

1.1 ..... moves to amend H.F. No. 3972 as follows:

1.2 Page 1, after line 7, insert:

1.3 "Section 1. Minnesota Statutes 2018, section 13.82, subdivision 1, is amended to read:

1.4 Subdivision 1. **Application.** This section shall apply to agencies which carry on a law  
1.5 enforcement function, including but not limited to municipal police departments, county  
1.6 sheriff departments, fire departments, the Bureau of Criminal Apprehension, the Minnesota  
1.7 State Patrol, the Board of Peace Officer Standards and Training, the Department of  
1.8 Commerce, the Department of Human Services, and county human service agency client  
1.9 and provider fraud investigation, prevention, and control units operated or supervised by  
1.10 the Department of Human Services."

1.11 Page 1, line 17, delete "August 1, 2020" and insert "January 1, 2021"

1.12 Page 4, line 12, delete ", staff person, and"

1.13 Page 4, line 13, delete "caregiver"

1.14 Page 4, line 18, delete ", staff person,"

1.15 Page 4, line 23, delete everything after "(a)"

1.16 Page 4, delete line 24

1.17 Page 4, line 25, delete "of a child younger than eight years of age." and delete ", staff  
1.18 person,"

1.19 Page 5, line 17, delete ", staff person,"

1.20 Page 5, line 27, delete "staff person"

1.21 Page 5, line 28, delete "and"

1.22 Page 5, line 32, delete ", staff"

- 2.1 Page 5, line 33, delete "person,"
- 2.2 Page 5, line 35, delete ", staff person,"
- 2.3 Page 6, line 1, delete ", staff person,"
- 2.4 Page 6, line 3, delete ", staff person,"
- 2.5 Page 6, line 4, delete ", staff person,"
- 2.6 Page 6, line 6, delete ", staff person,"
- 2.7 Page 6, line 13, delete ", staff person,"
- 2.8 Page 6, line 14, delete "calendar"
- 2.9 Page 6, line 19, delete ", staff person,"
- 2.10 Page 6, line 22, delete ", staff person,"
- 2.11 Page 6, line 25, delete ", staff person,"
- 2.12 Page 8, line 25, delete ", staff person, or caregiver"
- 2.13 Page 8, line 26, after "must" insert "document that each staff person has" and delete
- 2.14 "complete" and insert "completed"
- 2.15 Page 8, delete line 27
- 2.16 Page 8, line 28, delete "child foster care provider under section 245A.16"
- 2.17 Page 9, line 2, delete everything after the period
- 2.18 Page 9, line 3, delete "holder," and insert "Each" and delete ", or caregiver" and delete
- 2.19 "prior to licensure or, for staff"
- 2.20 Page 9, line 4, delete "and caregivers,"
- 2.21 Page 9, line 5, delete the first comma and insert "or" and delete ", or caregiver"
- 2.22 Page 10, after line 27, insert:
- 2.23 "Sec. 2. Minnesota Statutes 2018, section 245C.15, subdivision 2, is amended to read:
- 2.24 Subd. 2. **15-year disqualification.** (a) An individual is disqualified under section 245C.14
- 2.25 if: (1) less than 15 years have passed since the discharge of the sentence imposed, if any,
- 2.26 for the offense; and (2) the individual has committed a felony-level violation of any of the
- 2.27 following offenses: sections 256.98 (wrongfully obtaining assistance); 268.182 (fraud);
- 2.28 393.07, subdivision 10, paragraph (c) (federal Food Stamp Program fraud); 609.165 (felon
- 2.29 ineligible to possess firearm); 609.2112, 609.2113, or 609.2114 (criminal vehicular homicide

3.1 or injury); 609.215 (suicide); 609.223 or 609.2231 (assault in the third or fourth degree);  
3.2 repeat offenses under 609.224 (assault in the fifth degree); 609.229 (crimes committed for  
3.3 benefit of a gang); 609.2325 (criminal abuse of a vulnerable adult); 609.2335 (financial  
3.4 exploitation of a vulnerable adult); 609.235 (use of drugs to injure or facilitate crime);  
3.5 609.24 (simple robbery); 609.255 (false imprisonment); 609.2664 (manslaughter of an  
3.6 unborn child in the first degree); 609.2665 (manslaughter of an unborn child in the second  
3.7 degree); 609.267 (assault of an unborn child in the first degree); 609.2671 (assault of an  
3.8 unborn child in the second degree); 609.268 (injury or death of an unborn child in the  
3.9 commission of a crime); 609.27 (coercion); 609.275 (attempt to coerce); 609.466 (medical  
3.10 assistance fraud); 609.495 (aiding an offender); 609.498, subdivision 1 or 1b (aggravated  
3.11 first-degree or first-degree tampering with a witness); 609.52 (theft); 609.521 (possession  
3.12 of shoplifting gear); 609.525 (bringing stolen goods into Minnesota); 609.527 (identity  
3.13 theft); 609.53 (receiving stolen property); 609.535 (issuance of dishonored checks); 609.542  
3.14 (human services programs crimes); 609.562 (arson in the second degree); 609.563 (arson  
3.15 in the third degree); 609.582 (burglary); 609.59 (possession of burglary tools); 609.611  
3.16 (insurance fraud); 609.625 (aggravated forgery); 609.63 (forgery); 609.631 (check forgery;  
3.17 offering a forged check); 609.635 (obtaining signature by false pretense); 609.66 (dangerous  
3.18 weapons); 609.67 (machine guns and short-barreled shotguns); 609.687 (adulteration);  
3.19 609.71 (riot); 609.713 (terroristic threats); 609.82 (fraud in obtaining credit); 609.821  
3.20 (financial transaction card fraud); 617.23 (indecent exposure), not involving a minor; repeat  
3.21 offenses under 617.241 (obscene materials and performances; distribution and exhibition  
3.22 prohibited; penalty); 624.713 (certain persons not to possess firearms); chapter 152 (drugs;  
3.23 controlled substance); or Minnesota Statutes 2012, section 609.21; or a felony-level  
3.24 conviction involving alcohol or drug use.

3.25 (b) An individual is disqualified under section 245C.14 if less than 15 years has passed  
3.26 since the individual's aiding and abetting, attempt, or conspiracy to commit any of the  
3.27 offenses listed in paragraph (a), as each of these offenses is defined in Minnesota Statutes.

3.28 (c) An individual is disqualified under section 245C.14 if less than 15 years has passed  
3.29 since the termination of the individual's parental rights under section 260C.301, subdivision  
3.30 1, paragraph (b), or subdivision 3.

3.31 (d) An individual is disqualified under section 245C.14 if less than 15 years has passed  
3.32 since the discharge of the sentence imposed for an offense in any other state or country, the  
3.33 elements of which are substantially similar to the elements of the offenses listed in paragraph  
3.34 (a).

4.1 (e) If the individual studied commits one of the offenses listed in paragraph (a), but the  
4.2 sentence or level of offense is a gross misdemeanor or misdemeanor, the individual is  
4.3 disqualified but the disqualification look-back period for the offense is the period applicable  
4.4 to the gross misdemeanor or misdemeanor disposition.

4.5 (f) When a disqualification is based on a judicial determination other than a conviction,  
4.6 the disqualification period begins from the date of the court order. When a disqualification  
4.7 is based on an admission, the disqualification period begins from the date of an admission  
4.8 in court. When a disqualification is based on an Alford Plea, the disqualification period  
4.9 begins from the date the Alford Plea is entered in court. When a disqualification is based  
4.10 on a preponderance of evidence of a disqualifying act, the disqualification date begins from  
4.11 the date of the dismissal, the date of discharge of the sentence imposed for a conviction for  
4.12 a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

4.13 **EFFECTIVE DATE.** This section is effective August 1, 2020.

4.14 Sec. 3. Minnesota Statutes 2019 Supplement, section 245C.15, subdivision 3, is amended  
4.15 to read:

4.16 Subd. 3. **Ten-year disqualification.** (a) An individual is disqualified under section  
4.17 245C.14 if: (1) less than ten years have passed since the discharge of the sentence imposed,  
4.18 if any, for the offense; and (2) the individual has committed a gross misdemeanor-level  
4.19 violation of any of the following offenses: sections 256.98 (wrongfully obtaining assistance);  
4.20 268.182 (fraud); 393.07, subdivision 10, paragraph (c) (federal Food Stamp Program fraud);  
4.21 609.2112, 609.2113, or 609.2114 (criminal vehicular homicide or injury); 609.221 or 609.222  
4.22 (assault in the first or second degree); 609.223 or 609.2231 (assault in the third or fourth  
4.23 degree); 609.224 (assault in the fifth degree); 609.224, subdivision 2, paragraph (c) (assault  
4.24 in the fifth degree by a caregiver against a vulnerable adult); 609.2242 and 609.2243  
4.25 (domestic assault); 609.23 (mistreatment of persons confined); 609.231 (mistreatment of  
4.26 residents or patients); 609.2325 (criminal abuse of a vulnerable adult); 609.233 (criminal  
4.27 neglect of a vulnerable adult); 609.2335 (financial exploitation of a vulnerable adult);  
4.28 609.234 (failure to report maltreatment of a vulnerable adult); 609.265 (abduction); 609.275  
4.29 (attempt to coerce); 609.324, subdivision 1a (other prohibited acts; minor engaged in  
4.30 prostitution); 609.33 (disorderly house); 609.377 (malicious punishment of a child); 609.378  
4.31 (neglect or endangerment of a child); 609.466 (medical assistance fraud); 609.52 (theft);  
4.32 609.525 (bringing stolen goods into Minnesota); 609.527 (identity theft); 609.53 (receiving  
4.33 stolen property); 609.535 (issuance of dishonored checks); 609.542 (human services programs  
4.34 crimes); 609.582 (burglary); 609.59 (possession of burglary tools); 609.611 (insurance

5.1 fraud); 609.631 (check forgery; offering a forged check); 609.66 (dangerous weapons);  
5.2 609.71 (riot); 609.72, subdivision 3 (disorderly conduct against a vulnerable adult); repeat  
5.3 offenses under 609.746 (interference with privacy); 609.749, subdivision 2 (harassment);  
5.4 609.82 (fraud in obtaining credit); 609.821 (financial transaction card fraud); 617.23 (indecent  
5.5 exposure), not involving a minor; 617.241 (obscene materials and performances); 617.243  
5.6 (indecent literature, distribution); 617.293 (harmful materials; dissemination and display to  
5.7 minors prohibited); or Minnesota Statutes 2012, section 609.21; or violation of an order for  
5.8 protection under section 518B.01, subdivision 14.

5.9 (b) An individual is disqualified under section 245C.14 if less than ten years has passed  
5.10 since the individual's aiding and abetting, attempt, or conspiracy to commit any of the  
5.11 offenses listed in paragraph (a), as each of these offenses is defined in Minnesota Statutes.

5.12 (c) An individual is disqualified under section 245C.14 if less than ten years has passed  
5.13 since the discharge of the sentence imposed for an offense in any other state or country, the  
5.14 elements of which are substantially similar to the elements of any of the offenses listed in  
5.15 paragraph (a).

5.16 (d) If the individual studied commits one of the offenses listed in paragraph (a), but the  
5.17 sentence or level of offense is a misdemeanor disposition, the individual is disqualified but  
5.18 the disqualification lookback period for the offense is the period applicable to misdemeanors.

5.19 (e) When a disqualification is based on a judicial determination other than a conviction,  
5.20 the disqualification period begins from the date of the court order. When a disqualification  
5.21 is based on an admission, the disqualification period begins from the date of an admission  
5.22 in court. When a disqualification is based on an Alford Plea, the disqualification period  
5.23 begins from the date the Alford Plea is entered in court. When a disqualification is based  
5.24 on a preponderance of evidence of a disqualifying act, the disqualification date begins from  
5.25 the date of the dismissal, the date of discharge of the sentence imposed for a conviction for  
5.26 a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

5.27 **EFFECTIVE DATE.** This section is effective August 1, 2020.

5.28 Sec. 4. Minnesota Statutes 2018, section 245C.15, subdivision 4, is amended to read:

5.29 Subd. 4. **Seven-year disqualification.** (a) An individual is disqualified under section  
5.30 245C.14 if: (1) less than seven years has passed since the discharge of the sentence imposed,  
5.31 if any, for the offense; and (2) the individual has committed a misdemeanor-level violation  
5.32 of any of the following offenses: sections 256.98 (wrongfully obtaining assistance); 268.182  
5.33 (fraud); 393.07, subdivision 10, paragraph (c) (federal Food Stamp Program fraud); 609.2112,

6.1 609.2113, or 609.2114 (criminal vehicular homicide or injury); 609.221 (assault in the first  
6.2 degree); 609.222 (assault in the second degree); 609.223 (assault in the third degree);  
6.3 609.2231 (assault in the fourth degree); 609.224 (assault in the fifth degree); 609.2242  
6.4 (domestic assault); 609.2335 (financial exploitation of a vulnerable adult); 609.234 (failure  
6.5 to report maltreatment of a vulnerable adult); 609.2672 (assault of an unborn child in the  
6.6 third degree); 609.27 (coercion); violation of an order for protection under 609.3232  
6.7 (protective order authorized; procedures; penalties); 609.466 (medical assistance fraud);  
6.8 609.52 (theft); 609.525 (bringing stolen goods into Minnesota); 609.527 (identity theft);  
6.9 609.53 (receiving stolen property); 609.535 (issuance of dishonored checks); 609.542  
6.10 (human services programs crimes); 609.611 (insurance fraud); 609.66 (dangerous weapons);  
6.11 609.665 (spring guns); 609.746 (interference with privacy); 609.79 (obscene or harassing  
6.12 telephone calls); 609.795 (letter, telegram, or package; opening; harassment); 609.82 (fraud  
6.13 in obtaining credit); 609.821 (financial transaction card fraud); 617.23 (indecent exposure),  
6.14 not involving a minor; 617.293 (harmful materials; dissemination and display to minors  
6.15 prohibited); or Minnesota Statutes 2012, section 609.21; or violation of an order for protection  
6.16 under section 518B.01 (Domestic Abuse Act).

6.17 (b) An individual is disqualified under section 245C.14 if less than seven years has  
6.18 passed since a determination or disposition of the individual's:

6.19 (1) failure to make required reports under section 626.556, subdivision 3, or 626.557,  
6.20 subdivision 3, for incidents in which: (i) the final disposition under section 626.556 or  
6.21 626.557 was substantiated maltreatment, and (ii) the maltreatment was recurring or serious;  
6.22 or

6.23 (2) substantiated serious or recurring maltreatment of a minor under section 626.556, a  
6.24 vulnerable adult under section 626.557, or serious or recurring maltreatment in any other  
6.25 state, the elements of which are substantially similar to the elements of maltreatment under  
6.26 section 626.556 or 626.557 for which: (i) there is a preponderance of evidence that the  
6.27 maltreatment occurred, and (ii) the subject was responsible for the maltreatment.

6.28 (c) An individual is disqualified under section 245C.14 if less than seven years has  
6.29 passed since the individual's aiding and abetting, attempt, or conspiracy to commit any of  
6.30 the offenses listed in paragraphs (a) and (b), as each of these offenses is defined in Minnesota  
6.31 Statutes.

6.32 (d) An individual is disqualified under section 245C.14 if less than seven years has  
6.33 passed since the discharge of the sentence imposed for an offense in any other state or

7.1 country, the elements of which are substantially similar to the elements of any of the offenses  
7.2 listed in paragraphs (a) and (b).

7.3 (e) When a disqualification is based on a judicial determination other than a conviction,  
7.4 the disqualification period begins from the date of the court order. When a disqualification  
7.5 is based on an admission, the disqualification period begins from the date of an admission  
7.6 in court. When a disqualification is based on an Alford Plea, the disqualification period  
7.7 begins from the date the Alford Plea is entered in court. When a disqualification is based  
7.8 on a preponderance of evidence of a disqualifying act, the disqualification date begins from  
7.9 the date of the dismissal, the date of discharge of the sentence imposed for a conviction for  
7.10 a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

7.11 (f) An individual is disqualified under section 245C.14 if less than seven years has passed  
7.12 since the individual was disqualified under section 256.98, subdivision 8.

7.13 **EFFECTIVE DATE.** This section is effective August 1, 2020.

7.14 Sec. 5. Minnesota Statutes 2018, section 245E.01, subdivision 8, is amended to read:

7.15 Subd. 8. **Financial misconduct or misconduct.** "Financial misconduct" or "misconduct"  
7.16 means an entity's or individual's acts or omissions that result in fraud and abuse or error  
7.17 against the Department of Human Services. Financial misconduct includes: (1) acting as a  
7.18 recruiter offering conditional employment on behalf of a provider that has received funds  
7.19 from the child care assistance program; and (2) committing an act or acts that meet the  
7.20 definition of offenses listed in section 609.542.

7.21 **EFFECTIVE DATE.** This section is effective August 1, 2020.

7.22 Sec. 6. Minnesota Statutes 2019 Supplement, section 256B.064, subdivision 1a, is amended  
7.23 to read:

7.24 Subd. 1a. **Grounds for sanctions against vendors.** (a) The commissioner may impose  
7.25 sanctions against a vendor of medical care for any of the following: (1) fraud, theft, or abuse  
7.26 in connection with the provision of medical care to recipients of public assistance; (2) a  
7.27 pattern of presentment of false or duplicate claims or claims for services not medically  
7.28 necessary; (3) a pattern of making false statements of material facts for the purpose of  
7.29 obtaining greater compensation than that to which the vendor is legally entitled; (4)  
7.30 suspension or termination as a Medicare vendor; (5) refusal to grant the state agency access  
7.31 during regular business hours to examine all records necessary to disclose the extent of  
7.32 services provided to program recipients and appropriateness of claims for payment; (6)

8.1 failure to repay an overpayment or a fine finally established under this section; (7) failure  
8.2 to correct errors in the maintenance of health service or financial records for which a fine  
8.3 was imposed or after issuance of a warning by the commissioner; ~~and~~ (8) any reason for  
8.4 which a vendor could be excluded from participation in the Medicare program under section  
8.5 1128, 1128A, or 1866(b)(2) of the Social Security Act; and (9) commission of an act or acts  
8.6 that meet the definition of offenses listed in section 609.542 when supported by a  
8.7 preponderance of evidence.

8.8 (b) The commissioner may impose sanctions against a pharmacy provider for failure to  
8.9 respond to a cost of dispensing survey under section 256B.0625, subdivision 13e, paragraph  
8.10 (h).

8.11 **EFFECTIVE DATE.** This section is effective August 1, 2020."

8.12 Page 13, after line 15, insert:

8.13 "Sec. 7. Minnesota Statutes 2018, section 256B.12, is amended to read:

8.14 **256B.12 LEGAL REPRESENTATION.**

8.15 The attorney general or the appropriate county attorney appearing at the direction of the  
8.16 attorney general shall be the attorney for the state agency, and the county attorney of the  
8.17 appropriate county shall be the attorney for the local agency in all matters pertaining hereto.  
8.18 To prosecute under this chapter or sections 609.466 ~~and~~; 609.52, subdivision 2; and 609.542,  
8.19 or to recover payments wrongfully made under this chapter, the attorney general or the  
8.20 appropriate county attorney, acting independently or at the direction of the attorney general  
8.21 may institute a criminal or civil action.

8.22 **EFFECTIVE DATE.** This section is effective August 1, 2020.

8.23 Sec. 8. **[609.542] HUMAN SERVICES PROGRAMS CRIMES.**

8.24 Subdivision 1. Definitions. (a) "Federal health care program" has the definition provided  
8.25 in United States Code, title 42, section 1320a-7b(f).

8.26 (b) "Remuneration" has the definition provided in United States Code, title 42, section  
8.27 1320a-7a(i)(6).

8.28 Subd. 2. Illegal remunerations for medical assistance. (a) Whoever intentionally  
8.29 solicits or receives any remuneration, including any kickback, bribe, or rebate, directly or  
8.30 indirectly, overtly or covertly, in cash or in kind (1) in return for referring an individual to  
8.31 a person for the furnishing or arranging for the furnishing of any item or service for which



9.1 payment may be made in whole or in part under a federal health care program, or (2) in  
9.2 return for purchasing, leasing, ordering, or arranging for or recommending purchasing,  
9.3 leasing, or ordering any good, facility, service, or item for which payment may be made in  
9.4 whole or in part under a federal health care program, is guilty of solicitation of a kickback  
9.5 and, upon conviction thereof, shall be fined or imprisoned, or both, as described in  
9.6 subdivision 4, paragraph (a).

9.7 (b) Whoever intentionally offers or pays any remuneration, including any kickback,  
9.8 bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind to any person  
9.9 to induce such person (1) to refer an individual to a person for the furnishing or arranging  
9.10 for the furnishing of any item or service for which payment may be made in whole or in  
9.11 part under a federal health care program, or (2) to purchase, lease, order, or arrange for or  
9.12 recommend purchasing, leasing, or ordering any good, facility, service, or item for which  
9.13 payment may be made in whole or in part under a federal health care program, is guilty of  
9.14 offering a kickback and, upon conviction thereof, shall be fined or imprisoned, or both, as  
9.15 described in subdivision 4, paragraph (b).

9.16 (c) This subdivision does not apply to remuneration exempted under the Anti-Kickback  
9.17 Statute in United States Code, title 42, section 1320a-7b(b)(3), or payment practices listed  
9.18 in Code of Federal Regulations, title 42, section 1001.952, or section 62J.23, subdivision  
9.19 2, paragraphs (b) to (d), or 4.

9.20 **Subd. 3. Illegal remunerations in the child care assistance program.** (a) Whoever  
9.21 intentionally solicits or receives any remuneration, including any kickback, bribe, or rebate,  
9.22 directly or indirectly, overtly or covertly, in cash or in kind (1) in return for referring an  
9.23 individual to a person for the furnishing or arranging for the furnishing of any item or service  
9.24 for which payment may be made in whole or in part under chapter 119B, or (2) in return  
9.25 for using a service for which payment may be made in whole or in part under chapter 119B,  
9.26 is guilty of solicitation of a kickback and, upon conviction thereof, shall be fined or  
9.27 imprisoned, or both, as described in subdivision 4, paragraph (a).

9.28 (b) Whoever intentionally offers or pays any remuneration, including any kickback,  
9.29 bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind to any person  
9.30 to induce such person (1) to refer an individual to a person for the furnishing or arranging  
9.31 for the furnishing of any item or service for which payment may be made in whole or in  
9.32 part under chapter 119B, or (2) to use any item or service for which payment may be made  
9.33 in whole or in part under chapter 119B, is guilty of offering a kickback and, upon conviction  
9.34 thereof, shall be fined or imprisoned, or both, as described in subdivision 4, paragraph (b).

10.1 (c) This subdivision does not apply to any amount paid by an employer to a bona fide  
10.2 employee for providing covered items or services under chapter 119B while acting in the  
10.3 course and scope of employment.

10.4 (d) This subdivision does not apply to marketing or promotional offerings that directly  
10.5 benefit an eligible individual's child for whom the child care provider is providing child  
10.6 care services.

10.7 **Subd. 4. Penalties for solicitation of a kickback.** (a) Whoever commits solicitation of  
10.8 a kickback may be sentenced pursuant to section 609.52, subdivision 3. For the purposes  
10.9 of sentencing under this section, "value" in section 609.52, subdivision 3, means the amount  
10.10 or monetary value of the remuneration solicited or received.

10.11 (b) Whoever commits the crime of offering a kickback may be sentenced pursuant to  
10.12 section 609.52, subdivision 3. For the purposes of sentencing under this section, "value" in  
10.13 section 609.52, subdivision 3, means the amount of public funds expended in providing the  
10.14 good, facility, service, or item that the person obtained as a direct or indirect result of the  
10.15 prohibited remuneration.

10.16 (c) In any prosecution under subdivision 2 or 3, the value of a remuneration, good,  
10.17 facility, service, or item solicited or received, or offered or provided, within any six-month  
10.18 period may be aggregated and the defendant charged accordingly in applying the provisions  
10.19 of this subdivision, provided that when two or more offenses are committed by the same  
10.20 person in two or more counties, the accused may be prosecuted in any county in which one  
10.21 of the offenses was committed for all of the offenses aggregated under this paragraph.

10.22 (d) A claim for any good, facility, service, or item rendered in violation of this section  
10.23 is noncompensable and unenforceable at the time it is made.

10.24 **Subd. 5. False claims.** In addition to the penalties in subdivision 4, a claim that includes  
10.25 items or services resulting from a violation of this section constitutes a false or fraudulent  
10.26 claim for purposes of the Minnesota False Claims Act, sections 15C.01 to 15C.16.

10.27 Sec. 9. Minnesota Statutes 2018, section 628.26, is amended to read:

10.28 **628.26 LIMITATIONS.**

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

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

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

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

11.8 (e) Indictments or complaints for violation of sections 609.322 and 609.342 to 609.345,  
11.9 if the victim was under the age of 18 years at the time the offense was committed, shall be  
11.10 found or made and filed in the proper court within the later of nine years after the commission  
11.11 of the offense or three years after the offense was reported to law enforcement authorities.

11.12 (f) Notwithstanding the limitations in paragraph (e), indictments or complaints for  
11.13 violation of sections 609.322 and 609.342 to 609.344 may be found or made and filed in  
11.14 the proper court at any time after commission of the offense, if physical evidence is collected  
11.15 and preserved that is capable of being tested for its DNA characteristics. If this evidence is  
11.16 not collected and preserved and the victim was 18 years old or older at the time of the  
11.17 offense, the prosecution must be commenced within nine years after the commission of the  
11.18 offense.

11.19 (g) Indictments or complaints for violation of sections 609.466 ~~and~~, 609.52, subdivision  
11.20 2, paragraph (a), clause (3), item (iii), and 609.542, shall be found or made and filed in the  
11.21 proper court within six years after the commission of the offense.

11.22 (h) Indictments or complaints for violation of section 609.2335, 609.52, subdivision 2,  
11.23 clause (3), items (i) and (ii), (4), (15), or (16), 609.631, or 609.821, where the value of the  
11.24 property or services stolen is more than \$35,000, or for violation of section 609.527 where  
11.25 the offense involves eight or more direct victims or the total combined loss to the direct and  
11.26 indirect victims is more than \$35,000, shall be found or made and filed in the proper court  
11.27 within five years after the commission of the offense.

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

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

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

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

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

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

12.13 Sec. .... **REPEALER.**

12.14 Minnesota Statutes 2018, sections 245A.144; and 245A.175, and Minnesota Rules, parts  
12.15 2960.3070 and 2960.3210 are repealed."

12.16 Renumber the sections in sequence and correct the internal references

12.17 Amend the title accordingly