

1.1 Senator moves to amend S.F. No. 1267 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 **"ARTICLE 1**
1.4 **CORRECTIONS**

1.5 Section 1. Minnesota Statutes 2022, section 241.021, subdivision 2a, is amended to read:

1.6 Subd. 2a. **Affected municipality; notice.** The commissioner must not ~~issue~~ grant a
1.7 license without giving 30 calendar days' written notice to any affected municipality or other
1.8 political subdivision unless the facility has a licensed capacity of six or fewer persons and
1.9 is occupied by either the licensee or the group foster home parents. The notification must
1.10 be given before the license is first issuance of a license granted and annually after that time
1.11 if annual notification is requested in writing by any affected municipality or other political
1.12 subdivision. State funds must not be made available to or be spent by an agency or department
1.13 of state, county, or municipal government for payment to a foster care facility licensed under
1.14 subdivision 2 until the provisions of this subdivision have been complied with in full.

1.15 Sec. 2. Minnesota Statutes 2022, section 241.021, subdivision 2b, is amended to read:

1.16 Subd. 2b. **Licensing; facilities; juveniles from outside state.** The commissioner may
1.17 not:

1.18 (1) ~~issue~~ grant a license under this section to operate a correctional facility for the
1.19 detention or confinement of juvenile offenders if the facility accepts juveniles who reside
1.20 outside of Minnesota without an agreement with the entity placing the juvenile at the facility
1.21 that obligates the entity to pay the educational expenses of the juvenile; or

1.22 (2) renew a license under this section to operate a correctional facility for the detention
1.23 or confinement of juvenile offenders if the facility accepts juveniles who reside outside of
1.24 Minnesota without an agreement with the entity placing the juvenile at the facility that
1.25 obligates the entity to pay the educational expenses of the juvenile.

1.26 Sec. 3. **[241.0215] JUVENILE DETENTION FACILITIES; RESTRICTIONS ON**
1.27 **STRIP SEARCHES AND DISCIPLINE.**

1.28 Subdivision 1. **Applicability.** This section applies to juvenile facilities licensed by the
1.29 commissioner of corrections under section 241.021, subdivision 2.

1.30 Subd. 2. **Definitions.** (a) As used in this section, the following terms have the meanings
1.31 given.

2.1 (b) "Health care professional" means an individual who is licensed or permitted by a
2.2 Minnesota health-related licensing board, as defined in section 214.01, subdivision 2, to
2.3 perform health care services in Minnesota within the professional's scope of practice.

2.4 (c) "Strip search" means a visual inspection of a juvenile's unclothed breasts, buttocks,
2.5 or genitalia.

2.6 Subd. 3. **Searches restricted.** (a) A staff person working in a facility may not conduct
2.7 a strip search unless:

2.8 (1) a specific, articulable, and immediate contraband concern is present;

2.9 (2) other search techniques and technology cannot be used or have failed to identify the
2.10 contraband; and

2.11 (3) the facility's chief administrator or designee has reviewed the situation and approved
2.12 the strip search.

2.13 (b) A strip search must be conducted by:

2.14 (1) a health care professional; or

2.15 (2) a staff person working in a facility who has received training on trauma-informed
2.16 search techniques and other applicable training under Minnesota Rules, chapter 2960.

2.17 (c) A strip search must be documented in writing and describe the contraband concern,
2.18 summarize other inspection techniques used or considered, and verify the approval from
2.19 the facility's chief administrator or, in the temporary absence of the chief administrator, the
2.20 staff person designated as the person in charge of the facility. A copy of the documentation
2.21 must be provided to the commissioner within 24 hours of the strip search.

2.22 (d) Nothing in this section prohibits or limits a strip search as part of a health care
2.23 procedure conducted by a health care professional.

2.24 Subd. 4. **Discipline restricted.** (a) A staff person working in a facility may not discipline
2.25 a juvenile by physically or socially isolating the juvenile.

2.26 (b) Nothing in this subdivision restricts a facility from isolating a juvenile for the
2.27 juvenile's safety, staff safety, or the safety of other facility residents when the isolation is
2.28 consistent with rules adopted by the commissioner.

2.29 Subd. 5. **Commissioner action.** The commissioner may take any action authorized under
2.30 section 241.021, subdivisions 2 and 3, to address a violation of this section.

3.1 Subd. 6. Report. (a) By February 15 each year, the commissioner must report to the
 3.2 chairs and ranking minority members of the legislative committees and divisions with
 3.3 jurisdiction over public safety finance and policy on the use of strip searches and isolation.

3.4 (b) The report must consist of summary data from the previous calendar year and must,
 3.5 at a minimum, include:

3.6 (1) how often strip searches were performed;

3.7 (2) how often juveniles were isolated;

3.8 (3) the length of each period of isolation used and, for juveniles isolated in the previous
 3.9 year, the total cumulative amount of time that the juveniles were isolated that year; and

3.10 (4) any injury to a juvenile related to a strip search or isolation, or both, that was
 3.11 reportable as a critical incident.

3.12 (c) Data in the report must provide information on the demographics of juveniles who
 3.13 were subject to a strip search and juveniles who were isolated. At a minimum, data must
 3.14 be disaggregated by age, race, and gender.

3.15 (d) The report must identify any facility that performed a strip search or used isolation,
 3.16 or both, in a manner that did not comply with this section or rules adopted by the
 3.17 commissioner in conformity with this section.

3.18 **EFFECTIVE DATE.** This section is effective January 1, 2024.

3.19 Sec. 4. Minnesota Statutes 2022, section 241.90, is amended to read:

3.20 **241.90 OFFICE OF OMBUDSPERSON; CREATION; QUALIFICATIONS;**
 3.21 **FUNCTION.**

3.22 The Office of Ombudsperson for the Department of Corrections is hereby created. The
 3.23 ombudsperson shall ~~serve at the pleasure of~~ be appointed by the governor in the unclassified
 3.24 service, and may be removed only for just cause. The ombudsperson shall be selected without
 3.25 regard to political affiliation, and shall be a person highly competent and qualified to analyze
 3.26 questions of law, administration, and public policy. No person may serve as ombudsperson
 3.27 while holding any other public office. The ombudsperson for corrections shall be accountable
 3.28 to the governor and shall have the authority to investigate decisions, acts, and other matters
 3.29 of the Department of Corrections so as to promote the highest attainable standards of
 3.30 competence, efficiency, and justice in the administration of corrections.

4.1 **Sec. 5. REVISED FACILITY PLANS.**

4.2 The commissioner of corrections must direct any juvenile facility licensed by the
4.3 commissioner to revise its plan under Minnesota Rules, part 2960.0270, subpart 6, and its
4.4 restrictive procedures plan under Minnesota Rules, part 2960.0710, subpart 2, to be consistent
4.5 with Minnesota Statutes, section 241.0215. After receiving notice from the commissioner,
4.6 a facility must submit the revised plans to the commissioner within 60 days.

4.7 **EFFECTIVE DATE.** This section is effective January 1, 2024.

4.8 **Sec. 6. RULEMAKING.**

4.9 (a) The commissioner of corrections must amend Minnesota Rules, chapter 2960, to
4.10 enforce the requirements under Minnesota Statutes, section 241.0215, including but not
4.11 limited to training, facility audits, strip searches, disciplinary room time, time-outs, and
4.12 seclusion. The commissioner may amend the rules to make technical changes and ensure
4.13 consistency with Minnesota Statutes, section 241.0215.

4.14 (b) In amending or adopting rules according to paragraph (a), the commissioner must
4.15 use the exempt rulemaking process under Minnesota Statutes, section 14.386.
4.16 Notwithstanding Minnesota Statutes, section 14.386, paragraph (b), a rule adopted under
4.17 this section is permanent. After the rule is adopted, the authorization to use the exempt
4.18 rulemaking process expires.

4.19 (c) Notwithstanding Minnesota Laws 1995, chapter 226, article 3, sections 50, 51, and
4.20 60, or any other law to the contrary, the joint rulemaking authority with the commissioner
4.21 of human services does not apply to rule amendments applicable only to the Department of
4.22 Corrections. A rule that is amending jointly administered rule parts must be related to
4.23 requirements on strip searches, disciplinary room time, time-outs, and seclusion and be
4.24 necessary for consistency with this section.

4.25 **EFFECTIVE DATE.** This section is effective January 1, 2024.

4.26 **ARTICLE 2**

4.27 **PROBATION**

4.28 Section 1. Minnesota Statutes 2022, section 244.19, is amended to read:

4.29 **244.19 PROBATION OFFICERS.**

4.30 Subdivision 1. **Appointment; joint services; state services.** (a) If a county or group of
4.31 counties has established a human services board pursuant to chapter 402, the district court

5.1 may appoint one or more county probation officers as necessary to perform court services,
5.2 and the human services board shall appoint persons as necessary to provide correctional
5.3 services within the authority granted in chapter 402. In all counties of more than 200,000
5.4 population, which have not organized pursuant to chapter 402, the district court shall appoint
5.5 one or more persons of good character to serve as county probation officers during the
5.6 pleasure of the court. All other counties shall provide adult misdemeanor and juvenile
5.7 probation services to district courts in one of the following ways:

5.8 (1) the court, with the approval of the county boards, may appoint one or more salaried
5.9 county probation officers to serve during the pleasure of the court;

5.10 (2) when two or more counties offer probation services the district court through the
5.11 county boards may appoint common salaried county probation officers to serve in the several
5.12 counties;

5.13 (3) a county or a district court may request the commissioner of corrections to furnish
5.14 probation services in accordance with the provisions of this section, and the commissioner
5.15 of corrections shall furnish such services to any county or court that fails to provide its own
5.16 probation officer by one of the two procedures listed above;

5.17 (4) if a county or district court providing probation services under clause (1) or (2) asks
5.18 the commissioner of corrections or the legislative body for the state of Minnesota mandates
5.19 the commissioner of corrections to furnish probation services to the district court, the
5.20 probation officers and other employees displaced by the changeover shall be employed by
5.21 the commissioner of corrections. Years of service in the county probation department are
5.22 to be given full credit for future sick leave and vacation accrual purposes;

5.23 (5) for a person who is enrolled or eligible to be enrolled in a Tribal Nation or who
5.24 resides in an enrolled member's household, a Tribal Nation may elect to provide probation
5.25 services within the county in which the person resides; and

5.26 ~~(5)~~ (6) all probation officers serving the juvenile courts on July 1, 1972, shall continue
5.27 to serve in the county or counties they are now serving.

5.28 (b) The commissioner of management and budget shall place employees transferred to
5.29 state service under paragraph (a), clause (4), in the proper classifications in the classified
5.30 service. Each employee is appointed without examination at no loss in salary or accrued
5.31 vacation or sick leave benefits, but no additional accrual of vacation or sick leave benefits
5.32 may occur until the employee's total accrued vacation or sick leave benefits fall below the
5.33 maximum permitted by the state for the employee's position. An employee appointed under
5.34 paragraph (a), clause (4), shall serve a probationary period of six months. After exhausting

6.1 labor contract remedies, a noncertified employee may appeal for a hearing within ten days
6.2 to the commissioner of management and budget, who may uphold the decision, extend the
6.3 probation period, or certify the employee. The decision of the commissioner of management
6.4 and budget is final. The state shall negotiate with the exclusive representative for the
6.5 bargaining unit to which the employees are transferred regarding their seniority. For purposes
6.6 of computing seniority among those employees transferring from one county unit only, a
6.7 transferred employee retains the same seniority position as the employee had within that
6.8 county's probation office.

6.9 Subd. 1a. **Definition.** For purposes of this section, "Tribal Nation" means a federally
6.10 recognized Tribal Nation within the boundaries of the state of Minnesota.

6.11 **Subd. 2. Sufficiency of services.** Probation services shall be sufficient in amount to
6.12 meet the needs of the district court in each county. County probation officers serving district
6.13 courts in all counties of not more than 200,000 population shall also, pursuant to subdivision
6.14 3, provide probation and parole services to wards of the commissioner of corrections resident
6.15 in their counties. To provide these probation services counties containing a city of 10,000
6.16 or more population shall, as far as practicable, have one probation officer for not more than
6.17 35,000 population; in counties that do not contain a city of such size, the commissioner of
6.18 corrections shall, after consultation with the chief judge of the district court, ~~and~~ the county
6.19 commissioners, or Tribal Nation through an approved plan, and in the light of experience,
6.20 establish probation districts to be served by one officer.

6.21 All probation officers appointed for any district court or ~~community county~~ corrections
6.22 agency, including Tribal Nations, shall be selected from a list of eligible candidates ~~who~~
6.23 have. Those candidates must be minimally qualified according to the same or equivalent
6.24 examining procedures as used by the commissioner of management and budget to certify
6.25 ~~eligibles~~ eligibility to the commissioner of corrections in appointing parole agents, ~~and the~~
6.26 ~~Department of Management and Budget shall furnish the names of such candidates on~~
6.27 ~~request~~. This subdivision shall not apply to a political subdivision having a civil service or
6.28 merit system unless the subdivision elects to be covered by this subdivision.

6.29 **Subd. 3. Powers and duties.** All county or Tribal Nation probation officers serving a
6.30 district court shall act under the orders of the court in reference to any person committed
6.31 to their care by the court, and in the performance of their duties shall have the general powers
6.32 of a peace officer; and it shall be their duty to make such investigations with regard to any
6.33 person as may be required by the court before, during, or after the trial or hearing, and to
6.34 furnish to the court such information and assistance as may be required; to take charge of
6.35 any person before, during or after trial or hearing when so directed by the court, and to keep

7.1 such records and to make such reports to the court as the court may order. Tribal Nations
7.2 providing probation services have the same general powers provided to county probation
7.3 officers defined within statute or rule.

7.4 All county or Tribal Nation probation officers serving a district court shall, in addition,
7.5 provide probation and parole services to wards of the commissioner of corrections resident
7.6 in the counties they serve, and shall act under the orders of said commissioner of corrections
7.7 in reference to any ward committed to their care by the commissioner of corrections.

7.8 All probation officers serving a district court shall, under the direction of the authority
7.9 having power to appoint them, initiate programs for the welfare of persons coming within
7.10 the jurisdiction of the court to prevent delinquency and crime and to rehabilitate within the
7.11 community persons who come within the jurisdiction of the court and are properly subject
7.12 to efforts to accomplish prevention and rehabilitation. They shall, under the direction of the
7.13 court, cooperate with all law enforcement agencies, schools, child welfare agencies of a
7.14 public or private character, and other groups concerned with the prevention of crime and
7.15 delinquency and the rehabilitation of persons convicted of crime and delinquency.

7.16 All probation officers serving a district court shall make monthly and annual reports to
7.17 the commissioner of corrections, on forms furnished by the commissioner, containing such
7.18 information on number of cases cited to the juvenile division of district court, offenses,
7.19 adjudications, dispositions, and related matters as may be required by the commissioner of
7.20 corrections. The reports shall include the information on individuals convicted as an extended
7.21 jurisdiction juvenile identified in section 241.016, subdivision 1, paragraph (c).

7.22 Subd. 5. **Compensation.** In counties of more than 200,000 population, a majority of the
7.23 judges of the district court may direct the payment of such salary to probation officers as
7.24 may be approved by the county board, and in addition thereto shall be reimbursed for all
7.25 necessary expenses incurred in the performance of their official duties. In all counties which
7.26 obtain probation services from the commissioner of corrections the commissioner shall, out
7.27 of appropriations provided therefor, pay probation officers the salary and all benefits fixed
7.28 by the state law or applicable bargaining unit and all necessary expenses, including secretarial
7.29 service, office equipment and supplies, postage, telephone and telegraph services, and travel
7.30 and subsistence. Each county receiving probation services from the commissioner of
7.31 corrections shall reimburse the department of corrections for the total cost and expenses of
7.32 such services as incurred by the commissioner of corrections. ~~Total annual costs for each~~
7.33 ~~county shall be that portion of the total costs and expenses for the services of one probation~~
7.34 ~~officer represented by the ratio which the county's population bears to the total population~~
7.35 ~~served by one officer. For the purposes of this section, the population of any county shall~~

8.1 ~~be the most recent estimate made by the Department of Health.~~ At least every six months
8.2 the commissioner of corrections shall bill for the total cost and expenses incurred by the
8.3 commissioner on behalf of each county which has received probation services. The
8.4 commissioner of corrections shall notify each county of the cost and expenses and the county
8.5 shall pay to the commissioner the amount due for reimbursement. All such reimbursements
8.6 shall be deposited in the general fund. Objections by a county to all allocation of such cost
8.7 and expenses shall be presented to and determined by the commissioner of corrections.
8.8 Each county providing probation services under this section is hereby authorized to use
8.9 unexpended funds and to levy additional taxes for this purpose.

8.10 The county commissioners of any county of not more than 200,000 population shall,
8.11 when requested to do so by the juvenile judge, provide probation officers with suitable
8.12 offices, and may provide equipment, and secretarial help needed to render the required
8.13 services.

8.14 Subd. 6. **Reimbursement of counties or Tribal Nations.** In order to reimburse the
8.15 counties or a Tribal Nation for the cost which they assume under this section of providing
8.16 probation and parole services to wards of the commissioner of corrections and to aid the
8.17 counties in achieving the purposes of this section, the commissioner of corrections shall
8.18 annually, from funds appropriated and specifically for that purpose counties or a Tribal
8.19 Nation, pay 50 percent of the costs of probation officers' salaries to all counties of not more
8.20 than 200,000 population. Nothing in this section will invalidate any payments to counties
8.21 made pursuant to this section before May 15, 1963. Salary costs include fringe benefits, but
8.22 only to the extent that fringe benefits do not exceed those provided for state civil service
8.23 employees. On or before July 1 of each even-numbered year each county or group of counties
8.24 or Tribal Nations which provide their own probation services to the district court under
8.25 subdivision 1, clause (1) or (2), shall submit to the commissioner of corrections an estimate
8.26 of its costs under this section. Reimbursement to those counties or Tribal Nations shall be
8.27 made on the basis of the estimate or actual expenditures incurred, whichever is less.
8.28 Reimbursement for those counties which obtain probation services from the commissioner
8.29 of corrections pursuant to subdivision 1, clause (3), must be made on the basis of actual
8.30 expenditures. Salary costs shall not be reimbursed unless county probation officers or Tribal
8.31 Nations are paid salaries commensurate with the salaries paid to comparable positions in
8.32 the classified service of the state civil service. The salary range to which each county
8.33 probation officer is assigned shall be determined by the authority having power to appoint
8.34 probation officers, and shall be based on the officer's length of service and performance.
8.35 The appointing authority shall annually assign each county or Tribal Nation probation officer

9.1 to a position on the salary scale commensurate with the officer's experience, tenure, and
9.2 responsibilities. For county provided probation officers, the judge shall file with the county
9.3 auditor an order setting each county probation officer's salary. Time spent by a county
9.4 probation officer as a court referee shall not qualify for reimbursement. Reimbursement
9.5 shall be prorated if the appropriation for counties or Tribal Nations is insufficient. A new
9.6 position eligible for reimbursement under this section may not be added by a county or
9.7 Tribal Nation without the written approval of the commissioner of corrections. When a new
9.8 position is approved, the commissioner shall include the cost of the position in calculating
9.9 each county's or Tribal Nation's share.

9.10 Subd. 7. **Certificate of counties entitled to state aid.** ~~On or before January 1 of each~~
9.11 ~~year, until 1970 and~~ On or before April 1 ~~thereafter~~ each year, the commissioner of
9.12 corrections shall deliver to the commissioner of management and budget a certificate in
9.13 duplicate for each county of the state entitled to receive state aid under the provisions of
9.14 this section. Upon the receipt of such certificate, the commissioner of management and
9.15 budget shall issue a payment to the county treasurer for the amount shown by each certificate
9.16 to be due to the county specified. The commissioner of management and budget shall
9.17 transmit such payment to the county treasurer or a Tribal Nation together with a copy of
9.18 the certificate prepared by the commissioner of corrections.

9.19 Subd. 8. **Exception.** This section shall not apply to Ramsey County.

9.20 Sec. 2. Minnesota Statutes 2022, section 401.01, subdivision 1, is amended to read:

9.21 Subdivision 1. **Grants.** For the purpose of more effectively protecting society and to
9.22 promote efficiency and economy in the delivery of correctional services, the commissioner
9.23 is authorized to make grants to assist counties or Tribal Nations in the development,
9.24 implementation, and operation of community-based corrections programs including
9.25 preventive or diversionary correctional programs, conditional release programs, community
9.26 corrections centers, and facilities for the detention or confinement, care and treatment of
9.27 persons convicted of crime or adjudicated delinquent. The commissioner may authorize the
9.28 use of a percentage of a grant for the operation of an emergency shelter or make a separate
9.29 grant for the rehabilitation of a facility owned by the grantee and used as a shelter to bring
9.30 the facility into compliance with state and local laws pertaining to health, fire, and safety,
9.31 and to provide security.

10.1 Sec. 3. Minnesota Statutes 2022, section 401.01, subdivision 2, is amended to read:

10.2 Subd. 2. **Definitions.** (a) For the purposes of sections 401.01 to 401.16, the following
10.3 terms have the meanings given them.

10.4 (b) ~~"CCA county"~~ "CCA jurisdiction" means a county or Tribal Nation that participates
10.5 in the Community Corrections Act.

10.6 (c) "Commissioner" means the commissioner of corrections or a designee.

10.7 (d) "Conditional release" means parole, supervised release, conditional release as
10.8 authorized by section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section
10.9 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work
10.10 release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and
10.11 any other authorized temporary release from a correctional facility.

10.12 (e) "County probation officer" means a probation officer appointed and defined under
10.13 section 244.19.

10.14 (f) "Detain" means to take into actual custody, including custody within a local
10.15 correctional facility.

10.16 (g) "Joint board" means the board provided in section 471.59.

10.17 (h) "Local correctional facility" has the meaning given in section 241.021, subdivision
10.18 1.

10.19 (i) "Local correctional service" means those services authorized by and employees,
10.20 officers, and agents appointed under section 244.19, subdivision 1.

10.21 (j) "Release" means to release from actual custody.

10.22 (k) "Tribal Nation" means a federally recognized Tribal Nation within the boundaries
10.23 of the state of Minnesota.

10.24 Sec. 4. Minnesota Statutes 2022, section 401.02, subdivision 1, is amended to read:

10.25 Subdivision 1. **Qualification of counties or Tribal nation.** (a) One or more counties;
10.26 ~~having an aggregate population of 30,000 or more persons,~~ or Tribal nations may qualify
10.27 for a grant as provided in section 401.01 by the enactment of appropriate resolutions creating
10.28 and establishing a corrections advisory board, designating the officer or agency to be
10.29 responsible for administering grant funds, and providing for the preparation of a
10.30 comprehensive plan for the development, implementation, and operation of the correctional
10.31 services described in section 401.01, including the assumption of those correctional services,

11.1 other than the operation of state facilities, presently provided in such counties by the
11.2 Department of Corrections, or for Tribal nations, probation services within a Tribal nation,
11.3 and providing for centralized administration and control of those correctional services
11.4 described in section 401.01.

11.5 Where counties combine as authorized in this section, they shall comply with the
11.6 provisions of section 471.59.

11.7 (b) A county that has participated in the Community Corrections Act for five or more
11.8 years is eligible to continue to participate in the Community Corrections Act.

11.9 Sec. 5. Minnesota Statutes 2022, section 401.02, subdivision 2, is amended to read:

11.10 Subd. 2. **Planning counties; advisory board members expenses.** To assist counties
11.11 or Tribal nations which have complied with the provisions of subdivision 1 and require
11.12 financial aid to defray all or a part of the expenses incurred by corrections advisory board
11.13 members in discharging their official duties pursuant to section 401.08, the commissioner
11.14 may designate counties or Tribal nations as "planning counties", and, upon receipt of
11.15 resolutions by the governing boards of the counties or Tribal nations certifying the need for
11.16 and inability to pay the expenses described in this subdivision, advance to the counties or
11.17 Tribal nations an amount not to exceed five percent of the maximum quarterly subsidy for
11.18 which the counties or Tribal nations are eligible. The expenses described in this subdivision
11.19 shall be paid in the same manner and amount as for state employees.

11.20 Sec. 6. Minnesota Statutes 2022, section 401.02, subdivision 3, is amended to read:

11.21 Subd. 3. **Establishment and reorganization of administrative structure.** Any county,
11.22 Tribal nation, or group of counties which have qualified for participation in the community
11.23 corrections subsidy program provided by this chapter may establish, organize, and reorganize
11.24 an administrative structure and provide for the budgeting, staffing, and operation of court
11.25 services and probation, construction or improvement to juvenile detention and juvenile
11.26 correctional facilities and adult detention and correctional facilities, and other activities
11.27 required to conform to the purposes of this chapter. No contrary general or special statute
11.28 divests any county or group of counties of the authority granted by this subdivision.

12.1 Sec. 7. Minnesota Statutes 2022, section 401.025, is amended to read:

12.2 **401.025 DETENTION AND RELEASE; PROBATIONERS, CONDITIONAL**
12.3 **RELEASEES, AND PRETRIAL RELEASEES.**

12.4 Subdivision 1. **Peace officers and probation officers serving CCA ~~counties~~**

12.5 **jurisdictions**. (a) When it appears necessary to enforce discipline or to prevent a person on
12.6 conditional release from escaping or absconding from supervision, the chief executive
12.7 officer or designee of a community corrections agency in a CCA ~~county~~ jurisdiction has
12.8 the authority to issue a written order directing any peace officer or any probation officer in
12.9 the state serving the district and juvenile courts to detain and bring the person before the
12.10 court or the commissioner, whichever is appropriate, for disposition. This written order is
12.11 sufficient authority for the peace officer or probation officer to detain the person for not
12.12 more than 72 hours, excluding Saturdays, Sundays, and holidays, pending a hearing before
12.13 the court or the commissioner.

12.14 (b) The chief executive officer or designee of a community corrections agency in a CCA
12.15 ~~county~~ jurisdiction has the authority to issue a written order directing a peace officer or
12.16 probation officer serving the district and juvenile courts to release a person detained under
12.17 paragraph (a) within 72 hours, excluding Saturdays, Sundays, and holidays, without an
12.18 appearance before the court or the commissioner. This written order is sufficient authority
12.19 for the peace officer or probation officer to release the detained person.

12.20 (c) The chief executive officer or designee of a community corrections agency in a CCA
12.21 ~~county~~ jurisdiction has the authority to issue a written order directing any peace officer or
12.22 any probation officer serving the district and juvenile courts to detain any person on
12.23 court-ordered pretrial release who absconds from pretrial release or fails to abide by the
12.24 conditions of pretrial release. A written order issued under this paragraph is sufficient
12.25 authority for the peace officer or probation officer to detain the person.

12.26 Subd. 2. **Peace officers and probation officers in other counties and state correctional**
12.27 **investigators.** (a) The chief executive officer or designee of a community corrections agency
12.28 in a CCA ~~county~~ jurisdiction has the authority to issue a written order directing any state
12.29 correctional investigator or any peace officer, probation officer, or county probation officer
12.30 from another county to detain a person under sentence or on probation who:

12.31 (1) fails to report to serve a sentence at a local correctional facility;

12.32 (2) fails to return from furlough or authorized temporary release from a local correctional
12.33 facility;

13.1 (3) escapes from a local correctional facility; or

13.2 (4) absconds from court-ordered home detention.

13.3 (b) The chief executive officer or designee of a community corrections agency in a CCA
 13.4 ~~county~~ jurisdiction has the authority to issue a written order directing any state correctional
 13.5 investigator or any peace officer, probation officer, or county probation officer from another
 13.6 county to detain any person on court-ordered pretrial release who absconds from pretrial
 13.7 release or fails to abide by the conditions of pretrial release.

13.8 (c) A written order issued under paragraph (a) or (b) is sufficient authority for the state
 13.9 correctional investigator, peace officer, probation officer, or county probation officer to
 13.10 detain the person.

13.11 Subd. 3. **Offenders under Department of Corrections commitment.** CCA ~~counties~~
 13.12 jurisdictions shall comply with the policies prescribed by the commissioner when providing
 13.13 supervision and other correctional services to persons conditionally released pursuant to
 13.14 sections 241.26, 242.19, 243.05, 243.1605, 244.05, and 244.065, including intercounty
 13.15 transfer of persons on conditional release and the conduct of presentence investigations.

13.16 Sec. 8. Minnesota Statutes 2022, section 401.04, is amended to read:

13.17 **401.04 ACQUISITION OF PROPERTY; SELECTION OF ADMINISTRATIVE**
 13.18 **STRUCTURE; EMPLOYEES.**

13.19 Any county ~~or~~ group of counties, or Tribal nation electing to come within the provisions
 13.20 of sections 401.01 to 401.16 may (a) acquire by any lawful means, including purchase, lease
 13.21 or transfer of custodial control, the lands, buildings and equipment necessary and incident
 13.22 to the accomplishment of the purposes of sections 401.01 to 401.16, (b) determine and
 13.23 establish the administrative structure best suited to the efficient administration and delivery
 13.24 of the correctional services described in section 401.01, and (c) employ a director and other
 13.25 officers, employees and agents as deemed necessary to carry out the provisions of sections
 13.26 401.01 to 401.16. To the extent that participating counties shall assume and take over state
 13.27 and local correctional services presently provided in counties, employment shall be given
 13.28 to those state and local officers, employees and agents thus displaced; if hired by a county,
 13.29 employment shall, to the extent possible and notwithstanding the provisions of any other
 13.30 law or ordinance to the contrary, be deemed a transfer in grade with all of the benefits
 13.31 enjoyed by such officer, employee or agent while in the service of the state or local
 13.32 correctional service.

14.1 State or local employees displaced by county participation in the subsidy program
14.2 provided by this chapter are on layoff status and, if not hired by a participating county as
14.3 provided herein, may exercise their rights under layoff procedures established by law or
14.4 union agreement whichever is applicable.

14.5 State or local officers and employees displaced by a county's participation in the
14.6 Community Corrections Act and hired by the participating county shall retain all fringe
14.7 benefits and recall from layoff benefits accrued by seniority and enjoyed by them while in
14.8 the service of the state.

14.9 Sec. 9. Minnesota Statutes 2022, section 401.05, subdivision 1, is amended to read:

14.10 Subdivision 1. **Authorization to use and accept funds.** Any ~~county~~ CCA jurisdiction
14.11 or group of counties electing to come within the provisions of sections 401.01 to 401.16
14.12 may, through their governing bodies, use unexpended funds; accept gifts, grants, and
14.13 subsidies from any lawful source; and apply for and accept federal funds.

14.14 Sec. 10. Minnesota Statutes 2022, section 401.06, is amended to read:

14.15 **401.06 COMPREHENSIVE PLAN; STANDARDS OF ELIGIBILITY;**
14.16 **COMPLIANCE.**

14.17 No county, Tribal nation, or group of counties electing to provide correctional services
14.18 pursuant to sections 401.01 to 401.16 shall be eligible for the subsidy herein provided unless
14.19 and until its comprehensive plan shall have been approved by the commissioner. The
14.20 commissioner shall, pursuant to the Administrative Procedure Act, promulgate rules
14.21 establishing standards of eligibility for counties or Tribal nations to receive funds under
14.22 sections 401.01 to 401.16. To remain eligible for subsidy ~~counties~~ CCA jurisdictions shall
14.23 maintain substantial compliance with the minimum standards established pursuant to sections
14.24 401.01 to 401.16 and the policies and procedures governing the services described in section
14.25 401.025 as prescribed by the commissioner. Counties shall also be in substantial compliance
14.26 with other correctional operating standards permitted by law and established by the
14.27 commissioner and shall report statistics required by the commissioner including but not
14.28 limited to information on individuals convicted as an extended jurisdiction juvenile identified
14.29 in section 241.016, subdivision 1, paragraph (c). The commissioner shall review annually
14.30 the comprehensive plans submitted by participating ~~counties~~ CCA jurisdictions, including
14.31 the facilities and programs operated under the plans. The commissioner is hereby authorized
14.32 to enter upon any facility operated under the plan, and inspect books and records, for purposes
14.33 of recommending needed changes or improvements.

15.1 When the commissioner shall determine that there are reasonable grounds to believe
15.2 that a ~~county~~ CCA jurisdiction or group of counties is not in substantial compliance with
15.3 minimum standards, at least 30 days' notice shall be given to the ~~county or counties~~ CCA
15.4 jurisdiction and a hearing conducted by the commissioner to ascertain whether there is
15.5 substantial compliance or satisfactory progress being made toward compliance. The
15.6 commissioner may suspend all or a portion of any subsidy until the required standard of
15.7 operation has been met.

15.8 Sec. 11. Minnesota Statutes 2022, section 401.08, subdivision 2, is amended to read:

15.9 Subd. 2. **Appointment; terms.** The members of the corrections advisory board shall be
15.10 appointed by the board of county commissioners ~~or~~, the joint board in the case of multiple
15.11 counties, or a Tribal nation and shall serve for terms of two years from and after the date
15.12 of their appointment, and shall remain in office until their successors are duly appointed.
15.13 The board may elect its own officers.

15.14 Sec. 12. Minnesota Statutes 2022, section 401.08, subdivision 4, is amended to read:

15.15 Subd. 4. **Comprehensive plan.** The corrections advisory board provided in sections
15.16 401.01 to 401.16, shall actively participate in the formulation of the comprehensive plan
15.17 for the development, implementation, and operation of the correctional program and services
15.18 described in section 401.01, and shall make a formal recommendation to the county board,
15.19 Tribal governance, or joint board at least annually concerning the comprehensive plan and
15.20 its implementation during the ensuing year.

15.21 Sec. 13. Minnesota Statutes 2022, section 401.09, is amended to read:

15.22 **401.09 OTHER SUBSIDY PROGRAMS; PURCHASE OF STATE SERVICES.**

15.23 Failure of a ~~county~~ CCA jurisdiction or group of counties to elect to come within the
15.24 provisions of sections 401.01 to 401.16 shall not affect their eligibility for any other state
15.25 subsidy for correctional purposes otherwise provided by law. Any comprehensive plan
15.26 submitted pursuant to sections 401.01 to 401.16 may include the purchase of selected
15.27 correctional services from the state by contract, including the temporary detention and
15.28 confinement of persons convicted of crime or adjudicated delinquent; confinement to be in
15.29 an appropriate state facility as otherwise provided by law. The commissioner shall annually
15.30 determine the costs of the purchase of services under this section and deduct them from the
15.31 subsidy due and payable to the county or counties concerned; provided that no contract

16.1 shall exceed in cost the amount of subsidy to which the participating county or counties are
16.2 eligible.

16.3 Sec. 14. Minnesota Statutes 2022, section 401.10, subdivision 1, is amended to read:

16.4 Subdivision 1. **Aid calculations.** To determine the community corrections aid amount
16.5 to be paid to each participating county, the commissioner of corrections must apply the
16.6 following formula:

16.7 (1) For each of the 87 counties in the state, a percent score must be calculated for each
16.8 of the following five factors:

16.9 (i) percent of the total state population aged ten to 24 residing within the county according
16.10 to the most recent federal census, and, in the intervening years between the taking of the
16.11 federal census, according to the most recent estimate of the state demographer;

16.12 (ii) percent of the statewide total number of felony case filings occurring within the
16.13 county, as determined by the state court administrator;

16.14 (iii) percent of the statewide total number of juvenile case filings occurring within the
16.15 county, as determined by the state court administrator;

16.16 (iv) percent of the statewide total number of gross misdemeanor case filings occurring
16.17 within the county, as determined by the state court administrator; and

16.18 (v) percent of the total statewide number of convicted felony offenders who did not
16.19 receive an executed prison sentence, as monitored and reported by the Sentencing Guidelines
16.20 Commission.

16.21 The percents in items (ii) to (v) must be calculated by combining the most recent
16.22 three-year period of available data. The percents in items (i) to (v) each must sum to 100
16.23 percent across the 87 counties.

16.24 (2) For each of the 87 counties, the county's percents in clause (1), items (i) to (v), must
16.25 be weighted, summed, and divided by the sum of the weights to yield an average percent
16.26 for each county, referred to as the county's "composite need percent." When performing
16.27 this calculation, the weight for each of the percents in clause (1), items (i) to (v), is 1.0. The
16.28 composite need percent must sum to 100 percent across the 87 counties.

16.29 (3) For each of the 87 counties, the county's "adjusted net tax capacity percent" is the
16.30 county's adjusted net tax capacity amount, defined in the same manner as it is defined for
16.31 cities in section 477A.011, subdivision 20, divided by the statewide total adjusted net tax

17.1 capacity amount. The adjusted net tax capacity percent must sum to 100 percent across the
17.2 87 counties.

17.3 (4) For each of the 87 counties, the county's composite need percent must be divided by
17.4 the county's adjusted net tax capacity percent to produce a ratio that, when multiplied by
17.5 the county's composite need percent, results in the county's "tax base adjusted need percent."

17.6 (5) For each of the 87 counties, the county's tax base adjusted need percent must be
17.7 added to twice the composite need percent, and the sum must be divided by 3, to yield the
17.8 county's "weighted need percent."

17.9 (6) Each participating county's weighted need percent must be added to the weighted
17.10 need percent of each other participating county to yield the "total weighted need percent
17.11 for participating counties."

17.12 (7) Each participating county's weighted need percent must be divided by the total
17.13 weighted need percent for participating counties to yield the county's "share percent." The
17.14 share percents for participating counties must sum to 100 percent.

17.15 (8) Each participating county's "base funding amount" is the aid amount that the county
17.16 received under this section for fiscal year 1995 plus the amount received in caseload or
17.17 workload reduction, felony caseload reduction, and sex offender supervision grants in fiscal
17.18 year 2015, as reported by the commissioner of corrections. In fiscal year 1997 and thereafter,
17.19 no county's aid amount under this section may be less than its base funding amount, provided
17.20 that the total amount appropriated for this purpose is at least as much as the aggregate base
17.21 funding amount defined in clause (9).

17.22 (9) The "aggregate base funding amount" is equal to the sum of the base funding amounts
17.23 for all participating counties. If a county that participated under this section chooses not to
17.24 participate in any given year, then the aggregate base funding amount must be reduced by
17.25 that county's base funding amount. If a county that did not participate under this section in
17.26 fiscal year 1995 chooses to participate on or after July 1, 2015, then the aggregate base
17.27 funding amount must be increased by the amount of aid that the county would have received
17.28 had it participated in fiscal year 1995 plus the estimated amount it would have received in
17.29 caseload or workload reduction, felony caseload reduction, and sex offender supervision
17.30 grants in fiscal year 2015, as reported by the commissioner of corrections, and the amount
17.31 of increase shall be that county's base funding amount.

17.32 (10) In any given year, the total amount appropriated for this purpose first must be
17.33 allocated to participating counties in accordance with each county's base funding amount.
17.34 Then, any remaining amount in excess of the aggregate base funding amount must be

18.1 allocated to participating counties in proportion to each county's share percent, and is referred
18.2 to as the county's "formula amount."

18.3 Each participating county's "community corrections aid amount" equals the sum of (i)
18.4 the county's base funding amount, and (ii) the county's formula amount.

18.5 (11) However, if in any year the total amount appropriated for the purpose of this section
18.6 is less than the aggregate base funding amount, then each participating county's community
18.7 corrections aid amount is the product of (i) the county's base funding amount multiplied by
18.8 (ii) the ratio of the total amount appropriated to the aggregate base funding amount.

18.9 For each participating county, the county's community corrections aid amount calculated
18.10 in this subdivision is the total amount of subsidy to which the county is entitled under
18.11 sections 401.01 to 401.16.

18.12 For each Tribal nation, a base funding amount of \$250,000 is allotted annually through
18.13 legislative appropriation to each Tribal nation to purchase probation services regardless of
18.14 a CCA jurisdiction. An additional formula amount as appropriated through legislation must
18.15 be developed and approved by the commissioner for equitable distribution for Tribal nations
18.16 under a CCA jurisdiction.

18.17 Sec. 15. Minnesota Statutes 2022, section 401.12, is amended to read:

18.18 **401.12 CONTINUATION OF CURRENT SPENDING LEVEL BY COUNTIES.**

18.19 Participating counties or Tribal nations shall not diminish their current level of spending
18.20 for correctional expenses as defined in section 401.01, to the extent of any subsidy received
18.21 pursuant to sections 401.01 to 401.16; rather the subsidy herein provided is for the
18.22 expenditure for correctional purposes in excess of those funds currently being expended.
18.23 Should a participating ~~county~~ CCA jurisdiction be unable to expend the full amount of the
18.24 subsidy to which it would be entitled in any one year under the provisions of sections 401.01
18.25 to 401.16, the commissioner shall retain the surplus, subject to disbursement in the following
18.26 year wherein such ~~county~~ CCA jurisdiction can demonstrate a need for and ability to expend
18.27 same for the purposes provided in section 401.01. If in any biennium the subsidy is increased
18.28 by an inflationary adjustment which results in the ~~county~~ CCA jurisdiction receiving more
18.29 actual subsidy than it did in the previous calendar year, the ~~county~~ CCA jurisdiction shall
18.30 be eligible for that increase only if the current level of spending is increased by a percentage
18.31 equal to that increase within the same biennium.

19.1 Sec. 16. Minnesota Statutes 2022, section 401.14, subdivision 1, is amended to read:

19.2 Subdivision 1. **Payment.** Upon compliance by a ~~county~~ CCA jurisdiction or group of
19.3 counties with the prerequisites for participation in the subsidy prescribed by sections 401.01
19.4 to 401.16, and approval of the comprehensive plan by the commissioner, the commissioner
19.5 shall determine whether funds exist for the payment of the subsidy and proceed to pay same
19.6 in accordance with applicable rules.

19.7 Sec. 17. Minnesota Statutes 2022, section 401.14, subdivision 3, is amended to read:

19.8 Subd. 3. **Installment payments.** The commissioner of corrections shall make payments
19.9 for community corrections services to each ~~county~~ CCA jurisdiction in 12 installments per
19.10 year. The commissioner shall ensure that the pertinent payment of the allotment for each
19.11 month is made to each county on the first working day after the end of each month of the
19.12 calendar year, except for the last month of the calendar year. The commissioner shall ensure
19.13 that each ~~county~~ CCA jurisdiction receives its payment of the allotment for that month no
19.14 later than the last working day of that month. The payment described in this subdivision for
19.15 services rendered during June 1985 shall be made on the first working day of July 1985.

19.16 Sec. 18. Minnesota Statutes 2022, section 401.15, subdivision 1, is amended to read:

19.17 Subdivision 1. **Certified statements; determinations; adjustments.** Within 60 days
19.18 of the end of each calendar quarter, participating ~~counties~~ CCA jurisdictions which have
19.19 received the payments authorized by section 401.14 shall submit to the commissioner
19.20 certified statements detailing the amounts expended and costs incurred in furnishing the
19.21 correctional services provided in sections 401.01 to 401.16. Upon receipt of certified
19.22 statements, the commissioner shall, in the manner provided in sections 401.10 and 401.12,
19.23 determine the amount each participating county is entitled to receive, making any adjustments
19.24 necessary to rectify any disparity between the amounts received pursuant to the estimate
19.25 provided in section 401.14 and the amounts actually expended. If the amount received
19.26 pursuant to the estimate is greater than the amount actually expended during the quarter,
19.27 the commissioner may withhold the difference from any subsequent monthly payments
19.28 made pursuant to section 401.14. Upon certification by the commissioner of the amount a
19.29 participating ~~county~~ CCA jurisdiction is entitled to receive under the provisions of section
19.30 401.14 or of this subdivision the commissioner of management and budget shall thereupon
19.31 issue a payment to the chief fiscal officer of each participating ~~county~~ CCA jurisdiction for
19.32 the amount due together with a copy of the certificate prepared by the commissioner.

20.1 Sec. 19. Minnesota Statutes 2022, section 401.16, is amended to read:

20.2 **401.16 WITHDRAWAL FROM PROGRAM.**

20.3 Any participating ~~county may~~, (1) CCA jurisdiction at the beginning of any calendar
20.4 quarter, by resolution of its board of commissioners, or (2) Tribal council may notify the
20.5 commissioner of its intention to withdraw from the subsidy program established by sections
20.6 401.01 to 401.16, and the withdrawal shall be effective at least six months of the last day
20.7 of the last month of the quarter in which the notice was given. Upon withdrawal, the
20.8 unexpended balance of moneys allocated to the county, or that amount necessary to reinstate
20.9 state correctional services displaced by that county's participation, including complement
20.10 positions, may, upon approval of the legislative advisory commission, be transferred to the
20.11 commissioner for the reinstatement of the displaced services and the payment of any other
20.12 correctional subsidies for which the withdrawing county had previously been eligible.

20.13 **ARTICLE 3**

20.14 **PUBLIC SAFETY**

20.15 Section 1. Minnesota Statutes 2022, section 299F.46, subdivision 1, is amended to read:

20.16 Subdivision 1. **Hotel inspection.** (a) It shall be the duty of the commissioner of public
20.17 safety to inspect, or cause to be inspected, at least once every three years, every hotel in
20.18 this state; and, for that purpose, the commissioner, or the commissioner's deputies or
20.19 designated alternates or agents, shall have the right to enter or have access thereto at any
20.20 reasonable hour; and, when, upon such inspection, it shall be found that the hotel so inspected
20.21 does not conform to or is not being operated in accordance with the provisions of sections
20.22 157.011 and 157.15 to 157.22, in so far as the same relate to fire prevention or fire protection
20.23 of hotels, or the rules promulgated thereunder, or is being maintained or operated in such
20.24 manner as to violate the Minnesota State Fire Code promulgated pursuant to section 326B.02,
20.25 subdivision 6, 299F.51, or any other law of this state relating to fire prevention and fire
20.26 protection of hotels, the commissioner and the deputies or designated alternates or agents
20.27 shall report such a situation to the hotel inspector who shall proceed as provided for in
20.28 chapter 157.

20.29 (b) The word "hotel", as used in this subdivision, has the meaning given in section
20.30 299F.391.

21.1 Sec. 2. Minnesota Statutes 2022, section 299F.50, is amended by adding a subdivision to
21.2 read:

21.3 Subd. 11. **Hotel.** "Hotel" means any building, or portion thereof, containing six or more
21.4 guest rooms intended or designed to be used, or which are used, rented, or hired out to be
21.5 occupied, or which are occupied for sleeping purposes by guests.

21.6 Sec. 3. Minnesota Statutes 2022, section 299F.50, is amended by adding a subdivision to
21.7 read:

21.8 Subd. 12. **Lodging house.** "Lodging house" means any building, or portion thereof,
21.9 containing not more than five guest rooms which are used or are intended to be used for
21.10 sleeping purposes by guests and where rent is paid in money, goods, labor, or otherwise.

21.11 Sec. 4. Minnesota Statutes 2022, section 299F.51, subdivision 1, is amended to read:

21.12 Subdivision 1. **Generally.** (a) Every ~~single family~~ single-family dwelling and every
21.13 dwelling unit in a multifamily dwelling must have an approved and operational carbon
21.14 monoxide alarm installed within ten feet of each room lawfully used for sleeping purposes.

21.15 (b) Every guest room in a hotel or lodging house must have an approved and operational
21.16 carbon monoxide alarm installed in each room lawfully used for sleeping purposes.

21.17 Sec. 5. Minnesota Statutes 2022, section 299F.51, subdivision 2, is amended to read:

21.18 Subd. 2. **Owner's duties.** (a) The owner of a multifamily dwelling unit which is required
21.19 to be equipped with one or more approved carbon monoxide alarms must:

21.20 (1) provide and install one approved and operational carbon monoxide alarm within ten
21.21 feet of each room lawfully used for sleeping; and

21.22 (2) replace any required carbon monoxide alarm that has been stolen, removed, found
21.23 missing, or rendered inoperable during a prior occupancy of the dwelling unit and which
21.24 has not been replaced by the prior occupant prior to the commencement of a new occupancy
21.25 of a dwelling unit.

21.26 (b) The owner of a hotel or lodging house which is required to be equipped with one or
21.27 more approved carbon monoxide alarms must:

21.28 (1) provide and install one approved and operational carbon monoxide alarm in each
21.29 room lawfully used for sleeping; and

22.1 (2) replace any required carbon monoxide alarm that has been stolen, removed, found
22.2 missing, or rendered inoperable during a prior occupancy and which has not been replaced
22.3 by the prior occupant prior to the commencement of a new occupancy of a hotel guest room
22.4 or lodging house.

22.5 Sec. 6. Minnesota Statutes 2022, section 299F.51, subdivision 5, is amended to read:

22.6 **Subd. 5. Exceptions; certain multifamily dwellings and state-operated facilities.** (a)
22.7 In lieu of requirements of subdivision 1, multifamily dwellings may have approved and
22.8 operational carbon monoxide ~~alarms~~ detectors installed between 15 and 25 feet of carbon
22.9 monoxide-producing central fixtures and equipment, provided there is a centralized alarm
22.10 system or other mechanism for responsible parties to hear the alarm at all times.

22.11 (b) An owner of a multifamily dwelling that contains minimal or no sources of carbon
22.12 monoxide may be exempted from the requirements of subdivision 1, provided that such
22.13 owner certifies to the commissioner of public safety that such multifamily dwelling poses
22.14 no foreseeable carbon monoxide risk to the health and safety of the dwelling units.

22.15 (c) The requirements of this section do not apply to facilities owned or operated by the
22.16 state of Minnesota.

22.17 Sec. 7. Minnesota Statutes 2022, section 299F.51, is amended by adding a subdivision to
22.18 read:

22.19 **Subd. 6. Safety warning.** A first violation of this section shall not result in a penalty,
22.20 but is punishable by a safety warning. A second or subsequent violation is a petty
22.21 misdemeanor.

22.22 Sec. 8. Minnesota Statutes 2022, section 326.3361, subdivision 2, is amended to read:

22.23 **Subd. 2. Required contents.** The rules adopted by the board must require:

22.24 (1) 12 hours of preassignment or on-the-job certified training within the first 21 days of
22.25 employment, or evidence that the employee has successfully completed equivalent training
22.26 before the start of employment. Notwithstanding any statute or rule to the contrary, this
22.27 clause is satisfied if the employee provides a prospective employer with a certificate or a
22.28 copy of a certificate demonstrating that the employee successfully completed this training
22.29 prior to employment with a different Minnesota licensee and completed this training within
22.30 three previous calendar years, or successfully completed this training with a Minnesota
22.31 licensee while previously employed with a Minnesota licensee. The certificate or a copy of
22.32 the certificate is the property of the employee who completed the training, regardless of

23.1 who paid for the training or how training was provided. Upon a current or former employee's
23.2 request, a current or former licensed employer must provide a copy of a certificate
23.3 demonstrating the employee's successful completion of training to the current or former
23.4 employee. The current or former licensed employer must not charge the employee a fee for
23.5 a copy of the certificate. The employee who completed the training is entitled to access a
23.6 copy of the certificate at no charge according to sections 181.960 to 181.966. A current or
23.7 former employer must comply with sections 181.90 to 181.966;

23.8 (2) certification by the board of completion of certified training for a license holder,
23.9 qualified representative, Minnesota manager, partner, and employee to carry or use a firearm,
23.10 a weapon other than a firearm, or an immobilizing or restraint technique; and

23.11 (3) six hours a year of certified continuing training for all license holders, qualified
23.12 representatives, Minnesota managers, partners, and employees, and an additional six hours
23.13 a year for individuals who are armed with firearms or armed with weapons, which must
23.14 include annual certification of the individual.

23.15 An individual may not carry or use a weapon while undergoing on-the-job training under
23.16 this subdivision.

23.17 Sec. 9. Minnesota Statutes 2022, section 609.2247, is amended by adding a subdivision
23.18 to read:

23.19 Subd. 3. **Medical examination; costs.** Costs incurred by a county, city, or private hospital
23.20 or other emergency medical facility or by a private physician for the examination of a victim
23.21 of domestic assault by strangulation when the examination is performed for the purpose of
23.22 gathering evidence are subject to the payment and reimbursement provisions in section
23.23 609.35.

23.24 **EFFECTIVE DATE.** This section is effective July 1, 2023.

23.25 **ARTICLE 4**

23.26 **LAW ENFORCEMENT**

23.27 Section 1. **[626.5535] CARJACKING; REPORTING REQUIRED.**

23.28 Subdivision 1. **Definition.** For purposes of this section, "carjacking" means taking a
23.29 motor vehicle from a person or in the presence of another while having knowledge of not
23.30 being entitled to the motor vehicle and using or threatening the imminent use of force against
23.31 any person to overcome the person's resistance or powers of resistance to, or to compel
23.32 acquiescence in, the taking of the motor vehicle.

24.1 Subd. 2. Use of information collected. (a) The head of a local law enforcement agency
24.2 or state law enforcement department that employs peace officers, as defined in section
24.3 626.84, subdivision 1, paragraph (c), must forward the following carjacking information
24.4 from the agency's or department's jurisdiction to the commissioner of public safety at least
24.5 quarterly each year:

24.6 (1) the number of carjacking attempts;

24.7 (2) the number of carjackings;

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

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

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

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

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

24.13 Sec. 2. Minnesota Statutes 2022, section 626.8452, is amended by adding a subdivision
24.14 to read:

24.15 Subd. 1b. Prohibition against retaliation; employers. (a) A law enforcement agency
24.16 shall not discharge, discipline, threaten, retaliate, otherwise discriminate against, or penalize
24.17 a peace officer regarding the officer's compensation, terms, conditions, location, or privileges
24.18 of employment because the officer interceded or made a report in compliance with section
24.19 626.8475 or a policy adopted under subdivision 1a regarding another employee or peace
24.20 officer who used excessive force.

24.21 (b) A court may order the law enforcement agency to pay back wages and offer job
24.22 reinstatement to any officer discharged from employment in violation of paragraph (a).

24.23 (c) In addition to any remedies otherwise provided by law, a peace officer injured by a
24.24 violation of paragraph (a) may bring a civil action for recovery of damages together with
24.25 costs and disbursements, including reasonable attorney fees, and may receive injunctive
24.26 and other equitable relief, including reinstatement, as determined by the court.

24.27 EFFECTIVE DATE. This section is effective August 1, 2023, and applies to causes
24.28 of action accruing on or after that date.

25.1 Sec. 3. Minnesota Statutes 2022, section 626.8452, is amended by adding a subdivision
25.2 to read:

25.3 Subd. 1c. **Prohibition against retaliation; fellow officers.** (a) A peace officer or
25.4 employee of a law enforcement agency may not threaten, harass, retaliate, or otherwise
25.5 discriminate against a peace officer because the officer interceded or made a report in
25.6 compliance with section 626.8475 or a policy adopted under subdivision 1a regarding
25.7 another employee or peace officer who used excessive force.

25.8 (b) A person who violates paragraph (a) is subject to disciplinary action as determined
25.9 by the chief law enforcement officer of the agency employing the person.

25.10 (c) A peace officer who is the victim of conduct prohibited in paragraph (a) may bring
25.11 a civil action for recovery of damages together with costs and disbursements, including
25.12 reasonable attorney fees, and may receive injunctive and other equitable relief as determined
25.13 by the court.

25.14 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to causes
25.15 of action accruing on or after that date.

25.16 Sec. 4. Minnesota Statutes 2022, section 626.8457, is amended by adding a subdivision
25.17 to read:

25.18 Subd. 4. **Data to be shared with board.** (a) Upon receiving written notice that the board
25.19 is investigating any allegation of misconduct within its regulatory authority, a chief law
25.20 enforcement officer, city, county, or public official must cooperate with the board's
25.21 investigation and any data request from the board.

25.22 (b) Upon written request from the board that a matter alleging misconduct within its
25.23 regulatory authority has occurred regarding a licensed peace officer, a chief law enforcement
25.24 officer, city, county, or public official shall provide the board with all requested public and
25.25 private data about alleged misconduct involving the licensed peace officer, including any
25.26 pending or final disciplinary or arbitration proceeding, any settlement or compromise, and
25.27 any investigative files including but not limited to body worn camera or other audio or video
25.28 files. Confidential data must also be disclosed when the board specifies that the particular
25.29 data is necessary to fulfill its investigatory obligation concerning an allegation of misconduct
25.30 within its regulatory authority.

25.31 (c) If a licensed peace officer is discharged or resigns from employment after engaging
25.32 in any conduct that initiates and results in an investigation of alleged misconduct within the
25.33 board's regulatory authority, regardless of whether the licensee was criminally charged or

26.1 an administrative or internal affairs investigation was commenced or completed, a chief
26.2 law enforcement officer must report the conduct to the board and provide the board with
26.3 all public and not public data requested under paragraph (b). If the conduct involves the
26.4 chief law enforcement officer, the overseeing city, county, or public official must report
26.5 the conduct to the board and provide the board with all public and not public data requested
26.6 under paragraph (b).

26.7 (d) Data obtained by the board shall be classified and governed as articulated in sections
26.8 13.03, subdivision 4, and 13.09, as applicable.

26.9 Sec. 5. Minnesota Statutes 2022, section 626.8457, is amended by adding a subdivision
26.10 to read:

26.11 Subd. 5. **Immunity from liability.** A chief law enforcement officer, city, county, or
26.12 public official and employees of the law enforcement agency are immune from civil or
26.13 criminal liability, including any liability under chapter 13, for reporting or releasing public
26.14 or not public data to the board under subdivisions 3 and 4, unless the chief law enforcement
26.15 officer, city, county, or public official or employees of the law enforcement agency presented
26.16 false information to the board with the intention of causing reputational harm to the peace
26.17 officer.

26.18 Sec. 6. Minnesota Statutes 2022, section 626.87, is amended by adding a subdivision to
26.19 read:

26.20 Subd. 1a. **Background records checks.** (a) The law enforcement agency must request
26.21 a criminal history background check from the superintendent of the Bureau of Criminal
26.22 Apprehension on an applicant for employment as a licensed peace officer or an applicant
26.23 for a position leading to employment as a licensed peace officer within the state of Minnesota
26.24 to determine eligibility for licensing. Applicants must provide, for submission to the
26.25 superintendent of the Bureau of Criminal Apprehension:

26.26 (1) an executed criminal history consent form, authorizing the dissemination of state
26.27 and federal records to the law enforcement agency and the Minnesota Board of Peace Officer
26.28 Standards and Training and fingerprints; and

26.29 (2) a money order or cashier's check payable to the Bureau of Criminal Apprehension
26.30 for the fee for conducting the criminal history background check.

26.31 (b) The superintendent of the Bureau of Criminal Apprehension shall perform the
26.32 background check required under paragraph (a) by retrieving criminal history data as defined

27.1 in section 13.87 and shall also conduct a search of the national criminal records repository.
27.2 The superintendent is authorized to exchange the applicant's fingerprints with the Federal
27.3 Bureau of Investigation to obtain their national criminal history record information. The
27.4 superintendent must return the results of the Minnesota and federal criminal history records
27.5 checks to the law enforcement agency who is authorized to share with the Minnesota Board
27.6 of Peace Officer Standards and Training to determine if the individual is eligible for licensing
27.7 under Minnesota Rules, chapter 6700.

27.8 Sec. 7. Minnesota Statutes 2022, section 626.87, subdivision 2, is amended to read:

27.9 Subd. 2. **Disclosure of employment information.** Upon request of a law enforcement
27.10 agency, an employer shall disclose or otherwise make available for inspection employment
27.11 information of an employee or former employee who is the subject of an investigation under
27.12 subdivision 1 or who is a candidate for employment with a law enforcement agency in any
27.13 other capacity. The request for disclosure of employment information must be in writing,
27.14 must be accompanied by an ~~original~~ authorization and release signed by the employee or
27.15 former employee, and must be signed by ~~a sworn peace officer or other~~ an authorized
27.16 representative of the law enforcement agency conducting the background investigation.

27.17 Sec. 8. Minnesota Statutes 2022, section 626.87, subdivision 3, is amended to read:

27.18 Subd. 3. **Refusal to disclose a personnel record.** If an employer refuses to disclose
27.19 employment information in accordance with this section, upon request the district court
27.20 may issue an ex parte order directing the disclosure of the employment information. The
27.21 request must be made by ~~a sworn peace officer~~ an authorized representative from the law
27.22 enforcement agency conducting the background investigation and must include a copy of
27.23 the ~~original~~ request for disclosure made upon the employer or former employer and the
27.24 authorization and release signed by the employee or former employee. The request must be
27.25 signed by the ~~peace officer~~ person requesting the order and an attorney representing the
27.26 state or the political subdivision on whose behalf the background investigation is being
27.27 conducted. It is not necessary for the request or the order to be filed with the court
27.28 administrator. Failure to comply with the court order subjects the person or entity who fails
27.29 to comply to civil or criminal contempt of court.

27.30 Sec. 9. Minnesota Statutes 2022, section 626.87, subdivision 5, is amended to read:

27.31 Subd. 5. **Notice of investigation.** Upon initiation of a background investigation ~~under~~
27.32 ~~this section~~ for a person described in subdivision 1, the law enforcement agency shall give
27.33 written notice to the Peace Officer Standards and Training Board of:

28.1 (1) the candidate's full name and date of birth; and

28.2 (2) the candidate's peace officer license number, if known.

28.3 The initiation of a background investigation does not include the submission of an
28.4 application for employment. Initiation of a background investigation occurs when the law
28.5 enforcement agency begins its determination of whether an applicant meets the agency's
28.6 standards for employment as a law enforcement employee.

28.7 Sec. 10. Minnesota Statutes 2022, section 626.90, subdivision 2, is amended to read:

28.8 Subd. 2. **Law enforcement agency.** (a) The band has the powers of a law enforcement
28.9 agency, as defined in section 626.84, subdivision 1, paragraph (f), if all of the requirements
28.10 of clauses (1) to (4) are met:

28.11 (1) the band agrees to be subject to liability for its torts and those of its officers,
28.12 employees, and agents acting within the scope of their employment or duties arising out of
28.13 a law enforcement agency function conferred by this section, to the same extent as a
28.14 municipality under chapter 466, and the band further agrees, notwithstanding section 16C.05,
28.15 subdivision 7, to waive its sovereign immunity for purposes of claims of this liability;

28.16 (2) the band files with the Board of Peace Officer Standards and Training a bond or
28.17 certificate of insurance for liability coverage with the maximum single occurrence amounts
28.18 set forth in section 466.04 and an annual cap for all occurrences within a year of three times
28.19 the single occurrence amount;

28.20 (3) the band files with the Board of Peace Officer Standards and Training a certificate
28.21 of insurance for liability of its law enforcement officers, employees, and agents for lawsuits
28.22 under the United States Constitution; and

28.23 (4) the band agrees to be subject to section 13.82 and any other laws of the state relating
28.24 to data practices of law enforcement agencies.

28.25 (b) The band ~~shall~~ may enter into mutual aid/cooperative agreements with the Mille
28.26 Lacs County sheriff under section 471.59 to define and regulate the provision of law
28.27 enforcement services under this section. ~~The agreements must define the trust property~~
28.28 ~~involved in the joint powers agreement.~~

28.29 (c) Only if the requirements of paragraph (a) are met, the band shall have concurrent
28.30 jurisdictional authority under this section with the Mille Lacs County Sheriff's Department
28.31 ~~only if the requirements of paragraph (a) are met and under the following circumstances:~~

29.1 ~~(1) over all persons in the geographical boundaries of the property held by the United~~
29.2 ~~States in trust for the Mille Lacs Band or the Minnesota Chippewa tribe;~~

29.3 ~~(2) over all Minnesota Chippewa tribal members within the boundaries of the Treaty of~~
29.4 ~~February 22, 1855, 10 Stat. 1165, in Mille Lacs County, Minnesota; and.~~

29.5 ~~(3) concurrent jurisdiction over any person who commits or attempts to commit a crime~~
29.6 ~~in the presence of an appointed band peace officer within the boundaries of the Treaty of~~
29.7 ~~February 22, 1855, 10 Stat. 1165, in Mille Lacs County, Minnesota.~~

29.8 Sec. 11. Minnesota Statutes 2022, section 626.91, subdivision 2, is amended to read:

29.9 Subd. 2. **Law enforcement agency.** (a) The community has the powers of a law
29.10 enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), if all of the
29.11 requirements of clauses (1) to (4) are met:

29.12 (1) the community agrees to be subject to liability for its torts and those of its officers,
29.13 employees, and agents acting within the scope of their employment or duties arising out of
29.14 the law enforcement agency powers conferred by this section to the same extent as a
29.15 municipality under chapter 466, and the community further agrees, notwithstanding section
29.16 16C.05, subdivision 7, to waive its sovereign immunity with respect to claims arising from
29.17 this liability;

29.18 (2) the community files with the Board of Peace Officer Standards and Training a bond
29.19 or certificate of insurance for liability coverage with the maximum single occurrence amounts
29.20 set forth in section 466.04 and an annual cap for all occurrences within a year of three times
29.21 the single occurrence amount;

29.22 (3) the community files with the Board of Peace Officer Standards and Training a
29.23 certificate of insurance for liability of its law enforcement officers, employees, and agents
29.24 for lawsuits under the United States Constitution; and

29.25 (4) the community agrees to be subject to section 13.82 and any other laws of the state
29.26 relating to data practices of law enforcement agencies.

29.27 (b) The community ~~shall~~ may enter into an agreement under section 471.59 with the
29.28 Redwood County sheriff to define and regulate the provision of law enforcement services
29.29 under this section and to provide for mutual aid and cooperation. If entered, the agreement
29.30 must identify and describe the trust property involved in the agreement. For purposes of
29.31 entering into this agreement, the community shall be considered a "governmental unit" as
29.32 that term is defined in section 471.59, subdivision 1.

30.1 Sec. 12. Minnesota Statutes 2022, section 626.91, subdivision 4, is amended to read:

30.2 Subd. 4. **Peace officers.** If the community complies with the requirements set forth in
30.3 subdivision 2, paragraph (a), the community is authorized to appoint peace officers, as
30.4 defined in section 626.84, subdivision 1, paragraph (c), who have the same powers as peace
30.5 officers employed by the Redwood County sheriff over the persons and the geographic
30.6 areas described in subdivision 3.

30.7 Sec. 13. Minnesota Statutes 2022, section 626.92, subdivision 2, is amended to read:

30.8 Subd. 2. **Law enforcement agency.** (a) The band has the powers of a law enforcement
30.9 agency, as defined in section 626.84, subdivision 1, paragraph (f), if all of the requirements
30.10 of clauses (1) to (4) and paragraph (b) are met:

30.11 (1) the band agrees to be subject to liability for its torts and those of its officers,
30.12 employees, and agents acting within the scope of their employment or duties arising out of
30.13 the law enforcement agency powers conferred by this section to the same extent as a
30.14 municipality under chapter 466, and the band further agrees, notwithstanding section 16C.05,
30.15 subdivision 7, to waive its sovereign immunity for purposes of claims arising out of this
30.16 liability;

30.17 (2) the band files with the Board of Peace Officer Standards and Training a bond or
30.18 certificate of insurance for liability coverage with the maximum single occurrence amounts
30.19 set forth in section 466.04 and an annual cap for all occurrences within a year of three times
30.20 the single occurrence amount or establishes that liability coverage exists under the Federal
30.21 Torts Claims Act, United States Code, title 28, section 1346(b), et al., as extended to the
30.22 band pursuant to the Indian Self-Determination and Education Assistance Act of 1975,
30.23 United States Code, title 25, section 450f(c);

30.24 (3) the band files with the Board of Peace Officer Standards and Training a certificate
30.25 of insurance for liability of its law enforcement officers, employees, and agents for lawsuits
30.26 under the United States Constitution or establishes that liability coverage exists under the
30.27 Federal Torts Claims Act, United States Code, title 28, section 1346(b) et al., as extended
30.28 to the band pursuant to the Indian Self-Determination and Education Assistance Act of
30.29 1975, United States Code, title 25, section 450F(c); and

30.30 (4) the band agrees to be subject to section 13.82 and any other laws of the state relating
30.31 to data practices of law enforcement agencies.

30.32 (b) ~~By July 1, 1998,~~ The band ~~shall~~ may enter into written mutual aid or cooperative
30.33 agreements with the Carlton County sheriff, the St. Louis County sheriff, and the city of

31.1 Cloquet under section 471.59 to define and regulate the provision of law enforcement
31.2 services under this section. If entered, the agreements must define the following:

31.3 (1) the trust property involved in the joint powers agreement;

31.4 (2) the responsibilities of the county sheriffs;

31.5 (3) the responsibilities of the county attorneys; and

31.6 (4) the responsibilities of the city of Cloquet city attorney and police department.

31.7 Sec. 14. Minnesota Statutes 2022, section 626.92, subdivision 3, is amended to read:

31.8 Subd. 3. **Concurrent jurisdiction.** The band shall have concurrent jurisdictional authority
31.9 under this section with the Carlton County and St. Louis County Sheriffs' Departments over
31.10 crimes committed within the boundaries of the Fond du Lac Reservation ~~as indicated by~~
31.11 ~~the mutual aid or cooperative agreements entered into under subdivision 2, paragraph (b),~~
31.12 ~~and any exhibits or attachments to those agreements~~ if the requirements of subdivision 2,
31.13 paragraph (a), are met, regardless of whether a cooperative agreement pursuant to subdivision
31.14 2, paragraph (b), is entered into.

31.15 Sec. 15. Minnesota Statutes 2022, section 626.93, subdivision 3, is amended to read:

31.16 Subd. 3. **Concurrent jurisdiction.** If the requirements of subdivision 2 are met ~~and the~~
31.17 ~~tribe enters into a cooperative agreement pursuant to subdivision 4,~~ the Tribe ~~shall have~~ has
31.18 concurrent jurisdictional authority under this section with the local county sheriff within
31.19 the geographical boundaries of the Tribe's reservation to enforce state criminal law.

31.20 Sec. 16. Minnesota Statutes 2022, section 626.93, subdivision 4, is amended to read:

31.21 Subd. 4. **Cooperative agreements.** In order to coordinate, define, and regulate the
31.22 provision of law enforcement services and to provide for mutual aid and cooperation,
31.23 governmental units and the Tribe ~~shall~~ may enter into agreements under section 471.59.
31.24 For the purposes of entering into these agreements, the Tribe ~~shall be~~ is considered a
31.25 "governmental unit" as that term is defined in section 471.59, subdivision 1.

31.26 Sec. 17. Minnesota Statutes 2022, section 626A.35, is amended by adding a subdivision
31.27 to read:

31.28 Subd. 2b. **Exception; stolen motor vehicles.** (a) The prohibition under subdivision 1
31.29 does not apply to the use of a mobile tracking device on a stolen motor vehicle when:

31.30 (1) the consent of the owner of the vehicle has been obtained; or

32.1 (2) the owner of the motor vehicle has reported to law enforcement that the vehicle is
 32.2 stolen, and the vehicle is occupied when the tracking device is installed.

32.3 (b) Within 24 hours of a tracking device being attached to a vehicle pursuant to the
 32.4 authority granted in paragraph (a), clause (2), an officer employed by the agency that attached
 32.5 the tracking device to the vehicle must remove the device, disable the device, or obtain a
 32.6 search warrant granting approval to continue to use the device in the investigation.

32.7 (c) A peace officer employed by the agency that attached a tracking device to a stolen
 32.8 motor vehicle must remove the tracking device if the vehicle is recovered and returned to
 32.9 the owner.

32.10 (d) Any tracking device evidence collected after the motor vehicle is returned to the
 32.11 owner is inadmissible.

32.12 (e) By August 1, 2024, and each year thereafter, the chief law enforcement officer of an
 32.13 agency that obtains a search warrant under paragraph (b) must provide notice to the
 32.14 superintendent of the Bureau of Criminal Apprehension of the number of search warrants
 32.15 the agency obtained under this subdivision in the preceding 12 months. The superintendent
 32.16 must provide a summary of the data received pursuant to this paragraph in the bureau's
 32.17 biennial report to the legislature required under section 299C.18.

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

32.19 Sec. 18. Laws 1961, chapter 108, section 1, as amended by Laws 1969, chapter 604,
 32.20 section 1, and Laws 1978, chapter 580, section 1, is amended to read:

32.21 **Sec. 1. MINNEAPOLIS, CITY OF; POLICE DEPARTMENT.**

32.22 Notwithstanding any provisions of the Minneapolis city charter, veterans' preference,
 32.23 or civil service law, rule, or regulation to the contrary, the superintendent of police of the
 32.24 city of Minneapolis shall after the effective date of this act have the title and be designated
 32.25 as chief of police of the city of Minneapolis and may appoint ~~three~~ deputy chiefs of police,
 32.26 ~~five~~ inspectors of police, the supervisor of the morals and narcotics section, the supervisor
 32.27 of the internal affairs unit, and the supervisor of license inspection, such personnel to be
 32.28 appointed from among the members of the Minneapolis police department holding at least
 32.29 the rank of ~~patrolman~~ patrol officer.

32.30 **EFFECTIVE DATE.** This section is effective the day after the governing body of the
 32.31 city of Minneapolis and its chief of clerical affairs comply with Minnesota Statutes, section
 32.32 645.021, subdivisions 2 and 3.

33.1 Sec. 19. **REPEALER.**33.2 Minnesota Statutes 2022, section 626.93, subdivision 7, is repealed.33.3 **ARTICLE 5**33.4 **CRIMINAL**

33.5 Section 1. Minnesota Statutes 2022, section 243.166, subdivision 1b, is amended to read:

33.6 Subd. 1b. **Registration required.** (a) A person shall register under this section if:33.7 (1) the person was charged with or petitioned for a felony violation of or attempt to
33.8 violate, or aiding, abetting, or conspiracy to commit, any of the following, and convicted
33.9 of or adjudicated delinquent for that offense or another offense arising out of the same set
33.10 of circumstances:

33.11 (i) murder under section 609.185, paragraph (a), clause (2);

33.12 (ii) kidnapping under section 609.25;

33.13 (iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451,
33.14 subdivision 3, paragraph (b); or 609.3453;

33.15 (iv) indecent exposure under section 617.23, subdivision 3; or

33.16 (v) surreptitious intrusion under the circumstances described in section 609.746,
33.17 subdivision 1, paragraph ~~(f)~~ (h);33.18 (2) the person was charged with or petitioned for a violation of, or attempt to violate, or
33.19 aiding, abetting, or conspiring to commit any of the following and convicted of or adjudicated
33.20 delinquent for that offense or another offense arising out of the same set of circumstances:

33.21 (i) criminal abuse in violation of section 609.2325, subdivision 1, paragraph (b);

33.22 (ii) false imprisonment in violation of section 609.255, subdivision 2;

33.23 (iii) solicitation, inducement, or promotion of the prostitution of a minor or engaging in
33.24 the sex trafficking of a minor in violation of section 609.322;

33.25 (iv) a prostitution offense in violation of section 609.324, subdivision 1, paragraph (a);

33.26 (v) soliciting a minor to engage in sexual conduct in violation of section 609.352,
33.27 subdivision 2 or 2a, clause (1);

33.28 (vi) using a minor in a sexual performance in violation of section 617.246; or

33.29 (vii) possessing pornographic work involving a minor in violation of section 617.247;

34.1 (3) the person was sentenced as a patterned sex offender under section 609.3455,
34.2 subdivision 3a; or

34.3 (4) the person was charged with or petitioned for, including pursuant to a court martial,
34.4 violating a law of the United States, including the Uniform Code of Military Justice, similar
34.5 to an offense or involving similar circumstances to an offense described in clause (1), (2),
34.6 or (3), and convicted of or adjudicated delinquent for that offense or another offense arising
34.7 out of the same set of circumstances.

34.8 (b) A person also shall register under this section if:

34.9 (1) the person was charged with or petitioned for an offense in another state similar to
34.10 an offense or involving similar circumstances to an offense described in paragraph (a),
34.11 clause (1), (2), or (3), and convicted of or adjudicated delinquent for that offense or another
34.12 offense arising out of the same set of circumstances;

34.13 (2) the person enters this state to reside, work, or attend school, or enters this state and
34.14 remains for 14 days or longer or for an aggregate period of time exceeding 30 days during
34.15 any calendar year; and

34.16 (3) ten years have not elapsed since the person was released from confinement or, if the
34.17 person was not confined, since the person was convicted of or adjudicated delinquent for
34.18 the offense that triggers registration, unless the person is subject to a longer registration
34.19 period under the laws of another state in which the person has been convicted or adjudicated,
34.20 or is subject to lifetime registration.

34.21 If a person described in this paragraph is subject to a longer registration period in another
34.22 state or is subject to lifetime registration, the person shall register for that time period
34.23 regardless of when the person was released from confinement, convicted, or adjudicated
34.24 delinquent.

34.25 (c) A person also shall register under this section if the person was committed pursuant
34.26 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter
34.27 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the
34.28 United States, regardless of whether the person was convicted of any offense.

34.29 (d) A person also shall register under this section if:

34.30 (1) the person was charged with or petitioned for a felony violation or attempt to violate
34.31 any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or
34.32 the United States, or the person was charged with or petitioned for a violation of any of the

35.1 offenses listed in paragraph (a), clause (2), or a similar law of another state or the United
35.2 States;

35.3 (2) the person was found not guilty by reason of mental illness or mental deficiency
35.4 after a trial for that offense, or found guilty but mentally ill after a trial for that offense, in
35.5 states with a guilty but mentally ill verdict; and

35.6 (3) the person was committed pursuant to a court commitment order under section
35.7 253B.18 or a similar law of another state or the United States.

35.8 **EFFECTIVE DATE.** This section is effective August 1, 2023.

35.9 Sec. 2. Minnesota Statutes 2022, section 244.09, is amended by adding a subdivision to
35.10 read:

35.11 **Subd. 15. Report on sentencing adjustments.** The Sentencing Guidelines Commission
35.12 shall include in its annual report to the legislature a summary and analysis of sentence
35.13 adjustments issued under section 609.133. At a minimum, the summary and analysis must
35.14 include information on the counties where a sentencing adjustment was granted and on the
35.15 race, sex, and age of individuals who received a sentence adjustment.

35.16 Sec. 3. **[604.32] CAUSE OF ACTION FOR NONCONSENSUAL DISSEMINATION**
35.17 **OF A DEEP FAKE DEPICTING INTIMATE PARTS OR SEXUAL ACTS.**

35.18 **Subdivision 1. Definitions.** (a) As used in this section, the following terms have the
35.19 meanings given.

35.20 (b) "Deep fake" means any video recording, motion-picture film, sound recording,
35.21 electronic image, or photograph, or any technological representation of speech or conduct
35.22 substantially derivative thereof:

35.23 (1) that is so realistic that a reasonable person would believe it depicts speech or conduct
35.24 of an individual; and

35.25 (2) the production of which was substantially dependent upon technical means, rather
35.26 than the ability of another individual to physically or verbally impersonate such individual.

35.27 (c) "Depicted individual" means an individual in a deep fake who appears to be engaging
35.28 in speech or conduct in which the individual did not engage.

35.29 (d) "Intimate parts" means the genitals, pubic area, partially or fully exposed nipple, or
35.30 anus of an individual.

36.1 (e) "Personal information" means any identifier that permits communication or in-person
36.2 contact with a person, including:

36.3 (1) a person's first and last name, first initial and last name, first name and last initial,
36.4 or nickname;

36.5 (2) a person's home, school, or work address;

36.6 (3) a person's telephone number, email address, or social media account information; or

36.7 (4) a person's geolocation data.

36.8 (f) "Sexual act" means either sexual contact or sexual penetration.

36.9 (g) "Sexual contact" means the intentional touching of intimate parts or intentional
36.10 touching with seminal fluid or sperm onto another person's body.

36.11 (h) "Sexual penetration" means any of the following acts:

36.12 (1) sexual intercourse, cunnilingus, fellatio, or anal intercourse; or

36.13 (2) any intrusion, however slight, into the genital or anal openings of an individual by
36.14 another's body part or an object used by another for this purpose.

36.15 Subd. 2. **Nonconsensual dissemination of a deep fake.** (a) A cause of action against a
36.16 person for the nonconsensual dissemination of a deep fake exists when:

36.17 (1) a person disseminated a deep fake with knowledge that the depicted individual did
36.18 not consent to its public dissemination;

36.19 (2) the deep fake realistically depicts any of the following:

36.20 (i) the intimate parts of another individual presented as the intimate parts of the depicted
36.21 individual;

36.22 (ii) artificially generated intimate parts presented as the intimate parts of the depicted
36.23 individual; or

36.24 (iii) the depicted individual engaging in a sexual act; and

36.25 (3) the depicted individual is identifiable:

36.26 (i) from the deep fake itself, by the depicted individual or by another person; or

36.27 (ii) from the personal information displayed in connection with the deep fake.

36.28 (b) The fact that the depicted individual consented to the creation of the deep fake or to
36.29 the voluntary private transmission of the deep fake is not a defense to liability for a person

37.1 who has disseminated the deep fake with knowledge that the depicted individual did not
37.2 consent to its public dissemination.

37.3 Subd. 3. **Damages.** The court may award the following damages to a prevailing plaintiff
37.4 from a person found liable under subdivision 2:

37.5 (1) general and special damages, including all finance losses due to the dissemination
37.6 of the deep fake and damages for mental anguish;

37.7 (2) an amount equal to any profit made from the dissemination of the deep fake by the
37.8 person who intentionally disclosed the deep fake;

37.9 (3) a civil penalty awarded to the plaintiff of an amount up to \$10,000; and

37.10 (4) court costs, fees, and reasonable attorney fees.

37.11 Subd. 4. **Injunction; temporary relief.** (a) A court may issue a temporary or permanent
37.12 injunction or restraining order to prevent further harm to the plaintiff.

37.13 (b) The court may issue a civil fine for the violation of a court order in an amount up to
37.14 \$1,000 per day for failure to comply with an order granted under this section.

37.15 Subd. 5. **Confidentiality.** The court shall allow confidential filings to protect the privacy
37.16 of the plaintiff in cases filed under this section.

37.17 Subd. 6. **Liability; exceptions.** (a) No person shall be found liable under this section
37.18 when:

37.19 (1) the dissemination is made for the purpose of a criminal investigation or prosecution
37.20 that is otherwise lawful;

37.21 (2) the dissemination is for the purpose of, or in connection with, the reporting of unlawful
37.22 conduct;

37.23 (3) the dissemination is made in the course of seeking or receiving medical or mental
37.24 health treatment, and the image is protected from further dissemination;

37.25 (4) the deep fake was obtained in a commercial setting for the purpose of the legal sale
37.26 of goods or services, including the creation of artistic products for sale or display, and the
37.27 depicted individual knew that a deep fake would be created and disseminated in a commercial
37.28 setting;

37.29 (5) the deep fake relates to a matter of public interest; dissemination serves a lawful
37.30 public purpose; the person disseminating the deep fake as a matter of public interest clearly
37.31 identifies that the video recording, motion-picture film, sound recording, electronic image,

38.1 photograph, or other item is a deep fake; and the person acts in good faith to prevent further
38.2 dissemination of the deep fake;

38.3 (6) the dissemination is for legitimate scientific research or educational purposes, the
38.4 deep fake is clearly identified as such, and the person acts in good faith to minimize the risk
38.5 that the deep fake will be further disseminated;

38.6 (7) the dissemination is made for legal proceedings and is consistent with common
38.7 practice in civil proceedings necessary for the proper functioning of the criminal justice
38.8 system, or protected by court order which prohibits any further dissemination;

38.9 (8) the dissemination involves parody, satire, commentary, or criticism; or

38.10 (9) the dissemination involves works of political or newsworthy value.

38.11 (b) This section does not alter or amend the liabilities and protections granted by United
38.12 States Code, title 47, section 230, and shall be construed in a manner consistent with federal
38.13 law.

38.14 (c) A cause of action arising under this section does not prevent the use of any other
38.15 cause of action or remedy available under the law.

38.16 Subd. 7. **Jurisdiction.** A court has jurisdiction over a cause of action filed pursuant to
38.17 this section if the plaintiff or defendant resides in this state.

38.18 Subd. 8. **Venue.** A cause of action arising under this section may be filed in either:

38.19 (1) the county of residence of the defendant or plaintiff or in the jurisdiction of the
38.20 plaintiff's designated address if the plaintiff participates in the address confidentiality program
38.21 established by chapter 5B; or

38.22 (2) the county where any deep fake is produced, reproduced, or stored in violation of
38.23 this section.

38.24 Subd. 9. **Discovery of dissemination.** In a civil action brought under subdivision 2, the
38.25 statute of limitations is tolled until the plaintiff discovers the deep fake has been disseminated.

38.26 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to
38.27 dissemination of a deep fake that takes place on or after that date.

38.28 Sec. 4. Minnesota Statutes 2022, section 609.02, subdivision 2, is amended to read:

38.29 Subd. 2. **Felony.** "Felony" means a crime for which a sentence of imprisonment for
38.30 ~~more than~~ one year or more may be imposed.

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

39.1 Sec. 5. Minnesota Statutes 2022, section 609.03, is amended to read:

39.2 **609.03 PUNISHMENT WHEN NOT OTHERWISE FIXED.**

39.3 If a person is convicted of a crime for which no punishment is otherwise provided the
39.4 person may be sentenced as follows:

39.5 (1) If the crime is a felony, to imprisonment for not more than five years or to payment
39.6 of a fine of not more than \$10,000, or both; or

39.7 (2) If the crime is a gross misdemeanor, to imprisonment for not more than ~~one year~~
39.8 364 days or to payment of a fine of not more than \$3,000, or both; or

39.9 (3) If the crime is a misdemeanor, to imprisonment for not more than 90 days or to
39.10 payment of a fine of not more than \$1,000, or both; or

39.11 (4) If the crime is other than a misdemeanor and a fine is imposed but the amount is not
39.12 specified, to payment of a fine of not more than \$1,000, or to imprisonment for a specified
39.13 term of not more than six months if the fine is not paid.

39.14 **EFFECTIVE DATE.** This section is effective the day following final enactment and
39.15 applies to offenders receiving a gross misdemeanor sentence before, on, or after that date.

39.16 Sec. 6. **[609.0342] MAXIMUM PUNISHMENT FOR GROSS MISDEMEANORS.**

39.17 (a) Any law of this state that provides for a maximum sentence of imprisonment of one
39.18 year or is defined as a gross misdemeanor shall be deemed to provide for a maximum fine
39.19 of \$3,000 and a maximum sentence of imprisonment of 364 days.

39.20 (b) Any sentence of imprisonment for one year or 365 days imposed or executed before
39.21 July 1, 2023, shall be deemed to be a sentence of imprisonment for 364 days. A court may
39.22 at any time correct or reduce such a sentence pursuant to rule 27.03, subdivision 9, of the
39.23 Rules of Criminal Procedure and shall issue a corrected sentencing order upon motion of
39.24 any eligible defendant.

39.25 **EFFECTIVE DATE.** This section is effective the day following final enactment and
39.26 applies to offenders receiving a gross misdemeanor sentence before, on, or after that date.

39.27 Sec. 7. Minnesota Statutes 2022, section 609.105, subdivision 1, is amended to read:

39.28 Subdivision 1. **Sentence to ~~more than one year~~ or more.** A felony sentence to
39.29 imprisonment for ~~more than one year~~ or more shall commit the defendant to the custody of
39.30 the commissioner of corrections.

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

40.2 Sec. 8. Minnesota Statutes 2022, section 609.105, subdivision 3, is amended to read:

40.3 Subd. 3. **Sentence to less than one year ~~or less~~.** A sentence to imprisonment for a period
40.4 of less than one year ~~or any lesser period~~ shall be to a workhouse, work farm, county jail,
40.5 or other place authorized by law.

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

40.7 Sec. 9. Minnesota Statutes 2022, section 609.1055, is amended to read:

40.8 **609.1055 OFFENDERS WITH SERIOUS AND PERSISTENT MENTAL ILLNESS;**
40.9 **ALTERNATIVE PLACEMENT.**

40.10 When a court intends to commit an offender with a serious and persistent mental illness,
40.11 as defined in section 245.462, subdivision 20, paragraph (c), to the custody of the
40.12 commissioner of corrections for imprisonment at a state correctional facility, either when
40.13 initially pronouncing a sentence or when revoking an offender's probation, the court, when
40.14 consistent with public safety, may instead place the offender on probation or continue the
40.15 offender's probation and require as a condition of the probation that the offender successfully
40.16 complete an appropriate supervised alternative living program having a mental health
40.17 treatment component. This section applies only to offenders who would have a remaining
40.18 term of imprisonment after adjusting for credit for prior imprisonment, if any, of ~~more than~~
40.19 one year or more.

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

40.21 Sec. 10. **[609.133] SENTENCE ADJUSTMENT.**

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

40.23 (1) "prosecutor" means the attorney general, county attorney, or city attorney responsible
40.24 for the prosecution of individuals charged with a crime; and

40.25 (2) "victim" has the meaning given in section 611A.01.

40.26 Subd. 2. **Prosecutor-initiated sentence adjustment.** The prosecutor responsible for
40.27 the prosecution of an individual convicted of a crime may commence a proceeding to adjust
40.28 the sentence of that individual at any time after the initial sentencing provided the prosecutor
40.29 does not seek to increase the period of confinement or, if the individual is serving a stayed
40.30 sentence, increase the period of supervision.

41.1 Subd. 3. Review by prosecutor. (a) A prosecutor may review individual cases at the
41.2 prosecutor's discretion.

41.3 (b) Prior to filing a petition under this section, a prosecutor shall make a reasonable and
41.4 good faith effort to seek input from any identifiable victim and shall consider the impact
41.5 an adjusted sentence would have on the victim.

41.6 (c) The commissioner of corrections, a supervising agent, or an offender may request
41.7 that a prosecutor review an individual case. A prosecutor is not required to respond to a
41.8 request. Inaction by a prosecutor shall not be considered by any court as grounds for an
41.9 offender, a supervising agent, or the commissioner of corrections to petition for a sentence
41.10 adjustment under this section or for a court to adjust a sentence without a petition.

41.11 Subd. 4. Petition; contents; fee. (a) A prosecutor's petition for sentence adjustment
41.12 shall be filed in the district court where the individual was convicted and include the
41.13 following:

41.14 (1) the full name of the individual on whose behalf the petition is being brought and, to
41.15 the extent possible, all other legal names or aliases by which the individual has been known
41.16 at any time;

41.17 (2) the individual's date of birth;

41.18 (3) the individual's address;

41.19 (4) a brief statement of the reason the prosecutor is seeking a sentence adjustment for
41.20 the individual;

41.21 (5) the details of the offense for which an adjustment is sought, including:

41.22 (i) the date and jurisdiction of the occurrence;

41.23 (ii) either the names of any victims or that there were no identifiable victims;

41.24 (iii) whether there is a current order for protection, restraining order, or other no contact
41.25 order prohibiting the individual from contacting the victims or whether there has ever been
41.26 a prior order for protection or restraining order prohibiting the individual from contacting
41.27 the victims;

41.28 (iv) the court file number; and

41.29 (v) the date of conviction;

42.1 (6) what steps the individual has taken since the time of the offense toward personal
42.2 rehabilitation, including treatment, work, good conduct within correctional facilities, or
42.3 other personal history that demonstrates rehabilitation;

42.4 (7) the individual's criminal conviction record indicating all convictions for
42.5 misdemeanors, gross misdemeanors, or felonies in this state, and for all comparable
42.6 convictions in any other state, federal court, or foreign country, whether the convictions
42.7 occurred before or after the conviction for which an adjustment is sought;

42.8 (8) the individual's criminal charges record indicating all prior and pending criminal
42.9 charges against the individual in this state or another jurisdiction, including all criminal
42.10 charges that have been continued for dismissal, stayed for adjudication, or were the subject
42.11 of pretrial diversion; and

42.12 (9) to the extent known, all prior requests by the individual, whether for the present
42.13 offense or for any other offenses in this state or any other state or federal court, for pardon,
42.14 return of arrest records, or expungement or sealing of a criminal record, whether granted
42.15 or not, and all stays of adjudication or imposition of sentence involving the petitioner.

42.16 (b) The filing fee for a petition brought under this section shall be waived.

42.17 Subd. 5. **Service of petition.** (a) The prosecutor shall serve the petition for sentence
42.18 adjustment on the individual on whose behalf the petition is being brought.

42.19 (b) The prosecutor shall make a good faith and reasonable effort to notify any person
42.20 determined to be a victim of the offense for which adjustment is sought of the existence of
42.21 a petition. Notification under this paragraph does not constitute a violation of an existing
42.22 order for protection, restraining order, or other no contact order.

42.23 (c) Notice to victims of the offense under this subdivision must:

42.24 (1) specifically inform the victim of the right to object, orally or in writing, to the
42.25 proposed adjustment of sentence; and

42.26 (2) inform the victims of the right to be present and to submit an oral or written statement
42.27 at the hearing described in subdivision 6.

42.28 (d) If a victim notifies the prosecutor of an objection to the proposed adjustment of
42.29 sentence and is not present when the court considers the sentence adjustment, the prosecutor
42.30 shall make these objections known to the court.

42.31 Subd. 6. **Hearing.** (a) The court shall hold a hearing on the petition no sooner than 60
42.32 days after service of the petition. The hearing shall be scheduled so that the parties have

43.1 adequate time to prepare and present arguments regarding the issue of sentence adjustment.
43.2 The parties may submit written arguments to the court prior to the date of the hearing and
43.3 may make oral arguments before the court at the hearing. The individual on whose behalf
43.4 the petition has been brought must be present at the hearing, unless excused under Minnesota
43.5 Rules of Criminal Procedure, rule 26.03, subdivision 1, clause (3).

43.6 (b) A victim of the offense for which sentence adjustment is sought has a right to submit
43.7 an oral or written statement to the court at the time of the hearing describing the harm
43.8 suffered by the victim as a result of the crime and the victim's recommendation on whether
43.9 adjustment should be granted or denied. The judge shall consider the victim's statement
43.10 when making a decision.

43.11 (c) Representatives of the Department of Corrections, supervising agents, community
43.12 treatment providers, and any other individual with relevant information may submit an oral
43.13 or written statement to the court at the time of the hearing.

43.14 Subd. 7. **Nature of remedy; standard.** (a) The court shall determine whether there are
43.15 substantial and compelling reasons to adjust the individual's sentence. In making this
43.16 determination, the court shall consider what impact, if any, a sentence adjustment would
43.17 have on public safety, including whether an adjustment would promote the rehabilitation
43.18 of the individual, properly reflect the severity of the underlying offense, or reduce sentencing
43.19 disparities. In making this determination, the court may consider factors relating to both the
43.20 offender and the offense, including but not limited to:

43.21 (1) the presentence investigation report used at sentencing, if available;

43.22 (2) the individual's performance on probation or supervision;

43.23 (3) the individual's disciplinary record during any period of incarceration;

43.24 (4) records of any rehabilitation efforts made by the individual since the date of offense
43.25 and any plan to continue those efforts in the community;

43.26 (5) evidence that remorse, age, diminished physical condition, or any other factor has
43.27 significantly reduced the likelihood that the individual will commit a future offense;

43.28 (6) the amount of time the individual has served in custody or under supervision; and

43.29 (7) significant changes in law or sentencing practice since the date of offense.

43.30 (b) Notwithstanding any law to the contrary, if the court determines by a preponderance
43.31 of the evidence that there are substantial and compelling reasons to adjust the individual's
43.32 sentence, the court may modify the sentence in any way provided the adjustment does not:

44.1 (1) increase the period of confinement or, if the individual is serving a stayed sentence,
44.2 increase the period of supervision;

44.3 (2) reduce or eliminate the amount of court-ordered restitution; or

44.4 (3) reduce or eliminate a term of conditional release required by law when a court
44.5 commits an offender to the custody of the commissioner of corrections.

44.6 The court may stay imposition or execution of sentence pursuant to section 609.135.

44.7 (c) A sentence adjustment is not a valid basis to vacate the judgment of conviction, enter
44.8 a judgment of conviction for a different offense, or impose sentence for any other offense.

44.9 (d) The court shall state in writing or on the record the reasons for its decision on the
44.10 petition. If the court grants a sentence adjustment, the court shall provide the information
44.11 in section 244.09, subdivision 15, to the Sentencing Guidelines Commission.

44.12 Subd. 8. Appeals. An order issued under this section shall not be considered a final
44.13 judgment, but shall be treated as an order imposing or staying a sentence.

44.14 **EFFECTIVE DATE.** This section is effective August 1, 2023.

44.15 Sec. 11. Minnesota Statutes 2022, section 609.135, subdivision 1a, is amended to read:

44.16 Subd. 1a. **Failure to pay restitution.** If the court orders payment of restitution as a
44.17 condition of probation and if the defendant fails to pay the restitution in accordance with
44.18 the payment schedule or structure established by the court or the probation officer, the
44.19 prosecutor or the defendant's probation officer may, on the prosecutor's or the officer's own
44.20 motion or at the request of the victim, ask the court to hold a hearing to determine whether
44.21 or not the conditions of probation should be changed or probation should be revoked. The
44.22 defendant's probation officer shall ask for the hearing if the restitution ordered has not been
44.23 paid prior to 60 days before the term of probation expires. The court shall schedule and hold
44.24 this hearing and take appropriate action, including action under subdivision 2, paragraph
44.25 ~~(g)~~ (h), before the defendant's term of probation expires.

44.26 Nothing in this subdivision limits the court's ability to refer the case to collections under
44.27 section 609.104 when a defendant fails to pay court-ordered restitution.

44.28 Sec. 12. Minnesota Statutes 2022, section 609.135, subdivision 1c, is amended to read:

44.29 Subd. 1c. **Failure to complete court-ordered treatment.** If the court orders a defendant
44.30 to undergo treatment as a condition of probation and if the defendant fails to successfully
44.31 complete treatment at least 60 days before the term of probation expires, the prosecutor or

45.1 the defendant's probation officer may ask the court to hold a hearing to determine whether
45.2 the conditions of probation should be changed or probation should be revoked. The court
45.3 shall schedule and hold this hearing and take appropriate action, including action under
45.4 subdivision 2, paragraph ~~(h)~~ (i), before the defendant's term of probation expires.

45.5 Sec. 13. Minnesota Statutes 2022, section 609.135, subdivision 2, is amended to read:

45.6 Subd. 2. **Stay of sentence maximum periods.** (a) Except as provided in paragraph (b),
45.7 if the conviction is for a felony ~~other than section 609.2113, subdivision 1 or 2, 609.2114,~~
45.8 ~~subdivision 2, or section 609.3451, subdivision 1 or 1a, or Minnesota Statutes 2012, section~~
45.9 ~~609.21, subdivision 1a, paragraph (b) or (c),~~ the stay shall be for not more than ~~four~~ five
45.10 years or the maximum period for which the sentence of imprisonment might have been
45.11 imposed, whichever is ~~longer~~ less.

45.12 (b) If the conviction is for a felony described in section 609.19; 609.195; 609.20;
45.13 609.2112; 609.2113, subdivision 2; 609.2662; 609.2663; 609.2664; 609.268; 609.342;
45.14 609.343; 609.344; 609.345; 609.3451; or 609.3458, the stay shall be for not more than four
45.15 years or the maximum period for which the sentence of imprisonment might have been
45.16 imposed, whichever is longer.

45.17 ~~(b)~~ (c) If the conviction is for a gross misdemeanor violation of section 169A.20,
45.18 609.2113, subdivision 3, or 609.3451, ~~or for a felony described in section 609.2113,~~
45.19 ~~subdivision 1 or 2, 609.2114, subdivision 2, or 609.3451, subdivision 1 or 1a,~~ the stay shall
45.20 be for not more than ~~six~~ four years. The court shall provide for unsupervised probation for
45.21 the last year of the stay unless the court finds that the defendant needs supervised probation
45.22 for all or part of the last year.

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

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

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

46.1 ~~(f)~~ (g) The defendant shall be discharged six months after the term of the stay expires,
46.2 unless the stay has been revoked or extended under paragraph ~~(g)~~ (h), or the defendant has
46.3 already been discharged.

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

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

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

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

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

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

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

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

46.23 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to sentences
46.24 announced on or after that date.

46.25 Sec. 14. Minnesota Statutes 2022, section 609.746, subdivision 1, is amended to read:

46.26 Subdivision 1. **Surreptitious intrusion; observation device.** (a) A person is guilty of
46.27 a gross misdemeanor who:

46.28 (1) enters upon another's property;

46.29 (2) surreptitiously gazes, stares, or peeps in the window or any other aperture of a house
46.30 or place of dwelling of another; and

47.1 (3) does so with intent to intrude upon or interfere with the privacy of a member of the
47.2 household.

47.3 (b) A person is guilty of a gross misdemeanor who:

47.4 (1) enters upon another's property;

47.5 (2) surreptitiously installs or uses any device for observing, photographing, recording,
47.6 amplifying, or broadcasting sounds or events through the window or any other aperture of
47.7 a house or place of dwelling of another; and

47.8 (3) does so with intent to intrude upon or interfere with the privacy of a member of the
47.9 household.

47.10 (c) A person is guilty of a gross misdemeanor who:

47.11 (1) surreptitiously gazes, stares, or peeps in the window or other aperture of a sleeping
47.12 room in a hotel, as defined in section 327.70, subdivision 3, a tanning booth, or other place
47.13 where a reasonable person would have an expectation of privacy and has exposed or is
47.14 likely to expose their intimate parts, as defined in section 609.341, subdivision 5, or the
47.15 clothing covering the immediate area of the intimate parts; and

47.16 (2) does so with intent to intrude upon or interfere with the privacy of the occupant.

47.17 (d) A person is guilty of a gross misdemeanor who:

47.18 (1) surreptitiously installs or uses any device for observing, photographing, recording,
47.19 amplifying, or broadcasting sounds or events through the window or other aperture of a
47.20 sleeping room in a hotel, as defined in section 327.70, subdivision 3, a tanning booth, or
47.21 other place where a reasonable person would have an expectation of privacy and has exposed
47.22 or is likely to expose their intimate parts, as defined in section 609.341, subdivision 5, or
47.23 the clothing covering the immediate area of the intimate parts; and

47.24 (2) does so with intent to intrude upon or interfere with the privacy of the occupant.

47.25 (e) A person is guilty of a gross misdemeanor who:

47.26 (1) uses any device for photographing, recording, or broadcasting an image of an
47.27 individual in a house or place of dwelling, a sleeping room of a hotel as defined in section
47.28 327.70, subdivision 3, a tanning booth, a bathroom, a locker room, a changing room, an
47.29 indoor shower facility, or any place where a reasonable person would have an expectation
47.30 of privacy; and

48.1 (2) does so with the intent to photograph, record, or broadcast an image of the individual's
 48.2 intimate parts, as defined in section 609.341, subdivision 5, without the consent of the
 48.3 individual.

48.4 (f) A person is guilty of a misdemeanor who:

48.5 (1) surreptitiously installs or uses any device for observing, photographing, recording,
 48.6 or broadcasting an image of an individual's intimate parts, as defined in section 609.341,
 48.7 subdivision 5, or the clothing covering the immediate area of the intimate parts;

48.8 (2) observes, photographs, or records the image under or around the individual's clothing;
 48.9 and

48.10 (3) does so with intent to intrude upon or interfere with the privacy of the individual.

48.11 ~~(e)~~ (g) A person is guilty of a felony and may be sentenced to imprisonment for not more
 48.12 than two years or to payment of a fine of not more than \$5,000, or both, if the person:

48.13 (1) violates ~~this subdivision~~ paragraph (a), (b), (c), (d), or (e) after a previous conviction
 48.14 under this subdivision or section 609.749; or

48.15 (2) violates ~~this subdivision~~ paragraph (a), (b), (c), (d), or (e) against a minor under the
 48.16 age of 18, knowing or having reason to know that the minor is present.

48.17 ~~(f)~~ (h) A person is guilty of a felony and may be sentenced to imprisonment for not more
 48.18 than four years or to payment of a fine of not more than \$5,000, or both, if: (1) the person
 48.19 violates paragraph (b) ~~or~~, (d), or (e) against a minor victim under the age of 18; (2) the
 48.20 person is more than 36 months older than the minor victim; (3) the person knows or has
 48.21 reason to know that the minor victim is present; and (4) the violation is committed with
 48.22 sexual intent.

48.23 (i) A person is guilty of a gross misdemeanor if the person:

48.24 (1) violates paragraph (f) after a previous conviction under this subdivision or section
 48.25 609.749; or

48.26 (2) violates paragraph (f) against a minor under the age of 18, knowing or having reason
 48.27 to know that the victim is a minor.

48.28 (j) A person is guilty of a felony if the person violates paragraph (f) after two or more
 48.29 convictions under this subdivision or section 609.749.

48.30 ~~(g)~~ Paragraphs (k) Paragraph (b) and, (d) do, or (e) does not apply to law enforcement
 48.31 officers or corrections investigators, or to those acting under their direction, while engaged
 48.32 in the performance of their lawful duties. Paragraphs (c) and, (d), and (e) do not apply to

49.1 conduct in: (1) a medical facility; or (2) a commercial establishment if the owner of the
49.2 establishment has posted conspicuous signs warning that the premises are under surveillance
49.3 by the owner or the owner's employees.

49.4 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
49.5 committed on or after that date.

49.6 Sec. 15. **[609.771] USE OF DEEP FAKE TECHNOLOGY TO INFLUENCE AN**
49.7 **ELECTION.**

49.8 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
49.9 meanings given.

49.10 (b) "Candidate" means an individual who seeks nomination or election to a federal,
49.11 statewide, legislative, judicial, or local office including special districts, school districts,
49.12 towns, home rule charter and statutory cities, and counties.

49.13 (c) "Deep fake" means any video recording, motion-picture film, sound recording,
49.14 electronic image, or photograph, or any technological representation of speech or conduct
49.15 substantially derivative thereof:

49.16 (1) that is so realistic that a reasonable person would believe it depicts speech or conduct
49.17 of an individual who did not in fact engage in such speech or conduct; and

49.18 (2) the production of which was substantially dependent upon technical means, rather
49.19 than the ability of another individual to physically or verbally impersonate such individual.

49.20 (d) "Depicted individual" means an individual in a deep fake who appears to be engaging
49.21 in speech or conduct in which the individual did not engage.

49.22 Subd. 2. **Use of deep fake to influence an election; violation.** A person who disseminates
49.23 a deep fake or enters into a contract or other agreement to disseminate a deep fake is guilty
49.24 of a crime and may be sentenced as provided in subdivision 3 if the person knows or
49.25 reasonably should know that the item being disseminated is a deep fake and dissemination:

49.26 (1) takes place within 90 days before an election;

49.27 (2) is made without the consent of the depicted individual; and

49.28 (3) is made with the intent to injure a candidate or influence the result of an election.

49.29 Subd. 3. **Use of deep fake to influence an election; penalty.** A person convicted of
49.30 violating subdivision 2 may be sentenced as follows:

50.1 (1) if the person commits the violation within five years of one or more prior convictions
50.2 under this section, to imprisonment for not more than five years or to payment of a fine of
50.3 not more than \$10,000, or both;

50.4 (2) if the person commits the violation with the intent to cause violence or bodily harm,
50.5 to imprisonment for not more than one year or to payment of a fine of not more than \$3,000,
50.6 or both; or

50.7 (3) in other cases, to imprisonment for not more than 90 days or to payment of a fine of
50.8 not more than \$1,000, or both.

50.9 Subd. 4. **Injunctive relief.** A cause of action for injunctive relief may be maintained
50.10 against any person who is reasonably believed to be about to violate or who is in the course
50.11 of violating this section by:

50.12 (1) the attorney general;

50.13 (2) a county attorney or city attorney;

50.14 (3) the depicted individual; or

50.15 (4) a candidate for nomination or election to a public office who is injured or likely to
50.16 be injured by dissemination.

50.17 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
50.18 committed on or after that date.

50.19 Sec. 16. Minnesota Statutes 2022, section 609.78, subdivision 2a, is amended to read:

50.20 Subd. 2a. **Felony offense; reporting fictitious emergency resulting in serious**
50.21 **injury.** Whoever violates subdivision 2, clause (2), is guilty of a felony and may be sentenced
50.22 as follows:

50.23 (1) to imprisonment for not more than ten years or to payment of a fine of not more than
50.24 \$20,000, or both, if the call triggers an emergency response and, as a result of the response,
50.25 someone suffers great bodily harm or death-; or

50.26 (2) to imprisonment of not more than three years or to payment of a fine of not more
50.27 than \$10,000, or both, if the call triggers an emergency response and as a result of the
50.28 response, someone suffers substantial bodily harm.

50.29 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
50.30 committed on or after that date.

51.1 Sec. 17. Minnesota Statutes 2022, section 609A.02, subdivision 3, is amended to read:

51.2 Subd. 3. **Certain criminal proceedings.** (a) A petition may be filed under section
51.3 609A.03 to seal all records relating to an arrest, indictment or information, trial, or verdict
51.4 if the records are not subject to section 299C.11, subdivision 1, paragraph (b), and if:

51.5 (1) all pending actions or proceedings were resolved in favor of the petitioner. For
51.6 purposes of this chapter, a verdict of not guilty by reason of mental illness is not a resolution
51.7 in favor of the petitioner. For the purposes of this chapter, an action or proceeding is resolved
51.8 in favor of the petitioner, if the petitioner received an order under section 590.11 determining
51.9 that the petitioner is eligible for compensation based on exoneration;

51.10 (2) the petitioner has successfully completed the terms of a diversion program or stay
51.11 of adjudication and has not been charged with a new crime for at least one year since
51.12 completion of the diversion program or stay of adjudication;

51.13 (3) the petitioner was convicted of or received a stayed sentence for a petty misdemeanor
51.14 or misdemeanor and has not been convicted of a new crime for at least two years since
51.15 discharge of the sentence for the crime;

51.16 (4) the petitioner was convicted of or received a stayed sentence for a gross misdemeanor
51.17 and has not been convicted of a new crime for at least four years since discharge of the
51.18 sentence for the crime; or

51.19 (5) the petitioner was convicted of or received a stayed sentence for a felony violation
51.20 of an offense listed in paragraph (b), and has not been convicted of a new crime for at least
51.21 five years since discharge of the sentence for the crime.

51.22 (b) Paragraph (a), clause (5), applies to the following offenses:

51.23 (1) section 35.824 (altering livestock certificate);

51.24 (2) section 62A.41 (insurance regulations);

51.25 (3) section 86B.865, subdivision 1 (certification for title on watercraft);

51.26 (4) section 152.025 (controlled substance in the fifth degree); or 152.097 (sale of
51.27 simulated controlled substance);

51.28 (5) section 168A.30, subdivision 1 (certificate of title false information); or 169.09,
51.29 subdivision 14, paragraph (a), clause (2) (accident resulting in great bodily harm);

51.30 (6) chapter 201; 203B; or 204C (voting violations);

51.31 (7) section 228.45; 228.47; 228.49; 228.50; or 228.51 (false bill of lading);

- 52.1 (8) section 256.984 (false declaration in assistance application);
- 52.2 (9) section 296A.23, subdivision 2 (willful evasion of fuel tax);
- 52.3 (10) section 297D.09, subdivision 1 (failure to affix stamp on scheduled substances);
- 52.4 (11) section 297G.19 (liquor taxation); or 340A.701 (unlawful acts involving liquor);
- 52.5 (12) section 325F.743 (precious metal dealers); or 325F.755, subdivision 7 (prize notices
- 52.6 and solicitations);
- 52.7 (13) section 346.155, subdivision 10 (failure to control regulated animal);
- 52.8 (14) section 349.2127; or 349.22 (gambling regulations);
- 52.9 (15) section 588.20 (contempt);
- 52.10 (16) section 609.27, subdivision 1, clauses (2) to (5) (coercion);
- 52.11 (17) section 609.31 (leaving state to evade establishment of paternity);
- 52.12 (18) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil
- 52.13 commitment for mental illness);
- 52.14 (19) section 609.49 (failure to appear in court);
- 52.15 (20) section 609.52, subdivision 3, clause (3)(a) (theft of \$5,000 or less), or other theft
- 52.16 offense that is sentenced under this provision; or 609.52, subdivision 3a, clause (1) (theft
- 52.17 of \$1,000 or less with risk of bodily harm);
- 52.18 (21) section 609.525 (bringing stolen goods into state);
- 52.19 (22) section 609.526, subdivision 2, clause (2) (metal dealer receiving stolen goods);
- 52.20 (23) section 609.527, subdivision 5b (possession or use of scanning device or reencoder);
- 52.21 609.528, subdivision 3, clause (3) (possession or sale of stolen or counterfeit check); or
- 52.22 609.529 (mail theft);
- 52.23 (24) section 609.53 (receiving stolen goods);
- 52.24 (25) section 609.535, subdivision 2a, paragraph (a), clause (1) (dishonored check over
- 52.25 \$500);
- 52.26 (26) section 609.54, clause (1) (embezzlement of public funds \$2,500 or less);
- 52.27 (27) section 609.551 (rustling and livestock theft);
- 52.28 (28) section 609.5641, subdivision 1a, paragraph (a) (wildfire arson);
- 52.29 (29) section 609.576, subdivision 1, clause (3), item (iii) (negligent fires);

- 53.1 (30) section 609.595, subdivision 1, clauses (3) to (5), and subdivision 1a, paragraph
53.2 (a) (criminal damage to property);
- 53.3 (31) section 609.597, subdivision 3, clause (3) (assaulting or harming police horse);
- 53.4 (32) section 609.625 (aggravated forgery); 609.63 (forgery); 609.631, subdivision 4,
53.5 clause (3)(a) (check forgery \$2,500 or less); 609.635 (obtaining signature by false pretense);
53.6 609.64 (recording, filing forged instrument); or 609.645 (fraudulent statements);
- 53.7 (33) section 609.65, clause (1) (false certification by notary); or 609.651, subdivision
53.8 4, paragraph (a) (lottery fraud);
- 53.9 (34) section 609.652 (fraudulent driver's license and identification card);
- 53.10 (35) section 609.66, subdivision 1a, paragraph (a) (discharge of firearm; silencer); or
53.11 609.66, subdivision 1b (furnishing firearm to minor);
- 53.12 (36) section 609.662, subdivision 2, paragraph (b) (duty to render aid);
- 53.13 (37) section 609.686, subdivision 2 (tampering with fire alarm);
- 53.14 (38) section 609.746, subdivision 1, paragraph ~~(e)~~ (g) (interference with privacy;
53.15 subsequent violation or minor victim);
- 53.16 (39) section 609.80, subdivision 2 (interference with cable communications system);
- 53.17 (40) section 609.821, subdivision 2 (financial transaction card fraud);
- 53.18 (41) section 609.822 (residential mortgage fraud);
- 53.19 (42) section 609.825, subdivision 2 (bribery of participant or official in contest);
- 53.20 (43) section 609.855, subdivision 2, paragraph (c), clause (1) (interference with transit
53.21 operator);
- 53.22 (44) section 609.88 (computer damage); or 609.89 (computer theft);
- 53.23 (45) section 609.893, subdivision 2 (telecommunications and information services fraud);
- 53.24 (46) section 609.894, subdivision 3 or 4 (cellular counterfeiting);
- 53.25 (47) section 609.895, subdivision 3, paragraph (a) or (b) (counterfeited intellectual
53.26 property);
- 53.27 (48) section 609.896 (movie pirating);
- 53.28 (49) section 624.7132, subdivision 15, paragraph (b) (transfer pistol to minor); 624.714,
53.29 subdivision 1a (pistol without permit; subsequent violation); or 624.7141, subdivision 2
53.30 (transfer of pistol to ineligible person); or

54.1 (50) section 624.7181 (rifle or shotgun in public by minor).

54.2 **EFFECTIVE DATE.** This section is effective August 1, 2023.

54.3 Sec. 18. Minnesota Statutes 2022, section 617.22, is amended to read:

54.4 **617.22 CONCEALING BIRTH.**

54.5 ~~Every~~ Any person who ~~shall endeavor~~ attempts to conceal the birth of a child by any
54.6 disposition of its dead body, ~~whether~~ when the child died ~~before or~~ after its birth, shall be
54.7 guilty of a misdemeanor. ~~Every person who, having been convicted of endeavoring to~~
54.8 ~~conceal the stillbirth of any issue, or the death of any issue under the age of two years, shall,~~
54.9 ~~subsequent to that conviction, endeavor to conceal any subsequent birth or death, shall be~~
54.10 ~~punished by imprisonment for not more than five years.~~ This section does not apply to the
54.11 disposition of remains resulting from an abortion or miscarriage.

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

54.13 Sec. 19. Minnesota Statutes 2022, section 617.26, is amended to read:

54.14 **617.26 MAILING AND CARRYING OBSCENE MATTER.**

54.15 Every person who shall deposit or cause to be deposited in any post office in the state,
54.16 or place in charge of any express company or other common carrier or person for
54.17 transportation, any of the articles or things specified in section ~~617.201 or~~ 617.241, or any
54.18 circular, book, pamphlet, advertisement or notice relating thereto, with the intent of having
54.19 the same conveyed by mail, express, or in any other manner; or who shall knowingly or
54.20 willfully receive the same with intent to carry or convey it, or shall knowingly carry or
54.21 convey the same by express, or in any other manner except by United States mail, shall be
54.22 guilty of a misdemeanor. The provisions of this section ~~and section 617.201~~ shall not be
54.23 construed to apply to an article or instrument used by physicians lawfully practicing, or by
54.24 their direction or prescription, for the cure or prevention of disease.

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

54.26 Sec. 20. **[617.262] NONCONSENSUAL DISSEMINATION OF A DEEP FAKE**
54.27 **DEPICTING INTIMATE PARTS OR SEXUAL ACTS.**

54.28 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
54.29 the meanings given.

55.1 (b) "Deep fake" means any video recording, motion-picture film, sound recording,
55.2 electronic image, or photograph, or any technological representation of speech or conduct
55.3 substantially derivative thereof:

55.4 (1) that is so realistic that a reasonable person would believe it depicts speech or conduct
55.5 of an individual; and

55.6 (2) the production of which was substantially dependent upon technical means, rather
55.7 than the ability of another individual to physically or verbally impersonate such individual.

55.8 (c) "Depicted individual" means an individual in a deep fake who appears to be engaging
55.9 in speech or conduct in which the individual did not engage.

55.10 (d) "Dissemination" means distribution to one or more persons, other than the person
55.11 depicted in the deep fake, or publication by any publicly available medium.

55.12 (e) "Harass" means an act that would cause a substantial adverse effect on the safety,
55.13 security, or privacy of a reasonable person.

55.14 (f) "Intimate parts" means the genitals, pubic area, or anus of an individual, or if the
55.15 individual is female, a partially or fully exposed nipple.

55.16 (g) "Personal information" means any identifier that permits communication or in-person
55.17 contact with a person, including:

55.18 (1) a person's first and last name, first initial and last name, first name and last initial,
55.19 or nickname;

55.20 (2) a person's home, school, or work address;

55.21 (3) a person's telephone number, email address, or social media account information; or

55.22 (4) a person's geolocation data.

55.23 (h) "Sexual act" means either sexual contact or sexual penetration.

55.24 (i) "Sexual contact" means the intentional touching of intimate parts or intentional
55.25 touching with seminal fluid or sperm onto another person's body.

55.26 (j) "Sexual penetration" means any of the following acts:

55.27 (1) sexual intercourse, cunnilingus, fellatio, or anal intercourse; or

55.28 (2) any intrusion, however slight, into the genital or anal openings of an individual by
55.29 another's body part or an object used by another for this purpose.

56.1 (k) "Social media" means any electronic medium, including an interactive computer
56.2 service, telephone network, or data network, that allows users to create, share, and view
56.3 user-generated content.

56.4 Subd. 2. **Crime.** It is a crime to intentionally disseminate a deep fake when:

56.5 (1) the actor knows that the depicted individual did not consent to the dissemination;

56.6 (2) the deep fake realistically depicts any of the following:

56.7 (i) the intimate parts of another individual presented as the intimate parts of the depicted
56.8 individual;

56.9 (ii) artificially generated intimate parts presented as the intimate parts of the depicted
56.10 individual; or

56.11 (iii) the depicted individual engaging in a sexual act; and

56.12 (3) the depicted individual is identifiable:

56.13 (i) from the deep fake itself, by the depicted individual or by another person; or

56.14 (ii) from the personal information displayed in connection with the deep fake.

56.15 Subd. 3. **Penalties.** (a) Except as provided in paragraph (b), whoever violates subdivision
56.16 2 is guilty of a gross misdemeanor.

56.17 (b) Whoever violates subdivision 2 may be sentenced to imprisonment for not more than
56.18 three years or to payment of a fine of \$5,000, or both, if one of the following factors is
56.19 present:

56.20 (1) the depicted person suffers financial loss due to the dissemination of the deep fake;

56.21 (2) the actor disseminates the deep fake with intent to profit from the dissemination;

56.22 (3) the actor maintains an Internet website, online service, online application, or mobile
56.23 application for the purpose of disseminating the deep fake;

56.24 (4) the actor posts the deep fake on a website;

56.25 (5) the actor disseminates the deep fake with intent to harass the depicted person;

56.26 (6) the actor obtained the deep fake by committing a violation of section 609.52, 609.746,
56.27 609.89, or 609.891; or

56.28 (7) the actor has previously been convicted under this chapter.

56.29 Subd. 4. **Venue.** Notwithstanding anything to the contrary in section 627.01, an offense
56.30 committed under this section may be prosecuted in:

- 57.1 (1) the county where the offense occurred;
- 57.2 (2) the county of residence of the actor or victim or in the jurisdiction of the victim's
57.3 designated address if the victim participates in the address confidentiality program established
57.4 by chapter 5B; or
- 57.5 (3) only if venue cannot be located in the counties specified under clause (1) or (2), the
57.6 county where any deep fake is produced, reproduced, found, stored, received, or possessed
57.7 in violation of this section.
- 57.8 Subd. 5. Exemptions. Subdivision 2 does not apply when:
- 57.9 (1) the dissemination is made for the purpose of a criminal investigation or prosecution
57.10 that is otherwise lawful;
- 57.11 (2) the dissemination is for the purpose of, or in connection with, the reporting of unlawful
57.12 conduct;
- 57.13 (3) the dissemination is made in the course of seeking or receiving medical or mental
57.14 health treatment, and the image is protected from further dissemination;
- 57.15 (4) the deep fake was obtained in a commercial setting for the purpose of the legal sale
57.16 of goods or services, including the creation of artistic products for sale or display, and the
57.17 depicted individual knew, or should have known, that a deep fake would be created and
57.18 disseminated;
- 57.19 (5) the deep fake relates to a matter of public interest and dissemination serves a lawful
57.20 public purpose;
- 57.21 (6) the dissemination is for legitimate scientific research or educational purposes;
- 57.22 (7) the dissemination is made for legal proceedings and is consistent with common
57.23 practice in civil proceedings necessary for the proper functioning of the criminal justice
57.24 system, or protected by court order which prohibits any further dissemination;
- 57.25 (8) the dissemination involves parody, satire, commentary, or criticism; or
- 57.26 (9) the dissemination involves works of political or newsworthy value.
- 57.27 Subd. 6. Immunity. Nothing in this section shall be construed to impose liability upon
57.28 the following entities solely as a result of content or information provided by another person:
- 57.29 (1) an interactive computer service as defined in United States Code, title 47, section
57.30 230, paragraph (f), clause (2);
- 57.31 (2) a provider of public mobile services or private radio services; or

58.1 (3) a telecommunications network or broadband provider.

58.2 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
58.3 committed on or after that date.

58.4 Sec. 21. Minnesota Statutes 2022, section 628.26, is amended to read:

58.5 **628.26 LIMITATIONS.**

58.6 (a) Indictments or complaints for any crime resulting in the death of the victim may be
58.7 found or made at any time after the death of the person killed.

58.8 (b) Indictments or complaints for a violation of section 609.25 may be found or made
58.9 at any time after the commission of the offense.

58.10 (c) Indictments or complaints for violation of section 609.282 may be found or made at
58.11 any time after the commission of the offense if the victim was under the age of 18 at the
58.12 time of the offense.

58.13 (d) Indictments or complaints for violation of section 609.282 where the victim was 18
58.14 years of age or older at the time of the offense, or 609.42, subdivision 1, clause (1) or (2),
58.15 shall be found or made and filed in the proper court within six years after the commission
58.16 of the offense.

58.17 (e) Indictments or complaints for violation of sections 609.322, 609.342 to 609.345, and
58.18 609.3458 may be found or made at any time after the commission of the offense.

58.19 (f) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision
58.20 2, paragraph (a), clause (3), item (iii), shall be found or made and filed in the proper court
58.21 within six years after the commission of the offense.

58.22 (g) Indictments or complaints for violation of section 609.2335, 609.52, subdivision 2,
58.23 paragraph (a), clause (3), items (i) and (ii), (4), (15), or (16), 609.631, or 609.821, where
58.24 the value of the property or services stolen is more than \$35,000, or for violation of section
58.25 609.527 where the offense involves eight or more direct victims or the total combined loss
58.26 to the direct and indirect victims is more than \$35,000, shall be found or made and filed in
58.27 the proper court within five years after the commission of the offense.

58.28 (h) Except for violations relating to false material statements, representations or
58.29 omissions, indictments or complaints for violations of section 609.671 shall be found or
58.30 made and filed in the proper court within five years after the commission of the offense.

58.31 (i) Indictments or complaints for violation of sections 609.561 to 609.563, shall be found
58.32 or made and filed in the proper court within five years after the commission of the offense.

59.1 (j) Indictments or complaints for violation of section 609.746 shall be found or made
 59.2 and filed in the proper court within the later of three years after the commission of the
 59.3 offense or three years after the offense was reported to law enforcement authorities.

59.4 ~~(j)~~ (k) In all other cases, indictments or complaints shall be found or made and filed in
 59.5 the proper court within three years after the commission of the offense.

59.6 ~~(k)~~ (l) The limitations periods contained in this section shall exclude any period of time
 59.7 during which the defendant was not an inhabitant of or usually resident within this state.

59.8 ~~(l)~~ (m) The limitations periods contained in this section for an offense shall not include
 59.9 any period during which the alleged offender participated under a written agreement in a
 59.10 pretrial diversion program relating to that offense.

59.11 ~~(m)~~ (n) The limitations periods contained in this section shall not include any period of
 59.12 time during which physical evidence relating to the offense was undergoing DNA analysis,
 59.13 as defined in section 299C.155, unless the defendant demonstrates that the prosecuting or
 59.14 law enforcement agency purposefully delayed the DNA analysis process in order to gain
 59.15 an unfair advantage.

59.16 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
 59.17 committed on or after that date and to crimes committed before that date if the limitations
 59.18 period for the crime did not expire before August 1, 2023.

59.19 Sec. 22. Minnesota Statutes 2022, section 638.02, subdivision 3, is amended to read:

59.20 Subd. 3. **Pardon extraordinary; filing; copies sent.** Upon granting a pardon
 59.21 extraordinary, the Board of Pardons shall file a copy of it with the district court of the county
 59.22 in which the conviction occurred, ~~and the court shall order the conviction set aside and~~
 59.23 ~~include a copy of the pardon in the court file.~~ The court shall order all records wherever
 59.24 held relating to the arrest, indictment or information, trial, verdict, and pardon sealed and
 59.25 prohibit the disclosure of the existence of the records or the opening of the records except
 59.26 under court order or pursuant to section 609A.03, subdivision 7a, paragraph (b), clause (1).
 59.27 The court shall send a copy of its order and the pardon to the Bureau of Criminal
 59.28 Apprehension and all other government entities that hold affected records.

59.29 Sec. 23. **PROBATION LIMITS; RETROACTIVE APPLICATION.**

59.30 (a) Any person placed on probation before August 1, 2023, is eligible for resentencing
 59.31 if:

59.32 (1) the person was placed on probation for a gross misdemeanor or felony violation;

60.1 (2) the court placed the person on probation for a length of time for a felony violation
60.2 that exceeded five years or for a gross misdemeanor violation that exceeded four years;

60.3 (3) under Minnesota Statutes, section 609.135, subdivision 2, the maximum length of
60.4 probation the court could have ordered the person to serve on or after August 1, 2023, is
60.5 less than the period imposed; and

60.6 (4) the sentence of imprisonment has not been executed.

60.7 (b) Eligibility for resentencing within the maximum length of probation the court could
60.8 have ordered the person to serve on or after August 1, 2023, applies to each period of
60.9 probation ordered by the court. Upon resentencing, periods of probation must be served
60.10 consecutively if a court previously imposed consecutive periods of probation on the person.
60.11 The court may not increase a previously ordered period of probation under this section or
60.12 order that periods of probation be served consecutively unless the court previously imposed
60.13 consecutive periods of probation.

60.14 (c) Resentencing may take place without a hearing.

60.15 (d) The term of the stay of probation for any person who is eligible for resentencing
60.16 under paragraph (a) and who has served five or more years of probation for a felony violation
60.17 or four or more years of probation for a gross misdemeanor violation as of August 1, 2023,
60.18 shall be considered to have expired on October 1, 2023, unless:

60.19 (1) the term of the stay of probation would have expired before that date under the
60.20 original sentence; or

60.21 (2) the length of probation is extended pursuant to Minnesota Statutes, section 609.135,
60.22 subdivision 2, paragraph (h) or (i).

60.23 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to sentences
60.24 announced before that date.

60.25 **Sec. 24. SENTENCING GUIDELINES COMMISSION; MODIFICATION.**

60.26 The Sentencing Guidelines Commission shall modify the Sentencing Guidelines to be
60.27 consistent with changes to Minnesota Statutes, section 609.135, subdivision 2, governing
60.28 the maximum length of probation a court may order.

60.29 **EFFECTIVE DATE.** This section is effective July 1, 2023.

61.1 Sec. 25. **REVISOR INSTRUCTION.**

61.2 In Minnesota Statutes, the revisor of statutes shall substitute "364 days" for "one year"
61.3 consistent with the change in this act. The revisor shall also make other technical changes
61.4 resulting from the change of term to the statutory language if necessary to preserve the
61.5 meaning of the text.

61.6 Sec. 26. **REPEALER.**

61.7 Minnesota Statutes 2022, sections 609.293, subdivisions 1 and 5; 609.34; 609.36; 617.20;
61.8 617.201; 617.202; 617.21; 617.28; and 617.29, are repealed.

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

61.10 Amend the title accordingly