

## S.F. No. 200 – Judiciary Policy Provisions (as amended by the A-2 amendment)

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### Overview

**S.F. 200** is the Judiciary Policy Omnibus Bill and modifies provisions related to data privacy, civil remedies, human rights, civil and criminal procedure, civil marriages, name change processes, real property, and appointments to multimember agencies, including the consideration of criminal records during the appointment process.

### Article 1. Data Privacy.

**Section 1** classifies tax returns and bank account statements as private or nonpublic data when they are submitted to a political subdivision by a person seeking to obtain a license. This section requires political subdivisions to destroy tax return and bank account statement data no later than 90 days after a final decision on the license application. This section is effective the day following final enactment and data collected prior to the effective date must be destroyed no later than 90 days following final enactment. (S.F. 1657, Dziedzic)

**Sections 2, 3, and 5** classify the following data as private data on individuals: (1) transit customer data collected by telephone or through a third-party software program and (2) applicant and user data for Metropolitan Council transit assistance programs. These sections authorize the council to release transit assistance program data to administer or coordinate human services programs and other support services. These sections are effective the day following final enactment. (S.F. 1050, Carlson)

**Sections 4, 6, and 7** classify personal information of judicial officials as private data on individuals; require private entities to maintain the confidentiality of personal information of judicial officials; and provides criminal penalties for a person who makes a judicial official's home address publicly available if the dissemination poses an imminent and serious threat of harm or causes great bodily harm or death. (SF 2913, Limmer)

## **Article 2. Civil Remedies.**

**Section 1** authorizes a consumer, including a family farmer, to bring a civil action for the recovery of damages, costs, and attorney fees and provides that such an action is a public benefit. (S.F. 1332, Latz)

**Sections 2 to 4** provide that a personal injury action survives the death of any party and a trustee may bring the action for all damages suffered by the decedent before the decedent's death. The action may be commenced within three years of the date of the decedent's death provided that the action must be commenced within six years of the wrongful act or omission. These sections are effective the day following final enactment and apply to causes of action pending or commenced on or after that date. (S.F. 997, Latz)

## **Article 3. Human Rights.**

**Sections 1 to 11 and 13 to 26** modify the definition of "sexual orientation" and create a definition for "gender identity" for purposes of the Minnesota Human Rights Act. These sections clarify that nondiscrimination provisions apply to discrimination based on gender identity. These sections also repeal current law exemptions allowing discrimination based on sexual orientation in certain housing and employment contexts. (S.F. 1886, Oumou Verbeten)

**Section 12** prohibits employers from inquiring into an applicant's pay history from any source to determine the applicant's compensation. The prohibition does not apply if the applicant's pay history is publicly available unless the employer sought access to those records with the intent of obtaining pay history to determine compensation. This section does not prevent applicants from voluntarily disclosing pay history and does not prohibit employers from acting on that information to support a higher wage or salary than initially offered by the employer. This section is effective January 1, 2024. (S.F. 1885, Kupec)

## **Article 4. Civil & Criminal Procedure.**

**Sections 1 to 2, 4, and 6** amend civil procedure related to DWI and controlled substances forfeitures. These sections permit the service of a statement of claim and other filings as provided under the Rules of Conciliation Court Procedure; provide that the forfeiture proceedings are governed by the Rules of Conciliation Court Procedure, where applicable; and delete or repeal obsolete language. These sections are effective the day following final enactment. (S.F. 814, Limmer)

**Section 3** amends the statutory provision that addresses the time limit for filing a postconviction relief petition. This section modifies the current exception to the two-year time limit to file based on newly discovered evidence. Under current law, that evidence, among other things, must establish the petitioner's innocence by clear and convincing evidence. This section replaces this with a requirement that the evidence provide the factual predicate for the claim for relief. (S.F. 2597, Latz)

**Section 5** provides that admissions, confessions, or statements made by a person in a custodial setting are considered involuntarily made and inadmissible if the interrogator knowingly communicated false facts about evidence, misrepresented the accuracy of facts, or communicated unauthorized statements regarding leniency. This section is effective January 1, 2024 and applies to admissions, confessions, or statements made on or after that date. (S.F. 2495, Oumou Verbeten)

## **Article 5. Marriage & Name Change.**

**Sections 1 and 3-4** prohibit a person with a felony conviction from changing their name through the county marriage application process. Instead, the person must use the process for changing their name specific to individuals with felony convictions under section 259.13, which requires service on the prosecuting authority with jurisdiction over the conviction and proof of service to be filed with the court. (S.F. 2318, Kreun)

**Section 2** authorizes an individual who registers as a civil marriage officiant with a local registrar in a county of this state to perform civil marriages. (S.F. 148, Maye Quade)

## **Article 6. Real Property.**

**Sections 1-5 and 7-13** make clarifying and technical changes to various statutes governing real estate transactions, including the Uniform Commercial Code, the Farmer-Lender Mediation Act, and statutes governing dissolution proceedings. The sections require the court to direct the parties or their counsel to submit a proposed summary real estate disposition judgment if real estate disposition is at issue during the dissolution proceedings and provides that the recorder or registrar is not responsible for determining if a summary real estate disposition judgment is court approved. (S.F. 294, Westlin)

**Section 6** amends the Marketable Title Act (MTA), which provides that if a source of title has been recorded for at least 40 years, no action may be commenced to enforce an interest executed or occurring more than 40 years before such action, unless within 40 years following the execution or occurrence of the interest the claimant recorded a notice. Under current law, the MTA does not apply to any rights of the federal government and does not bar the rights of persons in possession of real estate. This section provides an exemption for state agencies and departments in possession of real estate. (S.F. 1051, Carlson)

## **Article 7. Multimember Agency Appointments.**

This article amends the “ban the box” law by prohibiting appointing authorities from inquiring into or considering the criminal history of an applicant for appointment to multimember agencies, including boards, commissions, and taskforces, until the applicant has been selected for an interview or, if there is not an interview, before a conditional offer of appointment is made. This article also includes various other changes to statutes governing the process for filling vacancies for appointments to multimember agencies. (S.F. 293, Oumou Verbeten)