.25 statutory maximum sentence if the ~~factfinder~~ fact finder determines that the offender has
 37.26 five or more prior felony convictions and that the present offense is a felony that was
 37.27 committed as part of a pattern of criminal conduct.

37.28 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
 37.29 committed on or after that date.

38.1 Sec. 19. Minnesota Statutes 2020, section 609.1095, is amended by adding a subdivision
38.2 to read:

38.3 Subd. 5. **Consecutive sentences; release.** (a) Any person convicted and sentenced as
38.4 required by this section must serve any imposed sentences consecutively to any unexpired
38.5 portion of a previously imposed sentence unless the total time to serve in prison would be
38.6 longer if a concurrent sentence were imposed.

38.7 (b) Notwithstanding sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135, any
38.8 person convicted and sentenced as required by this section is not eligible for probation,
38.9 parole, discharge, or work release until that person has served the full term of imprisonment
38.10 imposed by the court.

38.11 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
38.12 committed on or after that date.

38.13 Sec. 20. Minnesota Statutes 2020, section 609.11, subdivision 8, is amended to read:

38.14 Subd. 8. **Motion by prosecutor; dangerous weapons cases.** (a) Except as otherwise
38.15 provided in ~~paragraphs~~ paragraph (b) and (e), prior to the time of sentencing, the prosecutor
38.16 may file a motion to have the defendant sentenced without regard to the mandatory minimum
38.17 ~~sentences~~ sentence established by this section in subdivision 4. The motion shall be
38.18 accompanied by a statement on the record of the reasons for it. When presented with the
38.19 motion, or on its own motion, the court may sentence the defendant without regard to the
38.20 mandatory minimum ~~sentences~~ sentence established by this section in subdivision 4 if the
38.21 court finds substantial and compelling reasons to do so. A sentence imposed under this
38.22 subdivision is a departure from the Sentencing Guidelines.

38.23 (b) The court may not, on its own motion or the prosecutor's motion, sentence a defendant
38.24 without regard to the mandatory minimum ~~sentences~~ sentence established by this section
38.25 in subdivision 4 if the defendant previously has been convicted of an offense listed in
38.26 subdivision 9 in which the defendant used or possessed a firearm or other dangerous weapon.

38.27 ~~(e) The court may not, on its own motion or the prosecutor's motion, sentence a defendant~~
38.28 ~~without regard to the mandatory minimum sentences established by subdivision 5, if the~~
38.29 ~~defendant was convicted of a crime under section 152.021, subdivision 1, or 152.022,~~
38.30 ~~subdivision 1, and the person or an accomplice possessed on their person or within immediate~~
38.31 ~~reach, or used, whether by brandishing, displaying, threatening with, or otherwise employing,~~
38.32 ~~a firearm.~~

39.1 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
39.2 committed on or after that date.

39.3 Sec. 21. Minnesota Statutes 2020, section 609.11, is amended by adding a subdivision to
39.4 read:

39.5 Subd. 8a. **Motion by prosecutor; firearms cases.** (a) Except as otherwise provided in
39.6 paragraphs (c) and (d), prior to the time of sentencing, the prosecutor may file a motion to
39.7 have the defendant sentenced without regard to the mandatory minimum sentence established
39.8 in subdivision 5 for a case in which the basis for the mandatory sentence is that the
39.9 defendant's accomplice had a firearm in possession at the time of the offense. The motion
39.10 may be made only if the defendant was unaware that the accomplice possessed the firearm.
39.11 No motion to sentence a defendant without regard to the mandatory sentence applicable in
39.12 subdivision 5 may be made or granted for any other reason or in any other situation.

39.13 (b) The motion under paragraph (a) shall be accompanied by a statement on the record
39.14 of the reasons for the motion. When presented with the motion, or on its own motion, the
39.15 court may sentence the defendant without regard to the mandatory minimum sentence
39.16 established in subdivision 5 if the court finds that the criteria in paragraph (a) have been
39.17 met and there are substantial and compelling reasons to do so. A sentence imposed under
39.18 this subdivision is a departure from the Sentencing Guidelines.

39.19 (c) The court may not, on its own motion or the prosecutor's motion, sentence a defendant
39.20 described in paragraph (a) without regard to the mandatory minimum sentence established
39.21 in subdivision 5 if the defendant previously had been convicted of an offense listed in
39.22 subdivision 9 in which the defendant used or possessed a firearm or other dangerous weapon.

39.23 (d) The court may not, on its own motion or the prosecutor's motion, sentence a defendant
39.24 described in paragraph (a) without regard to the mandatory minimum sentence established
39.25 by subdivision 5 if the defendant was convicted of a crime under section 152.021, subdivision
39.26 1, or 152.022, subdivision 1, and the person or an accomplice possessed on their person or
39.27 within immediate reach, or used, whether by brandishing, displaying, threatening with, or
39.28 otherwise employing, a firearm.

39.29 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
39.30 committed on or after that date.

40.1 Sec. 22. Minnesota Statutes 2020, section 609.115, subdivision 2a, is amended to read:

40.2 Subd. 2a. **Sentencing worksheet; sentencing guidelines commission.** If the defendant
40.3 has been convicted of a felony, including a felony for which a mandatory life sentence is
40.4 required by law, the court shall cause a sentencing worksheet as provided in subdivision 1
40.5 to be completed and forwarded to the Sentencing Guidelines Commission.

40.6 For the purpose of this section, "mandatory life sentence" means a sentence under section
40.7 609.106, subdivision 2; 609.185; 609.2661; 609.3455; or 609.385, subdivision 2; or
40.8 Minnesota Statutes 2004, section 609.109, subdivision 3, and governed by section 244.05.

40.9 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
40.10 committed on or after that date.

40.11 Sec. 23. Minnesota Statutes 2021 Supplement, section 609.135, subdivision 2, is amended
40.12 to read:

40.13 Subd. 2. **Stay of sentence maximum periods.** (a) If the conviction is for a felony other
40.14 than section 609.2113, subdivision 1 or 2, 609.2114, subdivision 2, or section 609.3451,
40.15 subdivision 1 or 1a, or Minnesota Statutes 2012, section 609.21, subdivision 1a, paragraph
40.16 (b) or (c), the stay shall be for not more than four years or the maximum period for which
40.17 the sentence of imprisonment might have been imposed, whichever is longer.

40.18 (b) If the conviction is for a gross misdemeanor violation of section 169A.20, 609.2113,
40.19 subdivision 3, or 609.3451, or for a felony described in section 609.2113, subdivision 1 or
40.20 2, 609.2114, subdivision 2, or 609.3451, subdivision 1 or 1a, the stay shall be for not more
40.21 than six years. The court shall provide for unsupervised probation for the last year of the
40.22 stay unless the court finds that the defendant needs supervised probation for all or part of
40.23 the last year.

40.24 (c) If the conviction is for a gross misdemeanor not specified in paragraph (b), the stay
40.25 shall be for not more than two years.

40.26 (d) If the conviction is for any misdemeanor under section 169A.20; 609.746, subdivision
40.27 1; 609.79; or 617.23; or for a misdemeanor under section 609.2242 or 609.224, subdivision
40.28 1, in which the victim of the crime was a family or household member as defined in section
40.29 518B.01, the stay shall be for not more than two years. The court shall provide for
40.30 unsupervised probation for the second year of the stay unless the court finds that the
40.31 defendant needs supervised probation for all or part of the second year.

40.32 (e) If the conviction is for a misdemeanor not specified in paragraph (d), the stay shall
40.33 be for not more than one year.

41.1 (f) The defendant shall be discharged six months after the term of the stay expires, unless
41.2 the stay has been revoked or extended under paragraph (g), or the defendant has already
41.3 been discharged.

41.4 (g) Notwithstanding the maximum periods specified for stays of sentences under
41.5 paragraphs (a) to (f), a court may extend a defendant's term of probation for up to one year
41.6 if it finds, at a hearing conducted under subdivision 1a, that:

41.7 (1) the defendant has not paid court-ordered restitution in accordance with the payment
41.8 schedule or structure; and

41.9 (2) the defendant is likely to not pay the restitution the defendant owes before the term
41.10 of probation expires.

41.11 This one-year extension of probation for failure to pay restitution may be extended by the
41.12 court for up to one additional year if the court finds, at another hearing conducted under
41.13 subdivision 1a, that the defendant still has not paid the court-ordered restitution that the
41.14 defendant owes.

41.15 Nothing in this subdivision limits the court's ability to refer the case to collections under
41.16 section 609.104.

41.17 (h) Notwithstanding the maximum periods specified for stays of sentences under
41.18 paragraphs (a) to (f), a court may extend a defendant's term of probation for up to three
41.19 years if it finds, at a hearing conducted under subdivision 1c, that:

41.20 (1) the defendant has failed to complete court-ordered treatment successfully; and

41.21 (2) the defendant is likely not to complete court-ordered treatment before the term of
41.22 probation expires.

41.23 (i) Notwithstanding any law or provision of the Sentencing Guidelines to the contrary,
41.24 when ordering a stay of imposition or execution of sentence for a felony offense described
41.25 in this paragraph, the maximum length of the stay and the process for pronouncing it are
41.26 governed exclusively by this section. This paragraph applies to violations of the following:
41.27 sections 152.021 (controlled substance crime in the first degree); 152.022 (controlled
41.28 substance crime in the second degree); 152.023, subdivision 1 (controlled substance crime
41.29 in the third degree, sales); 152.024, subdivision 1 (controlled substance crime in the fourth
41.30 degree, sales); 152.0261 (importing controlled substances across state borders); 152.0262
41.31 (possession of substances with intent to manufacture methamphetamine); 609.19 (murder
41.32 in the second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the
41.33 first degree); 609.205 (manslaughter in the second degree); 609.2112 (criminal vehicular

42.1 homicide); 609.221 (assault in the first degree); 609.222 (assault in the second degree);
 42.2 609.229 (crimes committed for the benefit of a gang); 609.24 (simple robbery); 609.245
 42.3 (aggravated robbery); 609.2456 (carjacking); 609.25 (kidnapping); 609.2662 (murder of an
 42.4 unborn child in the second degree); 609.2663 (murder of an unborn child in the third degree);
 42.5 609.2664 (manslaughter of an unborn child in the first degree); 609.268 (death or injury of
 42.6 an unborn child in the commission of a crime); 609.322 (solicitation, inducement, and
 42.7 promotion of prostitution; sex trafficking); 609.342 (criminal sexual conduct in the first
 42.8 degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal sexual
 42.9 conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree);
 42.10 609.3451, subdivision 3 (felony criminal sexual conduct in the fifth degree); 609.377,
 42.11 subdivision 6 (malicious punishment of a child, great bodily harm); 609.52 (involving theft
 42.12 of a firearm and theft involving the theft of a controlled substance, an explosive, or an
 42.13 incendiary device); 609.561 (arson in the first degree); 609.562 (arson in the second degree);
 42.14 609.582, subdivision 1 or 2 (burglary in the first and second degrees); 609.66, subdivision
 42.15 1e, paragraph (b) (drive-by shooting at or toward a person or occupied building); 609.71,
 42.16 subdivision 1 (riot in the first degree); and 609.749, subdivision 3, paragraph (b), subdivision
 42.17 4, paragraph (b), and subdivision 5, paragraph (a) (certain harassment crimes); and an
 42.18 attempt or conspiracy to commit any of these offenses where the maximum penalty applicable
 42.19 for the attempt or conspiracy is longer than five years imprisonment.

42.20 **EFFECTIVE DATE.** This section is effective the day following final enactment and
 42.21 applies to crimes committed on or after that date.

42.22 Sec. 24. Minnesota Statutes 2020, section 609.2231, subdivision 2, is amended to read:

42.23 Subd. 2. **Firefighters ~~and~~, emergency medical personnel, and other health care**
 42.24 **professionals.** ~~Whoever assaults any of the following persons and inflicts demonstrable~~
 42.25 ~~bodily harm~~ on or intentionally throws or otherwise transfers bodily fluids or feces at or
 42.26 onto any of the following persons is guilty of a felony and may be sentenced to imprisonment
 42.27 for not more than two years or to payment of a fine of not more than \$4,000, or both:

42.28 (1) a member of a municipal or volunteer fire department or emergency medical services
 42.29 personnel unit in the performance of the member's duties; or

42.30 (2) a physician, nurse, or other person, while providing health care services ~~in a hospital~~
 42.31 ~~emergency department.~~

42.32 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
 42.33 committed on or after that date.

43.1 Sec. 25. Minnesota Statutes 2021 Supplement, section 609.2325, subdivision 1, is amended
43.2 to read:

43.3 Subdivision 1. **Crimes.** A caregiver who, with intent to produce physical or mental pain
43.4 or injury to a vulnerable adult, (1) subjects a vulnerable adult to any aversive or deprivation
43.5 procedure, unreasonable confinement, or involuntary seclusion, or (2) intentionally
43.6 administers a controlled substance to a vulnerable adult without a valid prescription or
43.7 administers the controlled substance in a manner inconsistent with the terms of a valid
43.8 prescription, is guilty of criminal abuse and may be sentenced as provided in subdivision
43.9 3.

43.10 This subdivision does not apply to therapeutic conduct.

43.11 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
43.12 committed on or after that date.

43.13 Sec. 26. [609.2456] CARJACKING.

43.14 Subdivision 1. Crime described. A person who commits simple robbery as described
43.15 in section 609.24, or aggravated robbery as described in section 609.245, where the personal
43.16 property taken is a motor vehicle as defined in section 609.487, subdivision 2a, is guilty of
43.17 carjacking and may be punished as provided in subdivision 2.

43.18 Subd. 2. Penalties. (a) A person who violates subdivision 1 through the commission of
43.19 simple robbery as described in section 609.24 may be sentenced to imprisonment for not
43.20 more than 15 years or to payment of a fine of not more than \$30,000, or both.

43.21 (b) A person who violates subdivision 1 through the commission of aggravated robbery
43.22 as described in section 609.245, subdivision 2, may be sentenced to imprisonment for not
43.23 more than 20 years or to payment of a fine of not more than \$35,000, or both.

43.24 (c) A person who violates subdivision 1 through the commission of aggravated robbery
43.25 as described in section 609.245, subdivision 1, may be sentenced to imprisonment for not
43.26 more than 25 years or to payment of a fine of not more than \$40,000, or both.

43.27 Subd. 3. Mandatory minimum sentences. (a) A person convicted of carjacking shall
43.28 be committed to the custody of the commissioner of corrections for not less than:

43.29 (1) two years, nor more than 15 years, for a violation of subdivision 2, paragraph (a);

43.30 (2) four years, nor more than 20 years, for a violation of subdivision 2, paragraph (b);

43.31 or

43.32 (3) six years, nor more than 25 years, for a violation of subdivision 2, paragraph (c).

44.1 (b) Notwithstanding the provisions of sections 241.26, 242.19, 243.05, 244.04, 609.12,
44.2 and 609.135, a defendant convicted and sentenced as required by this subdivision is not
44.3 eligible for probation, parole, discharge, work release, or supervised release until that person
44.4 has served the full term of imprisonment as provided by law. Notwithstanding section
44.5 609.135, the court may not stay the imposition or execution of this sentence.

44.6 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
44.7 committed on or after that date.

44.8 Sec. 27. Minnesota Statutes 2020, section 609.487, is amended by adding a subdivision
44.9 to read:

44.10 Subd. 3a. **Fleeing an officer; motor vehicle; culpable negligence.** Whoever, by means
44.11 of a motor vehicle, flees or attempts to flee a peace officer who is acting in the lawful
44.12 discharge of an official duty, and the perpetrator knows or should reasonably know the same
44.13 to be a peace officer, and who in the course of fleeing operates the vehicle in a culpably
44.14 negligent manner whereby the perpetrator creates an unreasonable risk and consciously
44.15 takes chances of causing death or great bodily harm to another, is guilty of a felony and
44.16 may be sentenced to imprisonment for not more than four years or to payment of a fine of
44.17 not more than \$8,000, or both.

44.18 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
44.19 committed on or after that date.

44.20 Sec. 28. Minnesota Statutes 2020, section 609.487, subdivision 5, is amended to read:

44.21 Subd. 5. **Revocation; fleeing peace officer offense.** When a person is convicted of
44.22 operating a motor vehicle in violation of subdivision 3, 3a, or 4, or an ordinance in conformity
44.23 with those subdivisions, the court shall notify the commissioner of public safety and order
44.24 the commissioner to revoke the driver's license of the person.

44.25 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
44.26 committed on or after that date.

44.27 Sec. 29. Minnesota Statutes 2021 Supplement, section 609.5151, is amended to read:

44.28 **609.5151 DISSEMINATION OF PERSONAL INFORMATION ABOUT ~~LAW~~**
44.29 **~~ENFORCEMENT~~ CRIMINAL JUSTICE OFFICIALS PROHIBITED; PENALTY.**

44.30 Subdivision 1. **Definitions.** As used in this section:

45.1 (1) "criminal justice official" includes a peace officer as defined in section 626.84,
 45.2 subdivision 1; a prosecuting attorney as defined in section 609.221, subdivision 6; a judge
 45.3 as defined in section 609.221, subdivision 6; a person employed as a public defender, a
 45.4 correctional officer, or a criminal defense attorney; and other persons employed by or in
 45.5 the same office as those officials;

45.6 (2) "family or household member" has the meaning given in section 518B.01, subdivision
 45.7 2; and

45.8 ~~(2) "law enforcement official" means both peace officers as defined in section 626.84,~~
 45.9 ~~subdivision 1, and persons employed by a law enforcement agency; and~~

45.10 (3) "personal information" means a home address, directions to a home, or photographs
 45.11 of a home.

45.12 Subd. 2. **Crime described.** (a) It is a misdemeanor for a person to knowingly and without
 45.13 consent make publicly available, including but not limited to through the Internet, personal
 45.14 information about a ~~law enforcement~~ criminal justice official or an official's family or
 45.15 household member, if:

45.16 (1) the dissemination poses an imminent and serious threat to the official's safety or the
 45.17 safety of an official's family or household member; and

45.18 (2) the person making the information publicly available knows or reasonably should
 45.19 know of the imminent and serious threat.

45.20 (b) A person is guilty of a gross misdemeanor if the person violates paragraph (a) and
 45.21 a ~~law enforcement~~ criminal justice official or an official's family or household member
 45.22 suffers great bodily harm or death as a result of the violation.

45.23 (c) A person who is convicted of a second or subsequent violation of this section is guilty
 45.24 of a gross misdemeanor.

45.25 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
 45.26 committed on or after that date.

45.27 Sec. 30. Minnesota Statutes 2020, section 609.52, subdivision 3, is amended to read:

45.28 Subd. 3. **Sentence.** Whoever commits theft may be sentenced as follows:

45.29 (1) to imprisonment for not more than 20 years or to payment of a fine of not more than
 45.30 \$100,000, or both, if the property is a firearm, or the value of the property or services stolen
 45.31 is more than \$35,000 and the conviction is for a violation of subdivision 2, clause (3), (4),
 45.32 (15), (16), or (19), or section 609.2335, subdivision 1, clause (1) or (2), item (i); or

46.1 (2) to imprisonment for not more than ten years or to payment of a fine of not more than
46.2 \$20,000, or both, if the value of the property or services stolen exceeds \$5,000, or if the
46.3 property stolen was an article representing a trade secret, an explosive or incendiary device,
46.4 or a controlled substance listed in Schedule I or II pursuant to section 152.02 with the
46.5 exception of marijuana; or

46.6 (3) to imprisonment for not more than five years or to payment of a fine of not more
46.7 than \$10,000, or both, if any of the following circumstances exist:

46.8 (a) the value of the property or services stolen is more than \$1,000 but not more than
46.9 \$5,000; or

46.10 (b) the property stolen was a controlled substance listed in Schedule III, IV, or V pursuant
46.11 to section 152.02; or

46.12 (c) the value of the property or services stolen is more than \$500 but not more than
46.13 \$1,000 and the person has been convicted within the preceding five years for an offense
46.14 under this section, section 256.98; 268.182; 609.24; 609.245; 609.522, 609.53; 609.582,
46.15 subdivision 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another state,
46.16 the United States, or a foreign jurisdiction, in conformity with any of those sections, and
46.17 the person received a felony or gross misdemeanor sentence for the offense, or a sentence
46.18 that was stayed under section 609.135 if the offense to which a plea was entered would
46.19 allow imposition of a felony or gross misdemeanor sentence; or

46.20 (d) the value of the property or services stolen is not more than \$1,000, and any of the
46.21 following circumstances exist:

46.22 (i) the property is taken from the person of another or from a corpse, or grave or coffin
46.23 containing a corpse; or

46.24 (ii) the property is a record of a court or officer, or a writing, instrument or record kept,
46.25 filed or deposited according to law with or in the keeping of any public officer or office; or

46.26 (iii) the property is taken from a burning, abandoned, or vacant building or upon its
46.27 removal therefrom, or from an area of destruction caused by civil disaster, riot, bombing,
46.28 or the proximity of battle; or

46.29 (iv) the property consists of public funds belonging to the state or to any political
46.30 subdivision or agency thereof; or

46.31 (v) the property stolen is a motor vehicle; or

47.1 (4) to imprisonment for not more than one year or to payment of a fine of not more than
47.2 \$3,000, or both, if the value of the property or services stolen is more than \$500 but not
47.3 more than \$1,000; or

47.4 (5) in all other cases where the value of the property or services stolen is \$500 or less,
47.5 to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000,
47.6 or both, provided, however, in any prosecution under subdivision 2, clauses (1), (2), (3),
47.7 (4), (13), and (19), the value of the money or property or services received by the defendant
47.8 in violation of any one or more of the above provisions within any six-month period may
47.9 be aggregated and the defendant charged accordingly in applying the provisions of this
47.10 subdivision; provided that when two or more offenses are committed by the same person
47.11 in two or more counties, the accused may be prosecuted in any county in which one of the
47.12 offenses was committed for all of the offenses aggregated under this paragraph.

47.13 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
47.14 committed on or after that date.

47.15 Sec. 31. Minnesota Statutes 2020, section 609.52, subdivision 3a, is amended to read:

47.16 Subd. 3a. **Enhanced penalty.** (a) If a violation of this section creates a reasonably
47.17 foreseeable risk of bodily harm to another, the penalties described in subdivision 3 are
47.18 enhanced as follows:

47.19 (1) if the penalty is a misdemeanor or a gross misdemeanor, the person is guilty of a
47.20 felony and may be sentenced to imprisonment for not more than three years or to payment
47.21 of a fine of not more than \$5,000, or both; and

47.22 (2) if the penalty is a felony, the statutory maximum sentence for the offense is 50 percent
47.23 longer than for the underlying crime.

47.24 (b) Notwithstanding the maximum penalty otherwise provided in subdivision 3, a person
47.25 who violates subdivision 2 where the property stolen is a motor vehicle, and where the
47.26 person uses the vehicle in furtherance of a crime of violence within seven days of the theft,
47.27 is guilty of a felony and may be sentenced:

47.28 (1) to imprisonment for not more than 15 years or to payment of a fine of not more than
47.29 \$30,000, or both, if the value of the stolen vehicle exceeds \$5,000; and

47.30 (2) to imprisonment for not more than ten years or to payment of a fine of not more than
47.31 \$20,000, or both, if the value of the stolen vehicle is \$5,000 or less.

47.32 As used in this paragraph, "crime of violence" means:

48.1 (1) felony convictions of the following offenses: sections 152.021 (controlled substance
48.2 crime in the first degree); 152.022 (controlled substance crime in the second degree); 152.023,
48.3 subdivision 1 (controlled substance crime in the third degree, sales crimes); 152.024,
48.4 subdivision 1 (controlled substance crimes in the fourth degree, sales crimes); 152.025,
48.5 subdivision 1 (controlled substance crimes in the fifth degree, sales crimes); 152.0261
48.6 (importing controlled substances across state borders); 152.0262 (possession of substances
48.7 with intent to manufacture methamphetamine); 152.027, subdivision 6, paragraph (b) (sale
48.8 of synthetic cannabinoid for remuneration); 152.096 (conspiracy to commit a violation of
48.9 chapter 152); 152.097 (simulated controlled substances); 152.136, subdivision 4 (illegal
48.10 activities relating to anhydrous ammonia); 152.137 (certain methamphetamine-related
48.11 crimes); 152.33, subdivision 1, 2, or 4 (certain violations related to medical cannabis);
48.12 609.165 (possession of firearm or ammunition by an ineligible person); 609.185 (murder
48.13 in the first degree); 609.19 (murder in the second degree); 609.195 (murder in the third
48.14 degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in the second
48.15 degree); 609.2112 (criminal vehicular homicide); 609.2113 (criminal vehicular operation);
48.16 609.2114 (criminal vehicular operation, unborn child); 609.215 (aiding suicide and aiding
48.17 attempted suicide); 609.221 (assault in the first degree); 609.222 (assault in the second
48.18 degree); 609.223 (assault in the third degree); 609.2247 (domestic assault by strangulation);
48.19 609.228 (great bodily harm by distribution of drugs); 609.229 (crimes committed for the
48.20 benefit of a gang); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple
48.21 robbery); 609.245 (aggravated robbery); 609.2456 (carjacking); 609.25 (kidnapping);
48.22 609.255 (false imprisonment); 609.2661 (murder of an unborn child in the first degree);
48.23 609.2662 (murder of an unborn child in the second degree); 609.2663 (murder of an unborn
48.24 child in the third degree); 609.2664 (manslaughter of an unborn child in the first degree);
48.25 609.2665 (manslaughter of an unborn child in the second degree); 609.267 (assault of an
48.26 unborn child in the first degree); 609.2671 (assault of an unborn child in the second degree);
48.27 609.2672 (assault of an unborn child in the third degree); 609.282 (labor trafficking); 609.322
48.28 (solicitation, inducement, and promotion of prostitution; sex trafficking); 609.342 (criminal
48.29 sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second degree);
48.30 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in
48.31 the fourth degree); 609.3453 (criminal sexual predatory conduct); 609.352 (solicitation of
48.32 children); 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment
48.33 of a child); 609.486 (commission of crime while wearing or possessing a bullet-resistant
48.34 vest); 609.49 (failure to appear); 609.504 (disarming a peace officer); 609.52 (involving
48.35 theft of a firearm and theft involving the theft of a controlled substance, an explosive, or an
48.36 incendiary device); 609.561 (arson in the first degree); 609.562 (arson in the second degree);

49.1 609.582, subdivision 1 or 2 (burglary in the first and second degrees); 609.66, subdivision
 49.2 1e (drive-by shooting); 609.67 (unlawfully owning, possessing, operating a machine gun
 49.3 or short-barreled shotgun); 609.71 (riot); 609.713 (terroristic threats); and 609.855,
 49.4 subdivision 5 (shooting at a public transit vehicle or facility);

49.5 (2) convictions regardless of the penalty level of the following offenses: sections 518B.01
 49.6 (domestic abuse orders for protection); 609.2231 (assault in the fourth degree); 609.224
 49.7 (assault in the fifth degree); 609.2242 (domestic assault); 609.3451 (criminal sexual conduct
 49.8 in the fifth degree); 609.487 (fleeing a peace officer); 609.66 (dangerous weapons); 609.749
 49.9 (harassment); 609.75 (domestic abuse no contact orders); and 624.713 (certain persons not
 49.10 to possess firearms); and

49.11 (3) an attempt to commit any of these offenses described in clause (1) or (2).

49.12 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
 49.13 committed on or after that date.

49.14 Sec. 32. **[609.522] ORGANIZED RETAIL THEFT.**

49.15 Subdivision 1. **Definitions.** (a) As used in this section, the terms in this subdivision have
 49.16 the meanings given.

49.17 (b) "Article surveillance system" means any electronic device or other security device
 49.18 that is designed to detect or prevent the unauthorized removal of retail merchandise from
 49.19 a retailer.

49.20 (c) "Retailer" means a person or entity that sells retail merchandise.

49.21 (d) "Retail merchandise" means all forms of tangible property, without limitation, held
 49.22 out for sale by a retailer.

49.23 (e) "Value" means the retail market value at the time of the theft or, if the retail market
 49.24 value cannot be ascertained, the cost of replacement of the property within a reasonable
 49.25 time after the theft.

49.26 Subd. 2. **Organized retail theft.** (a) Whoever steals or fraudulently obtains retail
 49.27 merchandise from a retailer commits organized retail theft and may be sentenced as provided
 49.28 in subdivision 3 if the actor:

49.29 (1) resells or intends to resell the retail merchandise;

49.30 (2) advertises or displays any item of the retail merchandise for sale;

49.31 (3) returns any item of the retail merchandise to a retailer for anything of value; or

50.1 (4) steals retail merchandise within five years of a conviction under this section.

50.2 (b) Whoever receives, purchases, or possesses retail merchandise knowing or having
50.3 reason to know the retail merchandise was stolen from a retailer and with the intent to resell
50.4 that merchandise may be sentenced as provided in subdivision 3.

50.5 (c) Whoever possesses any device, gear, or instrument designed to assist in shoplifting
50.6 or defeating an electronic article surveillance system with intent to use the same to shoplift
50.7 and thereby commit theft may be sentenced pursuant to subdivision 3, clause (3).

50.8 Subd. 3. **Sentence.** Whoever commits organized retail theft may be sentenced as follows:

50.9 (1) to imprisonment for not more than 15 years or to payment of a fine of not more than
50.10 \$35,000, or both, if the value of the property stolen exceeds \$5,000;

50.11 (2) to imprisonment for not more than seven years or to payment of a fine of not more
50.12 than \$14,000, or both, if either of the following circumstances exist:

50.13 (i) the value of the property stolen is more than \$1,000 but not more than \$5,000; or

50.14 (ii) the person commits the offense within ten years of the first of two or more convictions
50.15 under this section;

50.16 (3) to imprisonment for not more than two years or to payment of a fine of not more
50.17 than \$5,000, or both, if either of the following circumstances exist:

50.18 (i) the value of the property stolen is more than \$500 but not more than \$1,000; or

50.19 (ii) the person commits the offense within ten years of a previous conviction under this
50.20 section; or

50.21 (4) to imprisonment of not more than one year or to payment of a fine of not more than
50.22 \$3,000, or both, if the value of the property stolen is \$500 or less.

50.23 Subd. 4. **Aggregation.** The value of the retail merchandise received by the defendant
50.24 in violation of this section within any six-month period may be aggregated and the defendant
50.25 charged accordingly in applying the provisions of this subdivision; provided that when two
50.26 or more offenses are committed by the same person in two or more counties, the accused
50.27 may be prosecuted in any county in which one of the offenses was committed for all of the
50.28 offenses aggregated under this paragraph.

50.29 Subd. 5. **Enhanced penalty.** If a violation of this section creates a reasonably foreseeable
50.30 risk of bodily harm to another, the penalties described in subdivision 3 are enhanced as
50.31 follows:

51.1 (1) if the penalty is a gross misdemeanor, the person is guilty of a felony and may be
 51.2 sentenced to imprisonment for not more than three years or to payment of a fine of not more
 51.3 than \$5,000, or both; and

51.4 (2) if the penalty is a felony, the statutory maximum sentence for the offense is 50 percent
 51.5 longer than for the underlying crime.

51.6 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
 51.7 committed on or after that date.

51.8 Sec. 33. Minnesota Statutes 2020, section 609.527, subdivision 1, is amended to read:

51.9 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
 51.10 meanings given them in this subdivision.

51.11 (b) "Direct victim" means any person or entity described in section 611A.01, paragraph
 51.12 (b), whose identity has been transferred, used, or possessed in violation of this section.

51.13 (c) "False pretense" means any false, fictitious, misleading, or fraudulent information
 51.14 or pretense or pretext depicting or including or deceptively similar to the name, logo, website
 51.15 address, e-mail address, postal address, telephone number, or any other identifying
 51.16 information of a for-profit or not-for-profit business or organization or of a government
 51.17 agency, to which the user has no legitimate claim of right.

51.18 (d) "Financial institution" has the meaning given in section 13A.01, subdivision 2.

51.19 (e) "Identity" means any name, number, or data transmission that may be used, alone or
 51.20 in conjunction with any other information, to identify a specific individual or entity, including
 51.21 any of the following:

51.22 (1) a name, Social Security number, date of birth, official government-issued driver's
 51.23 license or identification number, government passport number, or employer or taxpayer
 51.24 identification number;

51.25 (2) unique electronic identification number, address, account number, or routing code;
 51.26 or

51.27 (3) telecommunication identification information or access device.

51.28 ~~(e)~~ (f) "Indirect victim" means any person or entity described in section 611A.01,
 51.29 paragraph (b), other than a direct victim.

52.1 ~~(f)~~ (g) "Loss" means value obtained, as defined in section 609.52, subdivision 1, clause
 52.2 (3), and expenses incurred by a direct or indirect victim as a result of a violation of this
 52.3 section.

52.4 ~~(g)~~ (h) "Unlawful activity" means:

52.5 (1) any felony violation of the laws of this state or any felony violation of a similar law
 52.6 of another state or the United States; and

52.7 (2) any nonfelony violation of the laws of this state involving theft, theft by swindle,
 52.8 forgery, fraud, or giving false information to a public official, or any nonfelony violation
 52.9 of a similar law of another state or the United States.

52.10 ~~(h)~~ (i) "Scanning device" means a scanner, reader, or any other electronic device that is
 52.11 used to access, read, scan, obtain, memorize, or store, temporarily or permanently,
 52.12 information encoded on a computer chip or magnetic strip or stripe of a payment card,
 52.13 driver's license, or state-issued identification card.

52.14 ~~(i)~~ (j) "Reencoder" means an electronic device that places encoded information from the
 52.15 computer chip or magnetic strip or stripe of a payment card, driver's license, or state-issued
 52.16 identification card, onto the computer chip or magnetic strip or stripe of a different payment
 52.17 card, driver's license, or state-issued identification card, or any electronic medium that
 52.18 allows an authorized transaction to occur.

52.19 ~~(j)~~ (k) "Payment card" means a credit card, charge card, debit card, or any other card
 52.20 that:

52.21 (1) is issued to an authorized card user; and

52.22 (2) allows the user to obtain, purchase, or receive credit, money, a good, a service, or
 52.23 anything of value.

52.24 **EFFECTIVE DATE.** This section is effective August 1, 2022.

52.25 Sec. 34. Minnesota Statutes 2020, section 609.527, is amended by adding a subdivision
 52.26 to read:

52.27 **Subd. 8. Release of limited account information to law enforcement authorities.** (a)
 52.28 A financial institution may release the information described in paragraph (b) to a law
 52.29 enforcement or prosecuting authority that certifies in writing that it is investigating or
 52.30 prosecuting a crime of identity theft under this section. The certification must describe with
 52.31 reasonable specificity the nature of the suspected identity theft that is being investigated or
 52.32 prosecuted, including the dates of the suspected criminal activity.

53.1 (b) This subdivision applies to requests for the following information relating to a
53.2 potential victim's account:

53.3 (1) the name of the account holder or holders; and

53.4 (2) the last known home address and telephone numbers of the account holder or holders.

53.5 (c) A financial institution may release the information requested under this subdivision
53.6 that it possesses within a reasonable time after the request. The financial institution may
53.7 not impose a fee for furnishing the information.

53.8 (d) A financial institution is not liable in a criminal or civil proceeding for releasing
53.9 information in accordance with this subdivision.

53.10 (e) Release of limited account information to a law enforcement agency under this
53.11 subdivision is criminal investigative data under section 13.82, subdivision 7.

53.12 **EFFECTIVE DATE.** This section is effective August 1, 2022.

53.13 Sec. 35. Minnesota Statutes 2020, section 609.582, subdivision 3, is amended to read:

53.14 Subd. 3. **Burglary in the third degree.** (a) Except as otherwise provided in this section,
53.15 whoever enters a building without consent and with intent to steal or commit any felony or
53.16 gross misdemeanor while in the building, or enters a building without consent and steals or
53.17 commits a felony or gross misdemeanor while in the building, either directly or as an
53.18 accomplice, commits burglary in the third degree and may be sentenced to imprisonment
53.19 for not more than five years or to payment of a fine of not more than \$10,000, or both.

53.20 (b) Whoever enters a building that is open to the public, other than a building identified
53.21 in subdivision 2, paragraph (b), with intent to steal while in the building, or enters a building
53.22 that is open to the public, other than a building identified in subdivision 2, paragraph (b),
53.23 and steals while in the building, either directly or as an accomplice, commits burglary in
53.24 the third degree and may be sentenced to imprisonment for not more than five years or to
53.25 payment of a fine of not more than \$10,000, or both, if:

53.26 (1) the person enters the building within one year after being told to leave the building
53.27 and not return; and

53.28 (2) the person has been convicted within the preceding five years for an offense under
53.29 this section, section 256.98, 268.182, 609.24, 609.245, 609.52, 609.522, 609.53, 609.625,
53.30 609.63, 609.631, or 609.821, or a statute from another state, the United States, or a foreign
53.31 jurisdiction, in conformity with any of those sections, and the person received a felony

54.1 sentence for the offense or a sentence that was stayed under section 609.135 if the offense
54.2 to which a plea was entered would allow imposition of a felony sentence.

54.3 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
54.4 committed on or after that date.

54.5 Sec. 36. Minnesota Statutes 2020, section 609.582, subdivision 4, is amended to read:

54.6 Subd. 4. **Burglary in the fourth degree.** (a) Whoever enters a building without consent
54.7 and with intent to commit a misdemeanor other than to steal, or enters a building without
54.8 consent and commits a misdemeanor other than to steal while in the building, either directly
54.9 or as an accomplice, commits burglary in the fourth degree and may be sentenced to
54.10 imprisonment for not more than one year or to payment of a fine of not more than \$3,000,
54.11 or both.

54.12 (b) Whoever enters a building that is open to the public, other than a building identified
54.13 in subdivision 2, paragraph (b), with intent to steal while in the building, or enters a building
54.14 that is open to the public, other than a building identified in subdivision 2, paragraph (b),
54.15 and steals while in the building, either directly or as an accomplice, commits burglary in
54.16 the fourth degree and may be sentenced to imprisonment for not more than one year or to
54.17 payment of a fine of not more than \$3,000, or both, if the person enters the building within
54.18 one year after being told to leave the building and not return.

54.19 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
54.20 committed on or after that date.

54.21 Sec. 37. Minnesota Statutes 2020, section 609B.205, is amended to read:

54.22 **609B.205 FLEEING PEACE OFFICER; REVOCATION.**

54.23 A person's driver's license is revoked under section 171.174 if that person is convicted
54.24 of fleeing a peace officer under section 609.487, subdivision 3, 3a, or 4. The periods of
54.25 revocation vary depending upon the offense of conviction and whether the offense of
54.26 conviction is a second or subsequent offense.

54.27 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
54.28 committed on or after that date.

55.1 Sec. 38. Minnesota Statutes 2020, section 626.15, is amended to read:

55.2 **626.15 EXECUTION AND RETURN OF WARRANT; TIME.**

55.3 (a) Except as provided in paragraph ~~(b)~~ (c), a search warrant must be executed and
55.4 returned to the court which issued it within ten days after its date. After the expiration of
55.5 this time, the warrant is void unless previously executed.

55.6 (b) A search warrant on a financial institution for financial records is valid for 30 days.

55.7 (c) A district court judge may grant an extension of a the warrant on a financial institution
55.8 for financial records upon an application under oath stating that the financial institution has
55.9 not produced the requested financial records within ten days the 30-day period and that an
55.10 extension is necessary to achieve the purposes for which the search warrant was granted.
55.11 Each extension may not exceed 30 days.

55.12 (d) For the purposes of this paragraph section, "financial institution" has the meaning
55.13 given in section 13A.01, subdivision 2, and "financial records" has the meaning given in
55.14 section 13A.01, subdivision 3.

55.15 **EFFECTIVE DATE.** This section is effective August 1, 2022.

55.16 Sec. 39. **[626.5535] CARJACKING; REPORTING REQUIRED.**

55.17 Subdivision 1. Definition. For purposes of this section, "carjacking" has the meaning
55.18 given in section 609.2456.

55.19 Subd. 2. Use of information collected. (a) The head of a local law enforcement agency
55.20 or state law enforcement department that employs peace officers, as defined in section
55.21 626.84, subdivision 1, paragraph (c), must forward the following carjacking information
55.22 from the agency's or department's jurisdiction to the commissioner of public safety at least
55.23 quarterly each year:

55.24 (1) the number of carjacking attempts;

55.25 (2) the number of carjackings;

55.26 (3) the number of persons injured in each offense;

55.27 (4) the number of persons killed in each offense; and

55.28 (5) weapons used in each offense, if any.

55.29 (b) The commissioner of public safety must include the data received under paragraph

55.30 (a) in a separate carjacking category in the department's annual uniform crime report.

56.1 **EFFECTIVE DATE.** This section is effective August 1, 2022.

56.2 Sec. 40. **[626.8477] REQUIRED RETENTION OF RECORDINGS OF DETAINED**
56.3 **PERSONS.**

56.4 Each chief law enforcement officer of a law enforcement agency shall ensure that any
56.5 video or audio recording made of a person during a custodial interview, booking, or implied
56.6 consent or breath testing proceeding is retained for 60 days from the date of recording or
56.7 until all criminal proceedings relating to the person recorded are complete, whichever period
56.8 is longer.

56.9 Sec. 41. **DWI CONTROLLED SUBSTANCE ROADSIDE TESTING INSTRUMENT**
56.10 **PILOT PROJECT; REPORT REQUIRED.**

56.11 (a) The commissioner of public safety shall design, plan, and implement a pilot project
56.12 to study oral fluid roadside testing instruments to determine the presence of a controlled
56.13 substance or intoxicating substance in individuals stopped or arrested for driving while
56.14 impaired offenses. The pilot project shall determine the practicality, accuracy, and efficacy
56.15 of these testing instruments and determine and make recommendations on the best instrument
56.16 or instruments to pursue in the future.

56.17 (b) The pilot project must begin on September 1, 2022, and continue until August 31,
56.18 2023.

56.19 (c) The commissioner shall consult with law enforcement officials, prosecutors, criminal
56.20 defense attorneys, and other interested and knowledgeable parties when designing,
56.21 implementing, and evaluating the pilot project.

56.22 (d) All oral fluid samples obtained for the purpose of this pilot project shall be obtained
56.23 by a certified drug recognition evaluator and may only be collected with the express voluntary
56.24 consent of the person stopped or arrested for suspicion of driving while impaired. Results
56.25 of tests conducted under the pilot project are to be used for the purpose of analyzing the
56.26 practicality, accuracy, and efficacy of the instrument. Results may not be used to decide
56.27 whether an arrest should be made and are not admissible in any legal proceeding.

56.28 (e) By February 1, 2024, the commissioner shall report to the chairs and ranking minority
56.29 members of the legislative committees with jurisdiction over public safety on the results of
56.30 the pilot project. At a minimum, the report must include information on how accurate the
56.31 instruments were when tested against laboratory results, how often participants were found
56.32 to have controlled substances or intoxicating substances in their systems, how often there

57.1 was commingling of controlled substances or intoxicating substances with alcohol, the types
57.2 of controlled substances or intoxicating substances found in participants' systems and which
57.3 types were most common, and the number of participants in the project. In addition, the
57.4 report must assess the practicality and reliability of using the instruments in the field and
57.5 make recommendations on continuing the project permanently.

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

57.7 Sec. 42. **REVISOR INSTRUCTION.**

57.8 (a) The revisor of statutes shall insert a cross-reference to Minnesota Statutes, section
57.9 609.2456, in the following statutory sections: Minnesota Statutes, sections 145A.061,
57.10 subdivision 3; 146A.08, subdivision 1, paragraph (c); 253B.02, subdivision 4e; 253D.02,
57.11 subdivision 8, paragraph (b); 260B.171, subdivision 3, paragraph (a), clause (1); 299A.296,
57.12 subdivision 2, paragraph (a), clause (5); 299C.105, subdivision 1, paragraph (a), clause (1),
57.13 item (iv), and clause (3), item (iv); 299C.67, subdivision 2, paragraph (b), clause (1);
57.14 609.1095, subdivision 1, paragraph (d); 609.11, subdivision 9; 609.341, subdivision 22;
57.15 609.52, subdivision 3, clause (3), paragraph (c); 609.531, subdivision 1, paragraph (f),
57.16 clause (3); 609.631, subdivision 4, clause (3), paragraph (b); 609.632, subdivision 4,
57.17 paragraph (b), clause (3), item (ii); 609.821, subdivision 3, paragraph (a), clause (1), item
57.18 (iv); 611A.031; 611A.036, subdivision 7; 611A.08, subdivision 6; and 624.712, subdivision
57.19 5.

57.20 (b) The revisor shall insert a cross-reference to Minnesota Statutes, section 609.2456,
57.21 subdivision 2, paragraph (a), in the following statutory sections: Minnesota Statutes, sections
57.22 245C.15, subdivision 2, paragraph (a), and subdivision 4a, paragraph (d); and 245C.24,
57.23 subdivision 3, paragraph (a).

57.24 (c) The revisor shall insert a cross-reference to Minnesota Statutes, section 609.2456,
57.25 subdivision 2, paragraph (c), in Minnesota Statutes, section 243.167, subdivision 1.

57.26 (d) The revisor shall insert a cross-reference to Minnesota Statutes, section 609.2456,
57.27 subdivision 2, paragraphs (b) and (c), in the following statutory sections: Minnesota Statutes,
57.28 sections 245C.15, subdivision 1, paragraph (a), and subdivision 4a, paragraph (a); 609.902,
57.29 subdivision 4; and 626A.05, subdivision 2, clause (1).

57.30 (e) Consistent with paragraphs (a) to (d), the revisor may make technical and other
57.31 necessary changes to language, grammar, and sentence structure in the statutory sections
57.32 listed in this section to preserve the meaning of the text.

58.1 **ARTICLE 3**

58.2 **DRIVING WHILE IMPAIRED SEARCH WARRANT CHANGES**

58.3 Section 1. Minnesota Statutes 2020, section 169A.51, subdivision 3, is amended to read:

58.4 Subd. 3. **Blood or urine tests; search warrant required.** (a) Notwithstanding any
58.5 contrary provisions in sections 169A.51 to 169A.53, a blood or urine test may be conducted
58.6 only pursuant to a search warrant ~~under sections 626.04 to 626.18~~, or a judicially recognized
58.7 exception to the search warrant requirement. In addition, blood and urine tests may be
58.8 conducted only as provided in sections 169A.51 to 169A.53 and 171.177.

58.9 (b) When, under the provisions of section 169A.20, 169A.51, or 171.177, a search
58.10 warrant is required for a blood or urine test, that requirement is met if a judicially recognized
58.11 exception to the warrant requirement is applicable.

58.12 Sec. 2. Minnesota Statutes 2020, section 169A.51, subdivision 4, is amended to read:

58.13 Subd. 4. **Requirement of urine or blood test.** A blood or urine test may be required
58.14 pursuant to a search warrant ~~under sections 626.04 to 626.18~~ even after a breath test has
58.15 been administered if there is probable cause to believe that:

58.16 (1) there is impairment by a controlled substance or an intoxicating substance that is not
58.17 subject to testing by a breath test;

58.18 (2) a controlled substance listed in Schedule I or II or its metabolite, other than marijuana
58.19 or tetrahydrocannabinols, is present in the person's body; or

58.20 (3) the person is unconscious or incapacitated to the point that the peace officer providing
58.21 a breath test advisory, administering a breath test, or serving the search warrant has a
58.22 good-faith belief that the person is mentally or physically unable to comprehend the breath
58.23 test advisory or otherwise voluntarily submit to chemical tests.

58.24 Action may be taken against a person who refuses to take a blood test under this
58.25 subdivision only if a urine test was offered and action may be taken against a person who
58.26 refuses to take a urine test only if a blood test was offered. This limitation does not apply
58.27 to an unconscious person under the circumstances described in clause (3).

59.1 Sec. 3. Minnesota Statutes 2020, section 169A.51, is amended by adding a subdivision to
59.2 read:

59.3 Subd. 8. **Definition.** As used in this section, a "search warrant" means a judicially
59.4 approved search warrant obtained pursuant to the requirements in sections 626.04 to 626.18
59.5 or conforming statutes in an adjacent state.

59.6 Sec. 4. Minnesota Statutes 2020, section 171.177, subdivision 1, is amended to read:

59.7 Subdivision 1. **Search warrant-required testing advisory.** At the time a blood or urine
59.8 test is directed pursuant to a search warrant ~~under sections 626.04 to 626.18~~, the person
59.9 must be informed that refusal to submit to a blood or urine test is a crime.

59.10 Sec. 5. Minnesota Statutes 2020, section 171.177, subdivision 3, is amended to read:

59.11 Subd. 3. **License revocation pursuant to search warrant.** After executing a search
59.12 warrant ~~under sections 626.04 to 626.18~~ for the collection of a blood or urine sample based
59.13 upon probable cause of a violation of section 169A.20, the peace officer acting under sections
59.14 626.13 to 626.17 shall certify to the commissioner of public safety:

59.15 (1) when a person refuses to comply with the execution of the search warrant; or

59.16 (2) if a person submits to the test and the test results indicate:

59.17 (i) an alcohol concentration of 0.08 or more;

59.18 (ii) an alcohol concentration of 0.04 or more, if the person was driving, operating, or in
59.19 physical control of a commercial motor vehicle at the time of the violation; or

59.20 (iii) the presence of a controlled substance listed in Schedule I or II or its metabolite,
59.21 other than marijuana or tetrahydrocannabinols.

59.22 Sec. 6. Minnesota Statutes 2020, section 171.177, subdivision 4, is amended to read:

59.23 Subd. 4. **Test refusal; license revocation.** (a) Upon certification under subdivision 3
59.24 that there existed probable cause to believe the person had been driving, operating, or in
59.25 physical control of a motor vehicle in violation of section 169A.20, and that the person
59.26 refused to comply with the execution of the search warrant ~~under sections 626.04 to 626.18~~,
59.27 the commissioner shall revoke the person's license or permit to drive or nonresident operating
59.28 privilege. The commissioner shall revoke the license, permit, or nonresident operating
59.29 privilege:

60.1 (1) for a person with no qualified prior impaired driving incidents within the past ten
60.2 years, for a period of not less than one year;

60.3 (2) for a person under the age of 21 years and with no qualified prior impaired driving
60.4 incidents within the past ten years, for a period of not less than one year;

60.5 (3) for a person with one qualified prior impaired driving incident within the past ten
60.6 years or two qualified prior impaired driving incidents, for a period of not less than two
60.7 years;

60.8 (4) for a person with two qualified prior impaired driving incidents within the past ten
60.9 years or three qualified prior impaired driving incidents, for a period of not less than three
60.10 years;

60.11 (5) for a person with three qualified prior impaired driving incidents within the past ten
60.12 years, for a period of not less than four years; or

60.13 (6) for a person with four or more qualified prior impaired driving incidents, for a period
60.14 of not less than six years.

60.15 (b) When a person who had been driving, operating, or in physical control of a
60.16 commercial motor vehicle refuses to comply with the search warrant and permit testing,
60.17 the commissioner shall disqualify the person from operating a commercial motor vehicle
60.18 and shall revoke the person's license or permit to drive or nonresident operating privilege
60.19 according to the federal regulations adopted by reference in section 171.165, subdivision
60.20 2.

60.21 Sec. 7. Minnesota Statutes 2020, section 171.177, subdivision 5, is amended to read:

60.22 Subd. 5. **Test failure; license revocation.** (a) Upon certification under subdivision 3,
60.23 pursuant to a search warrant ~~under sections 626.04 to 626.18~~, that there existed probable
60.24 cause to believe the person had been driving, operating, or in physical control of a motor
60.25 vehicle in violation of section 169A.20, and that the person submitted to a test and the test
60.26 results indicate an alcohol concentration of 0.08 or more or the presence of a controlled
60.27 substance listed in Schedule I or II or its metabolite, other than marijuana or
60.28 tetrahydrocannabinols, the commissioner shall revoke the person's license or permit to drive
60.29 or nonresident operating privilege:

60.30 (1) for a period of 90 days or, if the test results indicate an alcohol concentration of twice
60.31 the legal limit or more, not less than one year;

61.1 (2) if the person is under the age of 21 years, for a period of not less than 180 days or,
61.2 if the test results indicate an alcohol concentration of twice the legal limit or more, not less
61.3 than one year;

61.4 (3) for a person with one qualified prior impaired driving incident within the past ten
61.5 years or two qualified prior impaired driving incidents, for a period of not less than one
61.6 year or, if the test results indicate an alcohol concentration of twice the legal limit or more,
61.7 not less than two years;

61.8 (4) for a person with two qualified prior impaired driving incidents within the past ten
61.9 years or three qualified prior impaired driving incidents, for a period of not less than three
61.10 years;

61.11 (5) for a person with three qualified prior impaired driving incidents within the past ten
61.12 years, for a period of not less than four years; or

61.13 (6) for a person with four or more qualified prior impaired driving incidents, for a period
61.14 of not less than six years.

61.15 (b) On certification by the peace officer that there existed probable cause to believe the
61.16 person had been driving, operating, or in physical control of a commercial motor vehicle
61.17 with any presence of alcohol and that the person submitted to a test and the test results
61.18 indicated an alcohol concentration of 0.04 or more, the commissioner shall disqualify the
61.19 person from operating a commercial motor vehicle under section 171.165.

61.20 (c) If the test is of a person's blood or urine by a laboratory operated by the Bureau of
61.21 Criminal Apprehension or authorized by the bureau to conduct the analysis of a blood or
61.22 urine sample, the laboratory may directly certify to the commissioner the test results, and
61.23 the peace officer shall certify to the commissioner that there existed probable cause to
61.24 believe the person had been driving, operating, or in physical control of a motor vehicle in
61.25 violation of section 169A.20, and that the person submitted to a test. Upon receipt of both
61.26 certifications, the commissioner shall undertake the license actions described in paragraphs
61.27 (a) and (b).

61.28 Sec. 8. Minnesota Statutes 2020, section 171.177, subdivision 8, is amended to read:

61.29 Subd. 8. **Test refusal; driving privilege lost.** (a) On behalf of the commissioner, a peace
61.30 officer requiring a test or directing the administration of a chemical test pursuant to a search
61.31 warrant ~~under sections 626.04 to 626.18~~ shall serve immediate notice of intention to revoke
61.32 and of revocation on a person who refuses to permit a test or on a person who submits to a
61.33 test, the results of which indicate an alcohol concentration of 0.08 or more.

62.1 (b) On behalf of the commissioner, a peace officer requiring a test or directing the
62.2 administration of a chemical test of a person driving, operating, or in physical control of a
62.3 commercial motor vehicle pursuant to a search warrant ~~under sections 626.04 to 626.18~~
62.4 shall serve immediate notice of intention to disqualify and of disqualification on a person
62.5 who refuses to permit a test or on a person who submits to a test, the results of which indicate
62.6 an alcohol concentration of 0.04 or more.

62.7 (c) The officer shall:

62.8 (1) invalidate the person's driver's license or permit card by clipping the upper corner
62.9 of the card in such a way that no identifying information including the photo is destroyed,
62.10 and immediately return the card to the person;

62.11 (2) issue the person a temporary license effective for only seven days; and

62.12 (3) send the notification of this action to the commissioner along with the certificate
62.13 required by subdivision 5 or 6.

62.14 Sec. 9. Minnesota Statutes 2020, section 171.177, subdivision 12, is amended to read:

62.15 Subd. 12. **Judicial hearing; issues, order, appeal.** (a) A judicial review hearing under
62.16 this section must be before a district judge in any county in the judicial district where the
62.17 alleged offense occurred. The hearing is to the court and may be conducted at the same time
62.18 and in the same manner as hearings upon pretrial motions in the criminal prosecution under
62.19 section 169A.20, if any. The hearing must be recorded. The commissioner shall appear and
62.20 be represented by the attorney general or through the prosecuting authority for the jurisdiction
62.21 involved. The hearing must be held at the earliest practicable date, and in any event no later
62.22 than 60 days following the filing of the petition for review. The judicial district administrator
62.23 shall establish procedures to ensure efficient compliance with this subdivision. To accomplish
62.24 this, the administrator may, whenever possible, consolidate and transfer review hearings
62.25 among the locations within the judicial district where terms of district court are held.

62.26 (b) The scope of the hearing is limited to the issues in clauses (1) to (13):

62.27 (1) Did the peace officer have probable cause to believe the person was driving, operating,
62.28 or in physical control of a motor vehicle or commercial motor vehicle in violation of section
62.29 169A.20?

62.30 (2) Was the person lawfully placed under arrest for violation of section 169A.20?

62.31 (3) Was the person involved in a motor vehicle accident or collision resulting in property
62.32 damage, personal injury, or death?

63.1 (4) Did a licensed peace officer apply for a search warrant in accordance with the
63.2 requirements set forth in sections 626.04 to 626.18 or conforming statutes in an adjacent
63.3 state?

63.4 (5) Did a neutral magistrate review the application for a search warrant and determine
63.5 there was probable cause to believe that the person was driving, operating, or in physical
63.6 control of a motor vehicle or commercial motor vehicle in violation of section 169A.20?

63.7 (6) Was the search warrant and the process by which it was obtained valid?

63.8 (7) At the time of directing the person to take the test, did the peace officer inform the
63.9 person that refusing the test was a crime as required by subdivision 1?

63.10 (8) Did the person refuse to permit the test?

63.11 (9) If a test was taken by a person driving, operating, or in physical control of a motor
63.12 vehicle, did the test results indicate at the time of testing:

63.13 (i) an alcohol concentration of 0.08 or more; or

63.14 (ii) the presence of a controlled substance listed in Schedule I or II or its metabolite,
63.15 other than marijuana or tetrahydrocannabinols?

63.16 (10) If a test was taken by a person driving, operating, or in physical control of a
63.17 commercial motor vehicle, did the test results indicate an alcohol concentration of 0.04 or
63.18 more at the time of testing?

63.19 (11) Was the testing method used valid and reliable and were the test results accurately
63.20 evaluated?

63.21 (12) Did the person prove the defense of necessity?

63.22 (13) Did the person prove the defense of controlled substance use in accordance with a
63.23 prescription?

63.24 (c) Certified or otherwise authenticated copies of laboratory or medical personnel reports,
63.25 records, documents, licenses, and certificates are admissible as substantive evidence.

63.26 (d) The court shall order that the revocation or disqualification be either rescinded or
63.27 sustained and forward the order to the commissioner. The court shall file its order within
63.28 14 days following the hearing. If the revocation or disqualification is sustained, the court
63.29 shall also forward the person's driver's license or permit to the commissioner for further
63.30 action by the commissioner if the license or permit is not already in the commissioner's
63.31 possession.

64.1 (e) Any party aggrieved by the decision of the reviewing court may appeal the decision
64.2 as provided in the Rules of Appellate Procedure.

64.3 (f) The civil hearing under this section shall not give rise to an estoppel on any issues
64.4 arising from the same set of circumstances in any criminal prosecution.

64.5 (g) It is an affirmative defense for the petitioner to prove a necessity.

64.6 (h) It is an affirmative defense to the presence of a Schedule I or II controlled substance
64.7 that the person used the controlled substance according to the terms of a prescription issued
64.8 for the person according to sections 152.11 and 152.12, unless the court finds by a
64.9 preponderance of the evidence that the use of the controlled substance impaired the person's
64.10 ability to operate a motor vehicle.

64.11 Sec. 10. Minnesota Statutes 2020, section 171.177, subdivision 14, is amended to read:

64.12 Subd. 14. **Definitions.** (a) The definitions in section 169A.03 apply to this section.

64.13 (b) For purposes of this section, a "search warrant" means a judicially approved search
64.14 warrant obtained pursuant to the requirements of sections 626.04 to 626.18 or conforming
64.15 statutes in an adjacent state."

64.16 Delete the title and insert:

64.17 "A bill for an act

64.18 relating to public safety; amending certain statutes regarding public safety, criminal
64.19 justice, and corrections; establishing new crimes and expanding existing ones;
64.20 modifying sentencing provisions; modifying fees; requiring reporting; authorizing
64.21 pilot projects; providing for grant programs; appropriating money for the judiciary,
64.22 public safety, public defenders, sentencing guidelines, and corrections; amending
64.23 Minnesota Statutes 2020, sections 13A.02, subdivisions 1, 2; 144.6586, subdivision
64.24 2; 169A.44; 169A.51, subdivisions 3, 4, by adding a subdivision; 171.174; 171.177,
64.25 subdivisions 1, 3, 4, 5, 8, 12, 14; 171.306, by adding a subdivision; 244.01,
64.26 subdivision 8; 244.05, subdivisions 4, 5; 244.09, subdivisions 2, 11, by adding
64.27 subdivisions; 244.101, subdivision 1; 244.14, subdivision 3; 244.171, subdivision
64.28 4; 357.021, subdivision 2; 517.08, subdivision 1c; 609.035, subdivision 1, by
64.29 adding a subdivision; 609.106, subdivision 2; 609.1095, subdivisions 2, 3, 4, by
64.30 adding a subdivision; 609.11, subdivision 8, by adding a subdivision; 609.115,
64.31 subdivision 2a; 609.2231, subdivision 2; 609.35; 609.487, subdivision 5, by adding
64.32 a subdivision; 609.52, subdivisions 3, 3a; 609.527, subdivision 1, by adding a
64.33 subdivision; 609.582, subdivisions 3, 4; 609B.205; 626.15; Minnesota Statutes
64.34 2021 Supplement, sections 357.021, subdivision 1a; 609.135, subdivision 2;
64.35 609.2325, subdivision 1; 609.5151; proposing coding for new law in Minnesota
64.36 Statutes, chapters 299A; 388; 609; 626."

64.37 And when so amended the bill do pass and be re-referred to the Committee on Finance.

64.38 Amendments adopted. Report adopted.

65.1

65.2

Walter J. Prince
.....
(Committee Chair)

65.3

65.4

April 1, 2022.....
(Date of Committee recommendation)