

1.1 moves to amend H.F. No. 896, the delete everything amendment
1.2 (H0896DE3), as follows:

1.3 Page 109, after line 16, insert

1.4 **"ARTICLE 9**

1.5 **UNIFORM COLLATERAL CONSEQUENCES OF CONVICTION ACT**

1.6 Section 1. **[638.10] SHORT TITLE.**

1.7 Sections 638.10 to 638.26 may be cited as the "Uniform Collateral Consequences of
1.8 Conviction Act."

1.9 Sec. 2. **[638.11] DEFINITIONS.**

1.10 (a) For the purposes of sections 638.10 to 638.26, the terms defined in this section have
1.11 the meanings given them.

1.12 (b) "Collateral consequence" means a collateral sanction or a disqualification.

1.13 (c) "Collateral sanction" means a penalty, disability, or disadvantage, however
1.14 denominated, imposed on an individual as a result of the individual's conviction of an offense
1.15 which applies by operation of law whether or not the penalty, disability, or disadvantage is
1.16 included in the judgment or sentence. The term does not include imprisonment, probation,
1.17 parole, supervised release, forfeiture, restitution, fine, assessment, or costs of prosecution.

1.18 (d) "Conviction" or "convicted" includes a child adjudicated delinquent.

1.19 (e) "Decision maker" means the state acting through a department, agency, officer, or
1.20 instrumentality, including a political subdivision, educational institution, board, or
1.21 commission, or its employees, or a government contractor, including a subcontractor, made
1.22 subject to sections 638.10 to 638.26 by contract, other law, or ordinance.

2.1 (f) "Disqualification" means a penalty, disability, or disadvantage, however denominated,
2.2 that an administrative agency, governmental official, or court in a civil proceeding is
2.3 authorized, but not required, to impose on an individual on grounds relating to the individual's
2.4 conviction of an offense.

2.5 (g) "Offense" means a felony, gross misdemeanor, misdemeanor, or adjudication as a
2.6 delinquent under the laws of this state, another state, or the United States.

2.7 (h) "Person" means an individual, corporation, business trust, estate, trust, partnership,
2.8 limited liability company, association, joint venture, public corporation, government or
2.9 governmental subdivision, agency, or instrumentality, or any other legal or commercial
2.10 entity.

2.11 (i) "State" means a state of the United States, the District of Columbia, Puerto Rico, the
2.12 United States Virgin Islands, or any territory or insular possession subject to the jurisdiction
2.13 of the United States.

2.14 **Sec. 3. [638.12] LIMITATION ON SCOPE.**

2.15 (a) Sections 638.10 to 638.26 do not provide a basis for:

2.16 (1) invalidating a plea, conviction, or sentence;

2.17 (2) a cause of action for money damages; or

2.18 (3) a claim for relief from or defense to the application of a collateral consequence based
2.19 on a failure to comply with section 638.13, 638.14, or 638.15.

2.20 (b) Sections 638.10 to 638.26 do not affect:

2.21 (1) the duty an individual's attorney owes to the individual; or

2.22 (2) a right or remedy under law other than sections 638.10 to 638.26 available to an
2.23 individual convicted of an offense.

2.24 **Sec. 4. [638.13] IDENTIFICATION, COLLECTION, AND PUBLICATION OF**
2.25 **LAWS REGARDING COLLATERAL CONSEQUENCES.**

2.26 (a) The revisor of statutes shall:

2.27 (1) identify or cause to be identified any provision in this state's constitution, statutes,
2.28 and administrative rules which imposes a collateral sanction or authorizes the imposition
2.29 of a disqualification, and any provision of law that may afford relief from a collateral
2.30 consequence;

3.1 (2) in a timely manner after the effective date of sections 638.10 to 638.26, prepare a
3.2 collection of citations to, and the text or short descriptions of, the provisions identified under
3.3 clause (1); and

3.4 (3) annually update the collection in a timely manner after the regular or last special
3.5 session of the legislature in a calendar year.

3.6 In complying with clauses (1) and (2), the revisor may rely on the study of this state's
3.7 collateral sanctions, disqualifications, and relief provisions prepared by the National Institute
3.8 of Justice described in section 510 of the Court Security Improvement Act of 2007, Public
3.9 Law 110-177.

3.10 (b) The revisor of statutes shall include the following statements or substantially similar
3.11 language in a prominent manner at the beginning of the collection required under paragraph
3.12 (a):

3.13 (1) This collection has not been enacted into law and does not have the force of law.

3.14 (2) An error or omission in this collection or in any reference work cited in this collection
3.15 is not a reason for invalidating a plea, conviction, or sentence or for not imposing a collateral
3.16 sanction or authorizing a disqualification.

3.17 (3) The laws of other jurisdictions and local governments which impose additional
3.18 collateral sanctions and authorize additional disqualifications are not included in this
3.19 collection.

3.20 (4) This collection does not include any law or other provision regarding the imposition
3.21 of or relief from a collateral sanction or a disqualification enacted or adopted after (date the
3.22 collection was prepared or last updated.)

3.23 (c) The Office of the Revisor of Statutes shall publish the collection prepared and updated
3.24 as required under paragraph (a). If available, it shall publish as part of the collection, the
3.25 title and Internet address of the most recent collection of:

3.26 (1) the collateral consequences imposed by federal law; and

3.27 (2) any provision of federal law that may afford relief from a collateral consequence.

3.28 (d) The collection described under paragraph (c) must be available to the public on the
3.29 Internet without charge in a reasonable time after it is created or updated.

4.1 Sec. 5. **[638.14] NOTICE OF COLLATERAL CONSEQUENCES IN CITATION,**
4.2 **PRETRIAL PROCEEDING, AND AT GUILTY PLEA.**

4.3 (a) When a peace officer issues a citation to a person for an offense, the officer shall
4.4 ensure that the person receives a notice of additional legal consequences substantially similar
4.5 to that described in paragraph (b). This requirement may be satisfied by using the uniform
4.6 traffic ticket described in section 169.99 or the statewide standard citation if that document
4.7 addresses collateral consequences of a criminal conviction.

4.8 (b) When an individual receives formal notice that the individual is charged with an
4.9 offense, the prosecuting attorney of the county or city in which the individual is charged
4.10 shall provide information substantially similar to the following to the individual:

4.11 **NOTICE OF ADDITIONAL LEGAL CONSEQUENCES**

4.12 If you plead guilty or are convicted of an offense you may suffer additional legal
4.13 consequences beyond jail or prison, probation, periods of parole or supervised release, and
4.14 finances. These consequences may include:

4.15 (1) being unable to get or keep some licenses, permits, or jobs;

4.16 (2) being unable to get or keep benefits such as public housing or education;

4.17 (3) receiving a harsher sentence if you are convicted of another offense in the future;

4.18 (4) having the government take your property; and

4.19 (5) being unable to vote or possess a firearm.

4.20 If you are not a United States citizen, a guilty plea or conviction may also result in your
4.21 deportation, removal, exclusion from admission to the United States, or denial of citizenship.

4.22 The law may provide ways to obtain some relief from these consequences.

4.23 Further information about the consequences of conviction is available on the Internet at
4.24 (Internet address of the collection of laws published under Minnesota Statutes, section
4.25 638.13, paragraphs (c) and (d).)

4.26 (c) Before the court accepts a plea of guilty from an individual, the court shall confirm
4.27 that the individual received and understands the notice required by paragraphs (a) and (b),
4.28 and had an opportunity to discuss the notice with counsel.

5.1 **Sec. 6. [638.15] NOTICE OF COLLATERAL CONSEQUENCES AT SENTENCING**
5.2 **AND UPON RELEASE.**

5.3 (a) As provided in paragraphs (b) and (c), an individual convicted of an offense shall be
5.4 given the following notice:

5.5 (1) that collateral consequences may apply because of this conviction;

5.6 (2) the Internet address of the collection of laws published under section 638.13,
5.7 paragraph (c);

5.8 (3) that there may be ways to obtain relief from collateral consequences;

5.9 (4) contact information for government or nonprofit agencies, groups, or organizations,
5.10 if any, offering assistance to individuals seeking relief from collateral consequences; and

5.11 (5) when an individual convicted of an offense may vote under state law.

5.12 (b) The court shall provide the notice in paragraph (a) as a part of sentencing.

5.13 (c) If an individual is sentenced to imprisonment or other incarceration, the officer or
5.14 agency releasing the individual shall provide the notice in paragraph (a) not more than 30
5.15 days, and, if practicable, at least ten days before release.

5.16 **Sec. 7. [638.16] AUTHORIZATION REQUIRED FOR COLLATERAL SANCTION;**
5.17 **AMBIGUITY.**

5.18 (a) A collateral sanction may be imposed only by statute or ordinance, or by rule
5.19 authorized by law and adopted under chapter 14.

5.20 (b) A law creating a collateral consequence that is ambiguous as to whether it imposes
5.21 a collateral sanction or authorizes a disqualification must be construed as authorizing a
5.22 disqualification.

5.23 **Sec. 8. [638.17] DECISION TO DISQUALIFY.**

5.24 In deciding whether to impose a disqualification, a decision maker shall undertake an
5.25 individualized assessment to determine whether the benefit or opportunity at issue shall be
5.26 denied the individual. In making that decision, the decision maker may consider, if
5.27 substantially related to the benefit or opportunity at issue, the particular facts and
5.28 circumstances involved in the offense, and the essential elements of the offense. A conviction
5.29 itself may not be considered except as having established the elements of the offense. The
5.30 decision maker shall also consider other relevant information including, at a minimum, the

6.1 effect on third parties of granting the benefit or opportunity and whether the individual has
6.2 been granted relief such as an order of limited relief or a certificate of restoration of rights.

6.3 **Sec. 9. [638.18] EFFECT OF CONVICTION BY ANOTHER STATE OR THE**
6.4 **UNITED STATES; RELIEVED OR PARDONED CONVICTION.**

6.5 (a) For purposes of authorizing or imposing a collateral consequence in this state, a
6.6 conviction of an offense in a court of another state or the United States is deemed a conviction
6.7 of the offense in this state with the same elements. If there is no offense in this state with
6.8 the same elements, the conviction is deemed a conviction of the most serious offense in this
6.9 state which is established by the elements of the offense. A misdemeanor in the jurisdiction
6.10 of conviction may not be deemed a felony in this state, and an offense lesser than a
6.11 misdemeanor in the jurisdiction of conviction may not be deemed a conviction of a felony,
6.12 gross misdemeanor, or misdemeanor in this state.

6.13 (b) For purposes of authorizing or imposing a collateral consequence in this state, a
6.14 juvenile adjudication in another state or the United States may not be deemed a conviction
6.15 of a felony, gross misdemeanor, misdemeanor, or offense lesser than a misdemeanor in this
6.16 state, but may be deemed a juvenile adjudication for the delinquent act in this state with the
6.17 same elements. If there is no delinquent act in this state with the same elements, the juvenile
6.18 adjudication is deemed an adjudication of the most serious delinquent act in this state which
6.19 is established by the elements of the offense.

6.20 (c) A conviction that is reversed, overturned, or otherwise vacated by a court of competent
6.21 jurisdiction of this state, another state, or the United States on grounds other than
6.22 rehabilitation or good behavior may not serve as the basis for authorizing or imposing a
6.23 collateral consequence in this state.

6.24 (d) A pardon issued by another state or the United States has the same effect for purposes
6.25 of authorizing, imposing, and relieving a collateral consequence in this state as it has in the
6.26 issuing jurisdiction.

6.27 (e) A conviction that has been relieved by expungement, sealing, annulment, set-aside,
6.28 or vacation by a court of competent jurisdiction of another state or the United States on
6.29 grounds of rehabilitation or good behavior, or for which civil rights are restored pursuant
6.30 to statute, has the same effect for purposes of authorizing or imposing collateral consequences
6.31 in this state as it has in the jurisdiction of conviction. However, this relief or restoration of
6.32 civil rights does not relieve collateral consequences applicable under the law of this state
6.33 for which relief could not be granted under section 638.21 or for which relief was expressly
6.34 withheld by the court order or by the law of the jurisdiction that relieved the conviction. An

7.1 individual convicted in another jurisdiction may seek relief under section 638.19 or 638.20
7.2 from any collateral consequence for which relief was not granted in the issuing jurisdiction,
7.3 other than those listed in section 638.21, and the judge shall consider that the conviction
7.4 was relieved or civil rights restored in deciding whether to issue an order of limited relief
7.5 or certificate of restoration of rights.

7.6 (f) A charge or prosecution in any jurisdiction which has been finally terminated without
7.7 a conviction and imposition of sentence based on participation in a deferred adjudication
7.8 or diversion program may not serve as the basis for authorizing or imposing a collateral
7.9 consequence in this state. This paragraph does not affect the validity of any restriction or
7.10 condition imposed by law as part of participation in the deferred adjudication or diversion
7.11 program, before or after the termination of the charge or prosecution.

7.12 **Sec. 10. [638.24] UNIFORMITY OF APPLICATION AND CONSTRUCTION.**

7.13 In applying and construing this uniform act, consideration must be given to the need to
7.14 promote uniformity of the law with respect to its subject matter among states that enact it.

7.15 **Sec. 11. [638.25] SAVINGS AND TRANSITIONAL PROVISIONS.**

7.16 (a) Sections 638.10 to 638.26 apply to collateral consequences whenever enacted or
7.17 imposed, unless the law creating the collateral consequence expressly states that sections
7.18 638.10 to 638.26 do not apply.

7.19 (b) Sections 638.10 to 638.26 do not invalidate the imposition of a collateral sanction
7.20 on an individual before the effective date of sections 638.10 to 638.26, but a collateral
7.21 sanction validly imposed before the effective date of sections 638.10 to 638.26 may be the
7.22 subject of relief under these sections.

7.23 **Sec. 12. CHANGE TO UNIFORM TRAFFIC TICKET AND STATEWIDE**
7.24 **STANDARD CITATION.**

7.25 By January 1, 2019, the uniform traffic ticket described in Minnesota Statutes, section
7.26 169.99, and the statewide standard citation must include a notice of additional legal
7.27 consequences substantially similar to that described in Minnesota Statutes, section 638.14,
7.28 paragraph (b). If this is determined not to be feasible, the ticket and citation must, at a
7.29 minimum, inform the offender generally of the issue of potential collateral consequences
7.30 and provide the Internet address of the collection of laws published under Minnesota Statutes,
7.31 section 638.13, paragraphs (c) and (d).

8.1 Sec. 13. **REPEALER.**

8.2 Minnesota Statutes 2016, sections 609B.050; 609B.100; 609B.101; 609B.102; 609B.103;
8.3 609B.104; 609B.105; 609B.106; 609B.107; 609B.108; 609B.109; 609B.110; 609B.111;
8.4 609B.112; 609B.113; 609B.120; 609B.121; 609B.122; 609B.123; 609B.124; 609B.125;
8.5 609B.126; 609B.127; 609B.128; 609B.129; 609B.130; 609B.132; 609B.133; 609B.134;
8.6 609B.135; 609B.136; 609B.139; 609B.140; 609B.141; 609B.142; 609B.143; 609B.144;
8.7 609B.146; 609B.147; 609B.148; 609B.149; 609B.1495; 609B.150; 609B.151; 609B.152;
8.8 609B.153; 609B.155; 609B.157; 609B.158; 609B.159; 609B.160; 609B.161; 609B.162;
8.9 609B.164; 609B.1645; 609B.165; 609B.168; 609B.170; 609B.171; 609B.172; 609B.173;
8.10 609B.174; 609B.175; 609B.176; 609B.177; 609B.179; 609B.180; 609B.181; 609B.183;
8.11 609B.184; 609B.185; 609B.187; 609B.188; 609B.189; 609B.191; 609B.192; 609B.193;
8.12 609B.194; 609B.195; 609B.200; 609B.201; 609B.203; 609B.205; 609B.206; 609B.216;
8.13 609B.231; 609B.235; 609B.237; 609B.241; 609B.245; 609B.255; 609B.262; 609B.263;
8.14 609B.265; 609B.271; 609B.273; 609B.275; 609B.277; 609B.301; 609B.310; 609B.311;
8.15 609B.312; 609B.320; 609B.321; 609B.330; 609B.331; 609B.332; 609B.333; 609B.340;
8.16 609B.341; 609B.342; 609B.343; 609B.344; 609B.345; 609B.400; 609B.405; 609B.410;
8.17 609B.415; 609B.425; 609B.430; 609B.435; 609B.445; 609B.450; 609B.455; 609B.460;
8.18 609B.465; 609B.500; 609B.505; 609B.510; 609B.515; 609B.518; 609B.520; 609B.525;
8.19 609B.530; 609B.535; 609B.540; 609B.545; 609B.600; 609B.610; 609B.611; 609B.612;
8.20 609B.613; 609B.614; 609B.615; 609B.700; 609B.710; 609B.720; 609B.721; 609B.722;
8.21 609B.723; 609B.724; and 609B.725, are repealed.

8.22 Sec. 14. **EFFECTIVE DATE.**

8.23 (a) Except as provided in paragraph (b), sections 1 to 14 are effective January 1, 2018.

8.24 (b) Section 5, paragraph (a), is effective July 1, 2022."

8.25 Renumber the sections in sequence and correct the internal references

8.26 Amend the title accordingly