

Subject Judiciary and public safety supplemental finance and policy

Bill H.F. 5216

Analyst Ben Johnson (ben.johnson@house.mn.gov)

Mary Davis (mary.davis@house.mn.gov)

Matt Gehring (matt.gehring@house.mn.gov)

Nathan Hopkins (nathan.hopkins@house.mn.gov)

Date June 5, 2024

Overview

This is the judiciary and public safety policy and supplemental finance act.

Article 1: Judiciary Appropriations

Section Description – Article 1: Judiciary Appropriations

- 1 **Appropriations.**
Establishes that appropriations are made for the purposes specified in the article.
- 2 **Supreme court.**
Appropriates \$5,663,000 in fiscal year 2025 to the supreme court for the Safe and Secure Courthouse Initiative and to enhance cyber security.
- 3 **District courts.**
Appropriates \$6,652,000 in fiscal year 2024 and \$23,685,000 in fiscal year 2025 to the district courts to expand access to psychological services, increase the pay rate for forensic examiners, account for the court interpreter deficit, increase the rate of pay for court interpreters, pay for travel time for court interpreters, account for the jury program deficit, and provide vicarious trauma services to jurors.
- 4 **Public safety.**
Appropriates \$7,000,000 in fiscal year 2024 and \$9,850,000 in fiscal year 2025 to the Department of Public Safety. Of this amount, \$7,000,000 in fiscal year 2024 is from the 911 fund in the special revenue account. Supplemental funding is for:
 - Task Force on Domestic Violence and Firearms
 - Motor Vehicle Registration Compliance Working Group
 - direct assistance to crime victim survivors
 - a report on preventing violence against Latina women and queer Latines

Section Description – Article 1: Judiciary Appropriations

- law enforcement therapy dog grants
- mediation and restorative justice grants
- digital geographic information system mapping for school facilities

5 Corrections.

Appropriates \$5,900,000 in fiscal year 2024 and \$2,000,000 in fiscal year 2025 to the Department of Corrections for the operation of correctional facilities.

6 Clemency Review Commission.

Appropriates \$986,000 in fiscal year 2025 for the Clemency Review Commission.

7 Minnesota Management and Budget.

Appropriates \$150,000 in fiscal year 2025 for the Office of Addiction and Recovery to provide support for the Task Force on Holistic and Effective Responses to Illicit Drug Use.

8 Transfer; disaster assistance contingency account.

Requires the commissioner of management and budget to transfer money to the disaster assistance contingency account if (1) the general fund closing balance for a biennium exceeds the projected closing balance and (2) the disaster assistance contingency account contains less than \$50,000,000. Directs the commissioner to transfer an amount of money equal to the amount by which the general fund closing balance for the biennium exceeds the projected closing balance up to an amount sufficient to increase the balance in the disaster assistance contingency account to \$50,000,000.

9 Civil legal services.

Eliminates a general fund base for the supreme court related to funding civil legal services to conform with establishing a separate board to oversee civil legal aid operations and funding.

10 Fire marshal.

Amends the 2023 public safety finance act to reference Urban Search and Rescue and the Minnesota Air Rescue Team in the appropriation for nonresponsible party reimbursements.

11 Office of Justice Programs.

Amends the 2023 public safety finance act to allow an appropriation for Ramsey County youth treatment homes to be used through June 30, 2026.

Section Description – Article 1: Judiciary Appropriations

- 12 **Total appropriation.**
Reduces the appropriation to the Department of Corrections by \$986,000 in fiscal year 2025 to reflect the establishment of the Clemency Review Commission as an independent entity.
- 13 **Organizational, regulatory, and administrative services.**
Reduces the appropriation to the Department of Corrections by \$986,000 in fiscal year 2025 to reflect the establishment of the Clemency Review Commission as an independent entity.
- 14 **Transfer; disaster assistance contingency account.**
Establishes a onetime transfer to the disaster assistance contingency account from the difference between the general fund closing balance for fiscal year 2024 and the projected closing balance for that year in an amount equal to that balance or an amount sufficient to increase the money in the disaster assistance contingency Account to \$50,000,000, whichever is less.
- 15 **Board of Civil Legal Aid.**
Establishes a general fund appropriation base of \$34,167,000 for the Board of Civil Legal Aid beginning in fiscal year 2026.
- 16 **Report preventing violence against Latina women and queer Latines in Minnesota.**
Directs the commissioner of public safety to provide a grant to Esperanza United to develop a report that provides preliminary research and recommendations to reduce, prevent, and end violence against Latina women and girls, including queer Latines, in Minnesota.
- 17 **Youth support services grants.**
Directs the commissioner of public safety to distribute \$500,000 of the money appropriated from the community crime and violence prevention account for fiscal year 2026 through grants to Anoka County, Hennepin County, and Ramsey County for those counties to issue grants to community organizations providing intervention and support services to youth who come into contact with peace officers. Of the amount appropriated, 20 percent must be directed to Anoka County, 40 percent to Hennepin County, and 40 percent to Ramsey County.
- 18 **Digital geographic information system mapping for school facilities.**
Directs the commissioner of public safety to issue grants to regional emergency communications boards to map school facilities. Requires that the maps be prepared in a format that can be shared with emergency responders such as fire departments, police departments, and emergency medical services.

Article 2: Crime Victim Provisions

This article contains provisions relating to crime victims.

Section	Description - Article 2: Crime Victim Provisions
---------	--

- | | |
|---|---|
| 1 | <p>Victim’s rights.</p> <p>Amends the definition of “victim” in the section of law requiring the commissioner of corrections to notify victims of parole review hearings to make the definition consistent with the victims’ rights statutes.</p> |
| 2 | <p>End-of-confinement review committee.</p> <p>Permits law enforcement agents and victims to submit written material that is relevant to an offender’s risk level to the chair of an end-of-confinement review committee. Requires the commissioner of corrections to provide notice of a predatory offender’s risk level assignment to the victim, if requested.</p> |
| 3 | <p>Victim notification or petition and release; right to submit statement.</p> <p>Amends the definition of “victim” in the section of law related to notification of a victim of a petition to commit a person as mentally ill and dangerous or of the release of such a person to make the definition consistent with the victims’ rights statutes.</p> |
| 4 | <p>Definitions.</p> <p>Amends the definition of “victim” in the section of law requiring notification of a victim of a petition to civilly commit a person for sex offender treatment or of the release of such a person to make the definition consistent with the victims’ rights statutes.</p> |
| 5 | <p>Costs of medical examination.</p> <p>Classifies data related to a request for reimbursement for a sexual assault examination as private data on individuals.</p> |
| 6 | <p>Notice required.</p> <p>Eliminates language in section of law addressing notice in the victims’ rights chapter that is inconsistent with the definition of “victim” that applies to the statute. Clarifies that the general definition applies to this section.</p> |
| 7 | <p>Notice of end-of-confinement review committee process and opportunity to provide input.</p> <p>Requires the commissioner of corrections to make a good faith effort to notify a victim of an end-of-confinement review process for a predatory offender and requires notice of the victim’s right to submit written input. Provides that the victim’s right is continuing if the committee receives a request to reassess a predatory</p> |

Section Description - Article 2: Crime Victim Provisions

- offender’s assigned risk level. States that notices must only be provided to victims who have submitted a written request to receive notices. Requires the good faith effort to notify the victim to take place before the offender’s end-of-confinement review hearing.
- 8 **Grants.**
Amends the eligibility requirements for grants to programs for sexual assault primary prevention to include awards for statewide organizations to provide subgrants, support, resources, and technical assistance to sexual assault programs that provide primary prevention services.
- 9 **Collateral source.**
Removes voluntary gifts and donations from the category of benefits paid or given to a victim that can be considered a collateral source for purposes of receiving payment under the Crime Victims Reimbursement Act.
- 10 **Victim.**
Amends the definition of “victim” in the Crime Victim Oversight Act to be consistent with the definition used in other victims’ rights statutes.
- 11 **Definitions.**
Defines “victim” for purposes of the statute addressing the arrest of certain persons suspected of committing an offense involving domestic violence, setting bail for those individuals, and authorizing no contact orders.
- 12 **Notice to victim regarding bail hearing.**
Makes a conforming change related to the amended definition of “victim.”
- 13 **Notice to victim regarding bail hearings of arrested or detained person.**
Defines the term “victim” for purposes of the statute to be consistent with the definition used in other victims’ rights statutes and makes conforming changes.
- 14 **Oral notice.**
Defines the term “victim” for purposes of the statute to be consistent with the definition used in other victims’ rights statutes and makes conforming changes.
- 15 **Definition.**
Defines the term “victim” for purposes of the statute to be consistent with the definition used in other victims’ rights statutes.

Article 3: Law Enforcement Provisions

This article contains provisions related to peace officers and law enforcement agencies.

Section Description – Article 3: Law Enforcement Provisions

1 **Traffic stop; questioning limited.**

Requires a peace officer making a traffic stop for a violation related to the motor vehicle code to inform the vehicle's operator of a reason for the stop before engaging in questioning related to the suspected traffic violation.

2 **Board of Peace Officers Standards and Training; receipt of complaint.**

Provides that, when the Peace Officer Standards and Training Board receives a complaint alleging a violation of statute or rule that the board is empowered to enforce, the board's executive director may order an appropriate law enforcement agency to conduct an inquiry and requires such an agency to submit a written report. Under current law, the executive director must designate a law enforcement agency to investigate the complaint and the investigating agency must submit a written report.

3 **Railroad peace officers.**

Subd. 1. Chief law enforcement officer. Requires a railroad that intends to employ peace officers to appoint a chief law enforcement officer (CLEO) to oversee the peace officers and take responsibility for those officers. Requires a CLEO to be a Minnesota licensed peace officer.

Subd. 2. Railroad; employment of peace officers. Permits a railroad to employ railroad peace officers after appointing a CLEO. Railroad peace officers have the ability to work for the protection of property owned, or in the care or custody, of a railroad and to protect persons and property of railroad passengers and employees.

Subd. 3. Responsibilities of railroad company. Requires a railroad that employs peace officers to cooperate with the Board of Peace Officers Standards and Training (POST board) with respect to the board's authority to oversee peace officer licensing. Such a railroad must respond to requests from the POST board and produce any relevant information and data that the board requests. Failure to comply can result in sanctions against the railroad.

Subd. 4. Duties of railroad chief law enforcement officer. Establishes that a railroad CLEO has the same duties and responsibilities as any other CLEO, including supervising officers, ensuring ongoing training, and maintaining records.

Section Description – Article 3: Law Enforcement Provisions

Subd. 5. Authority; limitation. Establishes that railroad peace officers have the powers and duties of other peace officers on railroad property. Requires railroad peace officers to coordinate with local peace officers. Prohibits railroads from directing, requiring, or allowing railroad peace officers to investigate violations of a railroad rule, policy, or procedure that are unrelated to a criminal offense or to any incident involving civil litigation. Directs the railroads to update their policies and share those updates with labor organizations. Provides that peace officers who violate the restrictions are subject to discipline as though they violated the peace officer standards of conduct.

Subd. 6. Licensing. Establishes that peace officers employed by a railroad are eligible for licensing as Minnesota peace officers under the same standards as other Minnesota peace officers.

Subd. 7. Immediate suspension of authority. Authorizes the POST board to revoke the license of a railroad peace officer or the railroad CLEO. Establishes that, if the board revokes the license of the CLEO, the other officers must be placed on inactive status or have their licenses revoked. Provides an exception for the license of an officer who is employed by a different law enforcement agency in Minnesota.

Subd. 8. Compensation; benefits; fees. Provides that compensation for railroad peace officers is the responsibility of the railroad.

Subd. 9. Railroad liability. Establishes that liability for actions by railroad peace officers are subject to the privileges and immunities of other peace officers. Establishes that railroads are liable for the actions of railroad peace officers and must indemnify such officers consistent with the indemnification by an employer of other peace officers in the state.

Subd. 10. Construction. Provides that nothing in this section restricts the rights, powers, or privileges granted to peace officers who are not railroad peace officers.

4 Odor of cannabis; search prohibited.

Provides that a peace officer's perception of the odor of cannabis must not serve as the sole basis to justify the search of a vehicle, driver, passenger, or contents of the vehicle.

5 Use of force reporting; independent investigations required.

Requires the Use of Force Investigations Unit within the Bureau of Criminal Apprehension (BCA) to investigate any officer-involved death unless the officer was an employee of the BCA. Requires the investigating agency to submit a report to the prosecutor and requires a prosecutor who determines that there is no basis to file

Section Description – Article 3: Law Enforcement Provisions

- charges against an officer to disclose that decision and the report. Permits portions of the report to be redacted if those portions contain information that is not public under section 13.72.
- 6 **Definitions.**
Amends the definition of “peace officer” in the sections of law regarding search warrants to include railroad peace officers.
- 7 **Establishment and membership.**
Changes the name of the Ensuring Police Excellence and Improving Community Relations Advisory Council to the Public Safety Advisory Council.
- 8 **Training in excited delirium and similar terms prohibited.**
Defines the term “excited delirium.” Prohibits the Peace Officer Standards and Training Board (POST Board) from granting continuing education credit to a course that includes training on the detection or use of the term excited delirium, prohibits the board from reimbursing a law enforcement agency for a course that includes such training, and prohibits law enforcement agencies from providing any course to peace officers that includes training on excited delirium.
- 9 **Report on alleged misconduct; database; report.**
Makes conforming changes related to changing the name of the Ensuring Police Excellence and Improving Community Relations Advisory Council to the Public Safety Advisory Council.
- 10 **Anoka County; jail and criminal justice center.**
Permits Anoka County to build a jail and criminal justice center in any city located within the county to replace the current jail located in the city of Anoka and permits the Anoka County Sheriff to keep office in the new jail and criminal justice center instead of the county seat.

Article 4: Miscellaneous Criminal Justice Provisions

This article contains provisions related to juvenile delinquency and other criminal justice policy.

Section Description – Article 4: Miscellaneous Criminal Justice Provisions

- 1 **Identification, collection, and publication of laws regarding collateral consequences.**
Directs the revisor of statutes to identify provisions in the state constitution, statutes, or administrative laws that establish a collateral sanction or disqualification for the

Section Description – Article 4: Miscellaneous Criminal Justice Provisions

- conviction of a criminal act and to publish the list. Requires the revisor to update the list every year.
- 2 **Delinquent child.**
Establishes that the term “delinquent child” does not include a child alleged to have committed an offense before becoming 13 years old. Under current law, a child can be considered a delinquent child after turning ten years old. This change applies to acts committed on or after August 1, 2026.
- 3 **Juvenile petty offender; juvenile petty offense.**
Establishes that the term “juvenile petty offender” does not include a child alleged to have committed an act before turning 13 years old. The change applies to acts committed on or after August 1, 2026.
- 4 **DNA collection; parental consent, court order, or warrant required.**
Establishes that a biological specimen cannot be taken from a minor for DNA testing without the consent of the minor, a court order, or a warrant.
- 5 **Child in need of protection or services.**
Establishes that, effective July 1, 2026, a juvenile who commits a delinquent act before becoming 13 years old must be treated as a child in need of protection or services. Under current law, this applies to a juvenile who is under ten years of age.
- 6 **Mandatory reporters.**
Prohibits any organization, facility, school, or other similar entity from having policies that prevent or discourage any person from reporting suspected or alleged child maltreatment.
- 7 **Criminal penalties for failure to report; civil penalty for making false report.**
Adds a misdemeanor penalty for any person who intentionally prevents or attempts to prevent a mandatory reporter from reporting child maltreatment.
- 8 **Required collection of biological specimen for DNA testing.**
Eliminates requirements that certain individuals provide a biological specimen for DNA analysis. The eliminated provisions have been found to be unconstitutional.
- 9 **Pleadings and practice after filing a postconviction petition.**
Extends the deadline for a county attorney to respond to a petition for postconviction relief from 20 days to 45 days.

Section Description – Article 4: Miscellaneous Criminal Justice Provisions

- 10 **Person providing assistance; immunity from prosecution.**
Amends Minnesota’s “Good Samaritan” law related to assisting someone experiencing a drug-related overdose to include immunity for individuals acting in concert with the person who makes the emergency call.
- 11 **Life sentences; minimum term of imprisonment.**
Makes a technical correction to a statutory cross reference.
- 12 **Eligibility; certain criminal proceedings.**
Amends the automatic expungement provisions to specify that the gross misdemeanor offense of causing death or great bodily harm while driving recklessly is not eligible for automatic expungement. Specifies that certain third-degree burglary offenses are eligible for automatic expungement.
- 13 **Certain criminal proceedings.**
Specifies that the waiting period before a person can file a petition for expungement in a felony case is four years if the person received a stay of imposition for an offense listed in the statute and five years for an offense that is not listed. Corrects an internal cross reference. Clarifies that offering a forged check should be treated in the same manner as check forgery.
- 14 **Criminal sexual conduct; mentally incapacitated; asleep or not conscious.**
Establishes that a charge of criminal sexual conduct may be brought in the county where any element of the alleged offense took place or where the complainant is found in cases where the complainant was mentally incapacitated or physically helpless as the result of being asleep or not conscious.
- 15 **Confession by a juvenile; inadmissible when deception is used.**
Establishes a presumption that an admission, confession, or statement made by a person under 18 years of age during a custodial interrogation by a law enforcement officer or the officer’s agent is presumed to have been made involuntarily if the law enforcement officer or agent communicated (1) material information that the officer or agent knew to be false or (2) statements about leniency that the officer or agent was not authorized to make. Authorizes a prosecutor to rebut the presumption. Establishes that the presumption does not apply to statements made before the prohibited conduct. Specifies that information may be admissible if it would have been discovered through independent, lawful means.
- 16 **Pardon eligibility; waiver.**
Amends the standard for obtaining a pardon in cases where a person was charged with second degree felony murder under section 609.19, subdivision 2 and pled guilty to second degree murder under section 609.19, subdivision 1, clause (1), to

Section Description – Article 4: Miscellaneous Criminal Justice Provisions

- allow a person to seek a pardon if the person was either not a major participant or did not act with extreme indifference to human life.
- 17 **Grounds for recommending clemency.**
Amends the grounds for recommending clemency in cases where a person was charged with second degree felony murder under section 609.19, subdivision 2 and pled guilty to second degree murder under section 609.19, subdivision 1, clause (1), to allow a recommendation if the person was either not a major participant or did not act with extreme indifference to human life.
- 18 **Notification.**
Extends the deadline for the Department of Corrections to notify inmates of the ability to petition for resentencing in cases involving felony murder from December 1, 2023, to September 1, 2024.
- 19 **Determination; order; resentencing.**
Amends the standard for ordering resentencing of certain individuals convicted of felony murder to allow resentencing if the person was either not a major participant or did not act with extreme indifference to human life. Authorizes a court to impose a sentence for a lesser included offense if the court resentences the individual.
- 20 **Additional requirements.**
Authorizes certain individuals to reapply for relief based on changes to the eligibility standards for the resentencing of individuals convicted of felony murder.
- 21 **Repealer.**
Repeals the provisions of chapter 609B that identify collateral consequences for criminal convictions. The chapter is replaced with a list compiled by the revisor of statutes.

Article 5: Public Safety

This article contains provisions related to public safety and the Department of Public Safety.

Section Description – Article 5: Public Safety

- 1 **Search warrant.**
Defines the term “search warrant” for purposes of obtaining blood and urine samples from individuals suspected of driving under the influence of alcohol or drugs to

Section Description – Article 5: Public Safety

- address situations in which the individual must be taken to an appropriate medical facility in an adjacent state.
- 2 **Blood or urine tests; search warrant required.**
 Makes a conforming change.
- 3 **Requirement of urine or blood test.**
 Makes a conforming change.
- 4 **Search warrant-required testing advisory.**
 Makes a conforming change.
- 5 **License revocation pursuant to search warrant.**
 Makes a conforming change.
- 6 **Test refusal; license revocation.**
 Makes a conforming change.
- 7 **Test failure; license revocation.**
 Makes a conforming change.
- 8 **Test refusal; driving privilege lost.**
 Makes a conforming change.
- 9 **Judicial hearing; issues, order, appeal.**
 Makes conforming changes.
- 10 **State emergency response asset.**
 Amends the definition of “state emergency response asset” to apply to teams that have entered into contractual agreements with the State Fire Marshal Division.
- 11 **Urban search and rescue (US&R).**
 Amends the definition of “urban search and rescue.”
- 12 **Administrative costs.**
 Authorizes the commissioner of public safety to retain up to ten percent of the appropriation for grants-in-aid to the youth intervention program. Currently, only two percent may be retained.

Section Description – Article 5: Public Safety

13 Protective agent.

Requires a company providing guards or other personnel to transport a person arrested on warrant to have a protective agent license unless the transporter is a corrections agent, law enforcement agent, or emergency responder.

14 Basis for action.

Requires the Private Detectives Board to revoke, suspend, or refuse to issue or reissue a license if the license holder provides guards to transport a person arrested on a warrant and any employee commits an act that would constitute criminal sexual conduct in Minnesota or any act that involved the use of unreasonable force on a person being transported.

15 Administrative penalties.

Establishes a minimum penalty of \$10,000 for a private agent if an employee of the license holder commits an act that would constitute criminal sexual conduct in Minnesota or any act that involved the use of unreasonable force on a person being transported.

16 Motor vehicle registration compliance working group.

Directs the commissioner of public safety to establish a motor vehicle registration working group to examine issues related to motor vehicle registration and registration tax compliance. Identifies the required membership of the group, lists the specific duties that are required, and provides that the working group must comply with chapters 13 and 13D. Requires the working group to submit a report by February 15, 2025. Provides that the group expires on June 30, 2025.

17 Task Force on Holistic and Effective Responses to Illicit Drug Use.

Subd. 1. Establishment. Establishes a task force to review the reports on approaches to address illicit drug use prepared pursuant to the grant passed in the 2023 session and to develop recommendations based on that report.

Subd. 2. Membership. Identifies the membership of the Task Force on Holistic and Effective Responses to Illicit Drug Use. Requires appointment by August 31, 2024, and establishes that members serve without compensation.

Subd. 3. Duties. Establishes the duties of the task force, including reviewing relevant data, gathering public input, and making recommendations that include a specific implementation plan and timeline.

Subd. 4. Officers; meetings. Directs the director of the Office of Addiction and Recovery to convene the first meeting of the task force by September 30, 2024. Establishes that meetings are subject to the open meeting requirements.

Section Description – Article 5: Public Safety

Subd. 5. Staff; meeting space. Directs the Office of Addiction and Recovery to provide space and administrative support for the task force.

Subd. 6. Report. Requires the task force to submit a report to the legislature with recommendations that include proposed legislation and implementation plans.

Subd. 7. Expiration. Provides that the task force expires June 30, 2025.

18 Task Force on Domestic Violence and Firearm Surrender.

Establishes a Task Force on Domestic Violence and Firearm Surrender to review laws that require the surrender of firearms by individuals who are the subject of an order for protection, the subject of an extreme risk protection order, or have been convicted of certain offenses related to domestic violence. The task force must also identify best practices to both ensure the surrender of firearms and protect the safety of peace officers, victims, and others. The task force must begin meeting by September 15, 2024, and must submit a final report by February 1, 2025.

19 Grand Portage Band of Lake Superior Chippewa Tribe; coast guard services; grant purposes expansion.

Expands the authorized use of money appropriated in fiscal year 2024 and issued as a grant to the Grand Portage Band of Lake Superior Chippewa for equipment, personnel, and other costs related to providing coast guard services off the north shore of Lake Superior.

Article 6: Criminal Provisions

This article contains provisions establishing or amending crimes and criminal law.

Section Description – Article 6: Criminal Provisions

1 Prohibited conduct.

Adds the crime of aggravated first-degree witness tampering to the list of offenses described as crimes against a person that justify disciplinary action against any unlicensed complementary and alternative health care practitioner.

2 Penalty.

Specifies that a peace officer who encounters a person suspected of committing a fifth-degree controlled substance offense may provide the person a referral to treatment on the officer's own initiative and must provide referral information if the person requests a referral.

Section Description – Article 6: Criminal Provisions

- 3 **Definition.**
Adds the crime of aggravated first-degree witness tampering to the list of offenses in the definition of “crime against the person” for the purposes of the statutes addressing predatory offender registration.
- 4 **When authorized.**
Makes a conforming change.
- 5 **Use of force not authorized; reaction to victim’s sexual orientation or gender identity.**
Specifies that force may not be used against another based on the other’s actual or perceived sexual orientation, gender identity, or gender expression.
- 6 **Defenses; intoxication, reaction to sexual orientation or gender identity.**
Specifies that it is not a defense to a crime that a defendant acted based on another’s actual or perceived sexual orientation, gender identity, or gender expression.
- 7 **Reporting.**
Establishes a reporting requirement in cases where a veteran is sentenced under the Veterans Restorative Justice Act.
- 8 **Definition.**
Adds the crime of aggravated first-degree witness tampering to the list of offenses in the definition of “violent crime” for purposes of increasing sentences for certain dangerous and repeat felony offenders.
- 9 **Stay of sentence maximum periods.**
Establishes that the exception to the length of probation that permits extended periods of probation for certain serious offenses also applies to a felony-level attempt or conspiracy to complete one of those crimes. Specifies that the exception allowing a longer period of probation also applies to first-degree murder.
- 10 **Grounds.**
Authorizes the revocation of probation and execution of a sentence of imprisonment when a person violates the terms of a stay of adjudication.
- 11 **Notification of grounds for revocation.**
Makes a conforming change.

Section Description – Article 6: Criminal Provisions

- 12 **Sentence.**
Authorizes the revocation of probation and execution of a sentence of imprisonment when a person violates the terms of a stay of adjudication.
- 13 **Engaging in, hiring, or agreeing to hire minor to engage in prostitution; penalties.**
Clarifies that hiring, or offering or agreeing to hire, a minor who is 13 years old is subject to imprisonment of up to ten years, not up to five years.
- 14 **Definitions.**
Makes technical changes for clarity in the definitions section of the “organized retail theft” offense.
- 15 **Organized retail theft.**
Makes technical changes for clarity in the “organized retail theft” offense.
- 16 **Felony offense; reporting fictitious emergency resulting in response to the home of certain officials.**
Establishes an enhanced penalty for falsely reporting an emergency and triggering an emergency response to the home of an elected official, judge, prosecuting attorney, employee of a correctional facility, or peace officer.
- 17 **Definition.**
Makes a conforming change.
- 18 **Sale of calcified remains.**
Subd. 1. Definitions. Defines the term “human remains” to include any part of a dead human body, the cremated remains of a dead human body, or the hydrolyzed remains of a dead human body. Also defines “law enforcement agency,” “local organization for emergency management,” and “search and rescue unit.”
Subd. 2. Sale of human remains; donation and reimbursement. Provides that the sale of human remains, or offering to sell human remains, is prohibited. Establishes exceptions including donation to a licensed health care provider or postsecondary educational institution for legitimate medical, scientific, or educational purposes; donation to law enforcement agencies, search and rescue units, and local organizations for emergency management to conduct search and rescue training or to train search and rescue dogs; and sale that is incidental to the sale of real property. Provides that nothing in the section prohibits a person from recovering reasonable expenses for the processing, preservation, quality

Section Description – Article 6: Criminal Provisions

control, storage, transportation, or final disposition of human remains for the legitimate purposes as described in the section.

Subd. 3. Penalty. Establishes that violation of this section is a felony.

Article 7: Predatory Offenders

This article contains changes to requirements related to predatory offenders and predatory offender registration.

Section Description – Article 7: Predatory Offenders

- 1 Definitions.**
Defines the terms “conservator,” “guardian,” and “power of attorney” for purposes of the statutes governing predatory offender registration.
- 2 Registration required.**
Removes the offense of false imprisonment of someone else’s child from the list of offenses that require registration as a predatory offender. Clarifies that disseminating a pornographic work involving a minor requires registration.
- 3 Registration procedure.**
Amends the methods the Bureau of Criminal Apprehension can use to verify that a person required to register as a predatory offender is living at an address in a new state and allows the bureau to determine if the evidence is sufficient to confirm the person’s new residence.
- 4 Guardians, conservators, and power of attorney.**
Authorizes the guardian or conservator for, or power of attorney of, a person required to register as a predatory offender to complete all verification and registration paperwork on behalf of the person.
- 5 Registration period.**
Amends the standard for restarting the ten-year registration period so that the registration period starts over based on a conviction for a new offense that requires registration instead of any new offense.
- 6 Law enforcement agency; disclosure of information to public.**
Requires a law enforcement agency in the area where a predatory offender who has been assigned to risk level II resides, expects to reside, is employed, or is regularly found to disclose information that is relevant and necessary to counteract the

Section Description – Article 7: Predatory Offenders

- offender’s dangerousness to public officials who are likely to visit the offender’s home in the course of the official’s duties, including property assessors, property inspectors, and code enforcement officials.
- 7 **Level III offenders; location of residence.**
Amends the requirement that the agency responsible for supervising a level III predatory offender consider the offender’s proximity to certain locations to include child care facilities and group family day care programs, licensed facilities for vulnerable adults, attractions within public parks that are regularly used by minors (such as playgrounds and athletic fields), and community centers. Limits the considerations to situations where the proximity presents a risk of reoffending.
- 8 **Continuance.**
Permits a court to extend a continuance in certain juvenile delinquency cases involving sexual assault and similar conduct for successive periods that do not exceed a total of 24 months so that the offender can receive sex offender treatment. Requires the consent of the prosecutor to extend the continuance. A continuance permits a court to exercise jurisdiction over a juvenile without a finding of delinquency. Under current law, a court can issue a single continuance of 180 days.

Article 8: Corrections Provisions

This article contains provisions related to corrections and the Department of Corrections.

Section Description – Article 8: Corrections Provisions

- 1 **Public benefit data.**
Amends the situations where the Department of Corrections can disclose the city and zip code of an offender to a victim when the offender is released from a DOC facility. Eliminates the requirements that the victim have been a household or family member of the offender, the offense was a qualified domestic violence-related offense against the victim seeking the information, the victim made a written or electronic request, and the offender was under correctional supervision at the time of the request.
- 2 **Correctional facilities; inspection; licensing.**
Provides that the access a commissioner has to the buildings, grounds, books, records, staff, and persons incarcerated in a facility is not limited by the classification of data in chapter 13 or any other provision in law. Establishes that failure to provide

Section Description – Article 8: Corrections Provisions

- or grant access to relevant information may be grounds for the commissioner to take licensing action.
- 3 **State correctional facilities security audit group.**
Amends the membership of the security audit group to remove a physical plant safety consultant and a private security consultant and add an individual with expertise in security related to infrastructure and operational logistics of correctional facilities, the commissioner of health or a designee, and the commissioner of administration or a designee. Establishes that the ombudsperson for corrections or a designee must chair the group. Requires the group to submit a report whenever it updates security audit standards and requires the group to meet twice a year and make recommendations within 60 days of a meeting. Establishes that the audit group is not subject to chapter 13D. Further provides that the terms and removal of members are subject to section 15.059, members are eligible for reimbursement but not compensation, and the group does not expire.
- 4 **Health care peer review committee.**
Amends the membership of the health care peer review committee to remove the director of health services, allow the department director of nursing to appoint a designee, and include additional members.
- 5 **Reporting on inmate communications services required.**
Requires county and regional correctional facilities, including jails, workhouses, juvenile detention centers, and lockups to report on their communications contracts for inmate communications. Reports must be made by February 28 of each year and the commissioner of corrections must compile the information and submit a single report to the chairs and ranking members of the legislative committees with jurisdiction over criminal justice policy.
- 6 **Prison education partnerships.**
Prohibits the commissioner of corrections from entering into agreements or contracts with higher education institutions that are organized as for-profit companies or charge a higher per-credit rate to incarcerated individuals than to those who are not incarcerated.
- 7 **Health care decisions.**
Allows the medical director of the DOC to designate a person, who must be a physician, to make a health care decision for certain inmates. Currently statute limits the authority to the medical director of the DOC.

Section Description – Article 8: Corrections Provisions

- 8 **Use of force.**
Eliminates the requirement that a correctional officer who uses force must be the person who can articulate the threat with specificity.
- 9 **Supervised release, life and indeterminate sentences.**
Allows the supervised release board to meet in closed session to receive and review a victim’s statement.
- 10 **Offenders not eligible.**
Amends the limit on offenders who can be placed in the challenge incarceration program to remove the prohibitions for individuals with certain medical conditions and the responsibility of the DOC to identify disqualifying medical conditions.
- 11 **Commissioner of corrections; report.**
Amends the requirements for the DOC to report on information on individuals on probation by requiring that the report be made by May 1 of each year (instead of January 15) and removing references to recommended methods of coordinating the exchange of information between probation service providers and between probation service providers and the DOC.
- 12 **Conditional release.**
Defines the term “conditional release” for purposes of the earned compliance credit program, also known as the Minnesota Rehabilitation and Reinvestment Act.
- 13 **Earned compliance credit.**
Makes a conforming change related to extending earned compliance credits to conditional release terms.
- 14 **Supervision abatement status.**
Makes a conforming change related to extending earned compliance credits to conditional release terms.
- 15 **Adopting policy for earned compliance credit; supervision abatement status.**
Makes a conforming change related to extending earned compliance credits to conditional release terms.
- 16 **Violating conditions of release; commissioner action.**
Makes a conforming change.
- 17 **Distributing reallocation funds.**
Amends distribution of funds in the earned incentive release savings account to eliminate a transfer of 25 percent to the general fund and increase the transfer to

Section Description – Article 8: Corrections Provisions

- the Office of Justice Programs for crime victims services from 25 percent to 50 percent.
- 18 **Supervised release employment requirement; postsecondary education.**
Specifies that participation in postsecondary education satisfies a requirement that a person on supervised release work or be employed.
- 19 **Definitions.**
Defines the term “local advisory board” for purposes of the Community Corrections Act.
- 20 **Community supervision funding formula.**
Appropriates savings from the Minnesota Rehabilitation and Reinvestment Act to each CCA jurisdiction.
- 21 **Conditional release.**
Defines the term “conditional release” in the criminal chapter.
- 22 **Petition; contents; fee.**
Authorizes a supervising agent or the commissioner of corrections to provide a prosecutor with private or confidential data for purposes of a petition for sentence adjustment.
- 23 **Executive director.**
Removes a reference to section 15A.0815 which was repealed in the 2023 session.
- 24 **Offender location.**
Amends the situations where the Department of Corrections can disclose the city and zip code of an offender to a victim when the offender is released from a DOC facility. Eliminates the requirements that the victim have been a household or family member of the offender, the offense was a qualified domestic violence-related offense against the victim seeking the information, the victim made a written or electronic request, and the offender was under correctional supervision at the time of the request.
- 25 **Education providers; sites.**
Establishes that, effective July 1, 2025, the Board of Regents of the University of Minnesota may request that the commissioner of public safety designate one or more campuses to provide certain law enforcement training and authorizes the commissioner to make the designation.

Section Description – Article 8: Corrections Provisions

- 26 **Procedure on receipt of request.**
Eliminates the requirement that the DOC send a certification of the term of commitment an offender is serving and related information by both electronic means and mail when an imprisoned person requests disposition of an untried matter, allowing the DOC to provide the information either by electronic means or mail.
- 27 **Executive director.**
Removes a reference to section 15A.0815 which was repealed in the 2023 session.
- 28 **Department administrative assistance.**
Terminates the assistance provided by the Department of Corrections to the Clemency Review Commission consistent with establishing the commission as an independent entity.
- 29 **Transition period.**
Extends the period of time in which the Department of Corrections will provide the Cannabis Expungement Board with support.
- 30 **Incarcerated student aid borrowers.**
Requires the commissioners of corrections and higher education to share data to identify incarcerated persons who are student aid borrowers and to develop a plan to assist incarcerated persons with enrolling in income-driven repayment plans for financial aid repayment.
- 31 **Fresh Start program.**
Requires the commissioner of corrections to encourage eligible individuals who are incarcerated inmates to enroll in the Fresh Start program.
- 32 **Repealer.**
Repeals section 241.265 which prohibited the commissioner of corrections from paying for certain degrees for individuals convicted of first- or second-degree murder.

Article 9: Restorative Practices Restitution Program

This article establishes grants to make restitution payments to victims on behalf of certain juveniles who participate in restorative practices programs.

Section Description – Article 9: Restorative Practices Restitution Program

- 1 Grants.**
Authorizes the director of the Office of Restorative Practices to issue grants to make restitution payments to victims on behalf of certain juveniles who participate in restorative practices programs.
- 2 Restorative practices; restitution program.**
Directs the Office of Restorative Practices to establish a restorative practices restitution grant program. Establishes eligibility requirements for grant applicants. Establishes requirements for restitution grants. Classifies certain data that is related to paying restitution to victims on behalf of juveniles who participate in restorative practices programs as private data on individuals.
- 3 Office of Justice Programs.**
Amends a 2023 appropriation to permit money to be used to support the restorative practices restitution grant program.

Article 10: Protective Orders

This article amends provisions related to orders for protection and harassment restraining orders.

Section Description – Article 10: Protective Orders

- 1 Definitions.**
Defines the term “custodian” for purposes of the Domestic Abuse Act.
- 2 Filing fee.**
Makes a conforming change in the statute addressing orders for protection to remove references to how the person seeking the order and the other party must receive information about when a hearing will take place or that the court issued an order. This type of notice is called “service.” Service provisions are moved to a single subdivision.
- 3 Information on petitioner’s location or residence.**
Permits a person petitioning for an order for protection, or the custodian of the petitioner’s minor children, to make the location or residence of the petitioner’s minor children not accessible to the public.

Section Description – Article 10: Protective Orders

- 4 Order for protection.**
Requires a person petitioning for an order for protection to state whether the petitioner has any minor children and, if so, the name of any custodian of the children and the location or residence of the custodian. Prohibits rejecting or denying a petition on the grounds that it does not contain this information.
- 5 Hearing on application; notice.**
Requires that notice of a hearing for an order for protection be served on any custodian of the petitioner’s minor children.
- 6 Subsequent orders and extensions.**
Requires notice to the custodian when an order for protection is extended or renewed.
- 7 Ex parte order.**
Requires the custodian of a petitioner’s minor children to be served with any ex parte order for protection. Service may be by mail. Also requires that a custodian must be sent notice that an order has expired.
- 8 Service; alternate service; publication; notice.**
Authorizes service of a petition for an order for protection and any order issued to be served electronically or by mail if a respondent appears remotely for a hearing and the respondent is informed that the court will issue an order for protection against the respondent. Also requires that service of an order for protection be served on the custodian of the petitioner’s minor children.
- 9 Short-form notification.**
Makes conforming changes and provides that the short-form notification does not apply to the notification of the custodian of a petitioner’s minor children.
- 10 Assistance of sheriff; possession of dwelling or residence.**
Makes a conforming change in the statute addressing orders for protection to remove references to how the person seeking the order and the other party must receive information about when a hearing will take place or that the court issued an order. This type of notice is called “service.” Service provisions are moved to a single subdivision.
- 11 Personal service; procedures; cost; reasonable efforts and cooperation required.**
Consolidates service requirements in the statute addressing orders for protection into a single subdivision. Requires peace officers, probation officers, court services officers, parole officers, and employees of jail or correctional facilities to provide any sheriff or other officer attempting to effectuate service of an order for protection

Section Description – Article 10: Protective Orders

- with relevant information regarding where a respondent may be found. Requires a sheriff or other law enforcement officer attempting to serve a respondent with an order for protection or related document to make reasonable efforts to locate the respondent. Requires the sheriff or other officer serving an order to provide a copy of the served order or notification of service to the respondent’s probation officer. Also permits certain individuals to serve orders for protection on the custodian of a petitioner’s minor children.
- 12 **Modifying or vacating order.**
Requires notice of hearings and any order vacating or modifying an order for protection to be served on any custodian of the petitioner’s minor children.
- 13 **Notice to custodian; failure not a bar to enforcement.**
Establishes that the failure to notify the custodian of a petitioner’s minor children of the existence of any order for protection does not prevent enforcement of the order.
- 14 **Filing fee.**
Makes a conforming change in the statute addressing harassment restraining orders to remove references to how the person seeking the order and the other party must receive information about when a hearing will take place or that the court issued an order. This type of notice is called “service.” Service provisions are moved to a single subdivision.
- 15 **Restraining order.**
Authorizes service of a petition for a harassment restraining order and any order issued to be served electronically or by mail if a respondent appears remotely for a hearing and the respondent is informed that the court will issue a harassment restraining order against the respondent.
- 16 **Personal service; procedures; cost; reasonable efforts and cooperation required.**
Consolidates service requirements in the statute addressing harassment restraining orders into a single subdivision. Requires peace officers, probation officers, court services officers, parole officers, and employees of jail or correctional facilities to provide any sheriff or other officer attempting to effectuate service of a harassment restraining order with relevant information regarding where a respondent may be found. Requires a sheriff or other law enforcement officer attempting to serve a respondent with a harassment restraining order or related document to make reasonable efforts to locate the respondent. Requires the sheriff or other officer serving an order to provide a copy of the served order or notification of service to the respondent’s probation officer.

Section Description – Article 10: Protective Orders

17 Dismissals.

Authorizes orders for dismissal of a temporary restraining order or a restraining order to be served personally or by certified mail.

Article 11: State Board of Civil Legal Aid

These sections create the State Board of Civil Legal Aid and provides that members are appointed by the supreme court and governor. The new State Board of Civil Legal Aid will make decisions about legal aid previously made by an advisory council under the supreme court.

Section Description – Article 11: State Board of Civil Legal Aid

1 Eligible client.

Updates a definition based on the creation of the State Board of Civil Legal Aid.

2 Recipient.

Updates a definition based on the creation of the State Board of Civil Legal Aid.

3 State Board of Civil Legal Aid.

Creates the State Board of Civil Legal Aid within the judicial branch and provides for membership, duties, access to records for the board, and administrative support to the board.

4 Review of applications; selection of recipients.

Updates statutes related to funding civil legal services based on the creation of the State Board of Civil Legal Aid.

5 Timing of distribution of funds.

Provides that funds to legal aid must be distributed twice a year.

6 Committee eligibility guidelines.

Updates laws related to eligibility for civil legal services based on the creation of the State Board of Civil Legal Aid.

7 State Board of Civil Legal Aid; staff.

Allows existing staff to transfer to the new board.

8 Repealer.

Repeals an obsolete section.

Section Description – Article 11: State Board of Civil Legal Aid

- 9 **Effective date.**
Provides the board begins July 1, 2025.

Article 12: Judicial Data

This article prohibits the dissemination of personal information, including the address, of judges and court staff and creates civil and criminal remedies for violations.

Section Description – Article 12: Judicial Data

- 1 **Judicial official data; personal information.**
Creates a new section in the Government Data Practices Act classifying the personal information of judicial officials as private data. Civil remedies are only available for a violation of this section if the judicial official previously notified the government entity that he or she was a judicial official eligible for protection under this section. A notification form is classified as private data.
- 2 **Personal information; dissemination.**
This creates a new law prohibiting the dissemination of personal information about judicial officials.
- Subd. 1. Definitions.** Defines “judicial official” and “personal information.”
- Subd. 2. Dissemination of personal information.** Prohibits any person, business, association, or government entity from disseminating personal information of judicial officials. Allows dissemination pursuant to specific authorization in law or with written consent of the official.
- Subd. 3. Exceptions.** Creates exceptions for: speech on matters of public concerns (i.e. news articles where the personal information is relevant); personal information a judicial official voluntarily disseminates after enactment of the law; and dissemination which is necessary to effectuate a request of a judicial official.
- 3 **Removal of personal information.**
Provides a mechanism for judicial officials to seek deletion of personal information published online.
- Subd. 1. Internet dissemination.** Provides that, if a judicial official’s personal information is made available online, the official can notify the person responsible by sworn affidavit that the person is a judicial official.

Section Description – Article 12: Judicial Data

Subd. 2. Removal of personal information. Requires removal of the personal information within 30 days and allows a judicial official to seek a court order compelling compliance.

4 Publishing personal information of judicial officials.

Creates a misdemeanor penalty for knowingly publishing the personal information of a judicial official with the intent to threaten, intimidate, harass, or physically injure. It is a felony penalty if the violation also results in bodily harm.

Article 13: Judicial Branch Policy

This article contains provisions related to the courts and judicial branch.

Section Description – Article 13: Judicial Branch Policy

1 Possession.

Provides that when a petitioner files a portion of an award to secure the right to title in an eminent domain action, the amount must be deposited with the court administrator. The amount must only be deposited in an interest bearing account if it exceeds \$10,000. Currently, there is no minimum. The deposit must take place within five business days. Currently, deposit must be made by the following business day.

2 Copy of judgment to commissioner.

Requires the court administrator to notify the commissioner of public safety that a judgment arising out of a case involving a motor vehicle has not been satisfied and directs the commissioner to provide notice to the official in charge of drivers' licenses in another state if the person is licensed in a different state. This replaces the requirement to send a certified copy of the judgment.

3 Conditions.

Establishes that the commissioner of public safety must suspend the license of certain persons when there is a judgment arising out of a case involving a motor vehicle and the driver was either not insured or had failed to pay the judgment. Currently, suspension must take place upon receipt of a certified copy of the judgment.

4 Court examiner.

Amends the definition of "court examiner" in the chapter on civil commitment to include psychologists who are either licensed in Minnesota or hold authority to practice in Minnesota under an approved interstate compact instead of limiting the definition to those who are licensed.

Section Description – Article 13: Judicial Branch Policy

- 5 **Uniform collections policies and procedures for courts.**
Exempts court debts referred to the Department of Revenue for revenue recapture from the provisions of sections 270A.08 and 270A.09. Those sections require notice, create the right to a hearing, and establish the process for a contested case.
- 6 **Juror protection.**
Requires employers to release an employee from that person’s regular work schedule to permit the employee to attend court for prospective jury service and prohibits the employer from requiring the employee to work an alternative shift or threaten the person’s employment status. Requires employers to permit an employee to work an alternative schedule at the employee’s request.
- 7 **Court examiner.**
Amends the definition of “court examiner” in the chapter on competency attainment to include psychologists who are either licensed in Minnesota or hold authority to practice in Minnesota under an approved interstate compact instead of limiting the definition to those who are licensed.

Article 14: Public Defense and Other Criminal Justice Policy

This article contains provisions related to public defenders and the board established to address competency of defendants.

Section Description – Article 14: Public Defense and Other Criminal Justice Policy

- 1 **Structure; membership.**
Eliminates the requirement that the State Board of Public Defense establish an ad hoc Board of Public Defense to appoint district public defenders.
- 2 **Duties and responsibilities.**
Removes references to the “appointed counsel system.”
- 3 **State public defender; appointment; salary.**
Establishes that the state public defender may be removed before the end of a term by a majority vote of board members.
- 4 **Chief appellate public defender; office; assistants.**
Establishes that the chief appellate public defender may be removed before the end of a term by a majority vote of the members present at a meeting of the State Board of Public Defense. Removes references to the employment status of assistant state appellate public defenders. Removes language referencing dates that have passed.

Section Description – Article 14: Public Defense and Other Criminal Justice Policy

- 5 **Appointment; terms.**
Removes the requirements that the State Board of Public Defense must convene an ad hoc board to appoint a district public defender. Establishes that the chief district public defenders may be removed before the end of a term by a majority vote of the members present at a meeting of the State Board of Public Defense.
- 6 **Compensation.**
Removes the requirement that the Board of Public Defense review information on the compensation of county attorneys when establishing the compensation of the chief district public defenders.
- 7 **Budget; compensation.**
Eliminates the authority for the budgets for the district public defender services in the Second District (Ramsey County) and Fourth District (Hennepin County).
- 8 **Assistant public defenders.**
Removes the requirement that assistant district public defenders be appointed by the board and be appointed to ensure broad geographic representation and caseload distribution within the district.
- 9 **Employees.**
Removes the statement that the district public defenders in Ramsey and Hennepin Counties are county employees.
- 10 **Transition.**
Removes references to public defenders who transitioned from being county employees to state employees in 1993 and their ability to retain insurance through the county.
- 11 **Budget.**
Eliminates the requirement that a chief district public defender submit a comprehensive budget to the State Board of Public Defense. Eliminates the requirement that the board consider the distribution of public defenders and the equity of compensation among the judicial districts when distributing funds to district public defenders.
- 12 **Adequate representation; review.**
Provides that the chief district public defender may request that the state public defender authorize appointment of counsel other than the district public defender when the chief district public defender does not believe that the office can provide adequate representation.
- 13 **Addition of permanent staff.**
Makes a conforming change.

Section Description – Article 14: Public Defense and Other Criminal Justice Policy

- 14 **Appointment of counsel.**
Makes a conforming change and provides that all billings for services performed by attorneys other than public defenders who are state employees must be approved by the district public defender before being forwarded to the state public defender for payment.
- 15 **Correctional facility inmates.**
Removes references to billing for services related to correctional facility inmates.
- 16 **Appeal by prosecuting attorney; attorney fees.**
Removes references to situations when a prosecuting attorney appeals to the court of appeals. Makes conforming changes. Increases the maximum amount that can be paid for services rendered under this section from \$5,000 to \$10,000.
- 17 **Definition.**
Changes the name of the State Competency Attainment Board (SCAB) to the Minnesota Competency Attainment Board (MCAB).
- 18 **Establishment; membership.**
Makes a conforming change related to renaming the Minnesota Competency Attainment Board.
- 19 **Fees and costs; civil actions on contested case.**
Makes a conforming change related to renaming the Minnesota Competency Attainment Board.
- 20 **Establishment.**
Makes a conforming change related to renaming the Minnesota Competency Attainment Board.
- 21 **Duties.**
Makes a conforming change related to renaming the Minnesota Competency Attainment Board.
- 22 **Revisor instruction.**
Directs the revisor to move subdivisions of law from section 611.27 to section 611.24 and renumber the subdivisions.
- 23 **Repealer.**
Repeals sections of law related to defendants paying reimbursement for the costs associated with having a public defender (section 611.20, subdivisions 3 and 4); the duties of the state public defender concerning statistical data, budget information, and other cost factors (section 611.25, subdivision 3); and the reporting of certain information and appointment of counsel other than the district public defenders (section 611.27, subdivisions 6, 9, and 12).

Article 15: Civil Law Provisions

These provisions affect the Safe at Home program, the use of daycares in homeowners associations (HOAs) and condos, liability for guardians, and court fee waivers (previously called IFPs) for individuals who cannot afford to pay filing fees in civil court cases.

Section Description – Article 15: Civil Law Provisions

- 1 **Definitions.**
Amends the definition of “eligible person” for the program, expanding it to include individuals who intend to move to and reside in Minnesota within 60 days.

- 2 **Certification.**
In connection with the change in section 1, allows an individual who intends to move to Minnesota to be certified for the program for 60 days. When the person moves to Minnesota, they can then be certified for the standard four-year period.

- 3 **Certification cancellation.**
Allows the secretary of state to cancel the certification of a program participant who does not move to Minnesota within 60 days.

- 4 **Use of designated address.**
Allows a program participant to use an alternative address (rather than the program’s designated address) if the address concerns real property owned through a trust or LLC.

- 5 **Classification of identity and location data; amendment of records; sharing and dissemination.**
Makes a technical clarification regarding a participant's ability to have public government data about the participant classified as private.

- 6 **Jurisdiction; general.**
Increases the claim limit for conciliation court from \$15,000 to \$20,000.

- 7 **Restrictions on child care prohibitions.**
Prohibits restrictions in real property documents, including HOAs and other transfer documents related to real property (deeds and sales), from prohibiting an in-home daycare where the home is a single-family home or the owner owns the entire building and is responsible for maintenance and insurance for the whole building.

Section Description – Article 15: Civil Law Provisions

- 8 **Construction and validity of declaration and bylaws.**
Requires the bylaws of a condo association, housing cooperative, or HOA to comply with the requirements of certain laws including the law that prohibits restrictions on in-home daycares.
- 9 **Powers of unit owners’ association.**
Requires HOAs and other similar organizations to comply with the law that says they cannot prohibit in-home daycares.
- 10 **Powers and duties of guardian.**
Removes a provision that provides immunity from personal liability for private guardians who fail to provide for a person subject to guardianship.
- 11 **Rights and immunities of guardian; limitations.**
Provides that guardians who fail to provide for a person subject to a guardianship can be removed and are not held personally liable for their actions except when (1) the person subject to guardianship was harmed, and (2) the guardian action was reckless or a willful misconduct, or was grossly negligent.
- 12 **Termination or modification of guardianship.**
Allows the court to grant a request for a guardian to resign even when they have not been able to locate a new guardian, so long as the resignation will not cause imminent substantial harm to the person subject to the guardianship.
- 13 **Motion.**
Amends procedure related to collateral sources in civil law judgments.
- 14 **Court fee waiver; authorization.**
Changes the current in forma pauperis law which is the law that allows the court to waive the filing fee and other court costs and fees for a person who is unable to pay. The current law requires an affidavit showing the nature of the financial reason that makes it so a person cannot pay the court costs and fees. The change in this act allows a person who is represented by a civil legal services organization to not have to go through the affidavit process if the attorney can submit an affidavit indicating the person qualifies for services through legal aid based on their financial eligibility requirements and therefore qualifies for a waived court fee. This section also changes the title of this action in statute from “in forma pauperis” to “court fee waiver.”

Article 16: Contracts for Deed

This article makes changes to existing contracts for deed and transfer law and creates a new chapter regulating contracts for deeds, specifically issues relating to disclosures, churning, balloon payments, and termination by vendors. This article creates new disclosures and new rights for purchasers in contract for deed agreements, and repeals existing laws.

Article 17: State Government Data and Policy

This article makes changes to filing and data for the Office of Administrative Hearings, changes procedures related to cybersecurity incidents for state government, and makes changes related to procedures for cemeteries related to American Indian remains.

Section Description – Article 17: State Government Data and Policy

1 Administrative courts.

Provides data practices classifications for the Office of Administrative Hearings, the Tax Court, and the Workers' Compensation Court of Appeals.

The classifications include those related to notes and memoranda or drafts prepared by a judge or employee and used in providing a court service and health-related documents and data included in a court file. Both types of data carry a classification as other than public.

2 Electronic documents permitted.

Requires an agency to file rule-related documents with the Office of Administrative Hearings in an electronic format. Under current law, electronic filing is a permissive option for an agency.

3 Approval of rule and rule form; costs.

Provides technical changes to certain filing requirements related to adopted rules, including elimination of a requirement that the chief administrative law judge file four paper copies of an adopted rule with the secretary of state. An electronic copy still must be filed.

4 Filing.

Eliminates a requirement that the chief administrative law judge file four paper copies of an adopted rule with the secretary of state. An electronic copy still must be filed.

5 Filing.

Eliminates a requirement that the administrative law judge file four paper copies of an adopted rule with the secretary of state. An electronic copy still must be filed.

Section Description – Article 17: State Government Data and Policy

- 6 **Procedure for adopting exempt rules; duration.**
Eliminates a requirement that an agency file with the secretary of state four paper copies of a rule adopted using the exempt rulemaking process. An electronic copy still must be filed.
- 7 **Notice.**
Modifies terminology related to a deadline for interested parties to submit comments to the Office of Administrative Hearings related to a proposed rule, to refer to “working days” instead of “business days” in calculating the five-day submission period.
- 8 **Notice plan; prior approval.**
Amends requirements related to an agency’s adoption of a plan for notifying certain persons or classes of persons who may be significantly affected by a rule repeal. Under current law, the plan must be approved by the chief administrative law judge; this section would permit any administrative law judge to approve the plan.
- 9 **Legal review.**
Permits the applicable administrative law judge, rather than requiring the chief administrative law judge, to approve an agency’s proposal to repeal an obsolete rule.
- 10 **Chief administrative law judge.**
Amends the law governing the role of the chief administrative law judge, to provide clarity regarding continuity in the role. Among the amendments, the chief judge is required to appoint a deputy chief judge. This section also establishes procedures for appointing an acting or temporary chief administrative law judge, in the event of a vacancy in the position.
- 11 **Interpreters.**
Permits the chief administrative law judge to retain and utilize interpreters identified by the Supreme Court’s Court Interpreter Program. Contracts for interpreters are not subject to state procurement and purchasing requirements.
- 12 **Administrative law judge decision final; exception.**
Provides that an existing 90-day deadline that applies to agency action in response to an order or report of an administrative law judge is tolled (temporarily suspended) while the chief administrative law judge considers an agency request for a reasonable extension to that deadline.

Section Description – Article 17: State Government Data and Policy

- 13 **Administrative law judge; salaries.**
Provides terminology updates to the law governing the salary structure for certain administrative law judges, including that the deputy chief judge’s salary is equal to the salary of a district court judge.
- 14 **Discretionary powers.**
Provides as a discretionary authority for the Department of Information Technology Services the ability to sponsor, support, and facilitate certain types of initiatives related to economic and community development and government services.
- 15 **Duties.**
Provides a number of miscellaneous amendments to the duties of the Department of Information Technology Services, including related to an annual report to the legislature regarding the department’s comprehensive projects and initiatives portfolio.
- 16 **Chief information officer’s responsibility.**
Amends duties of the state’s chief information officer (CIO) related to oversight of the state’s information and telecommunications technology systems and services.
- 17 **Evaluation and approval.**
Modifies language related to the manner in which the CIO, or the CIO’s designee, records approval of a proposed IT project.
- 18 **Evaluation procedure.**
Modifies standards for evaluating proposed agency IT projects, focusing on a cost benefit analysis of the project or initiative.
- 19 **Report to legislature.**
Amends an existing legislative report on IT projects, to require that the CIO report on IT projects that are specifically being proposed as part of the governor’s budget.
- 20 **Cyber security systems.**
Provides miscellaneous updates to the duties of the CIO related to the state’s cybersecurity, including permitting the CIO or the state chief information security officer to advise and consult with state entities and political subdivisions that are not otherwise part of the department’s scope of work.
- 21 **Responsibilities.**
Amends certain responsibilities related to the state information architecture to be discretionary responsibilities of the department, rather than mandatory.

Section Description – Article 17: State Government Data and Policy

22 Risk assessment and mitigation.

Increases the threshold for when a risk assessment and risk mitigation plan for a proposed IT project must be conducted by an entity outside of state government. The threshold is increased from \$5,000,000 to \$10,000,000 in expected project cost.

23 Online government information services.

Establishes MN.gov as the state’s comprehensive online government information services system, replacing the prior “North Star” system. A number of miscellaneous and conforming changes, including changes that more narrowly focus its goals.

24 Cybersecurity incidents.

Requires that any cybersecurity incident impacting a state agency; a political subdivision; a school district; charter school; intermediate district; cooperative units; and public postsecondary institution be reported to the commissioner of information technology services. This requirement begins December 1, 2024. A number of details related to coordination with the Bureau of Criminal Apprehension, how a report must be made, and how information related to the report must be handled, are included.

An annual report to the legislature, beginning January 31, 2026, related to these reports is required.

25 Recommendation.

Provides a conforming change related to the repeal of section 211B.06 of the Fair Campaign Practices Act, prohibiting false political and campaign material.

26 Time for review.

Amends timing requirements related to an assigned administrative law judge’s conducting of a hearing on a fair campaign practices or local campaign finance law complaint, after the judge determines that the complaint sets forth a prima facie violation of the applicable law.

27 Disposition.

Requires the administrative law judge to act within three business days after the close of the hearing record, following a probable cause hearing.

28 Deadline for hearing.

Amends standards that require the chief administrative law judge to assign a complaint to a panel of three administrative law judges, including when the complaint is determined to have set forth a prima facie violation and it was not filed

Section Description – Article 17: State Government Data and Policy

- within 60 days before a primary or special election, or 90 days before a general election.
- 29 **Time for disposition.**
Requires an administrative law judge panel to act on a complaint within three business days after a hearing record closes, if an expedited probable cause hearing was required. Under current law, the panel must act within three calendar days.
- 30 **Cemeteries; records and condition assessments.**
Requires that the Indian Affairs Council approve the professional archaeologist, qualified anthropologist, or other appropriate expert leading the work, when conducting a cemetery assessment where probable American Indian cemeteries are to be disturbed or probable American Indian remains analyzed.
- 31 **Department of Information Technology Services; repealer.**
Repeals a series of sections and subdivisions of statute that relate to various IT services, including a requirement that the CIO prepare an inventory of IT technology owned or leased by the department; that certain types of IT projects be approved in phases; and certain requirements related to electronic government services and the electronic conduct of state business.

Article 18: Uniform Public Expression Protection Act

The Uniform Public Expression Protection Act (UPEPA) is a uniform law designed to prevent SLAPP lawsuits or strategic lawsuits against public participation which are generally viewed as being in opposition with first amendment rights or the right to free speech, press, assembly, petition, or association. Minnesota previously had an Anti-SLAPP law, but it was found to be unconstitutional in 2017. The UPEPA has been enacted in six states: Hawaii, Kentucky, New Jersey, Oregon, Utah, and Washington.

Section Description – Article 18: Uniform Public Expression Protection Act

- 1 **Short title.**
Allows the provisions in this article to be referred to as the Uniform Public Expression Protection Act (UPEPA).
- 2 **Scope.**
Provides definitions for goods and services excluding artistic, political, and journalism as disseminations, exhibits, and advertisements.

Section Description – Article 18: Uniform Public Expression Protection Act

This section provides that the UPEPA apply when a person is being sued in a civil case based on the person communicating with political or government entities, or otherwise exercising their first amendment rights of freedom of speech, press, assembly, or association.

Exceptions. This section provides that UPEPA *does not apply*:

- to a government unit or employee of the government acting in their official capacity;
- against a person providing goods and services if the communication relates to the sale of goods and services;
- against a person who is the victim of crime when the suit is brought by the perpetrator;
- against a person in a civil suit that is seeking to clarify ownership of real property;
- to a court action for injuries or wrongful death or statements around those injuries, unless the claims are related to a damage to reputation;
- related to an insurance claim or insurance contract;
- to a civil claim based on fraud;
- to actions brought under the marriage chapter, the uniform community property chapter, a criminal no contact order, or an order for protection (OFP) based on sexual assault, or an OFP based on crimes against vulnerable adults;
- to cases brought under the Fair Labor Standards Act and related labor laws, wrongful discharge, whistleblowing, enforcement of employee rights, and related laws;
- consumer protection claims; and
- claims brought under federal law.

This section also provides exceptions to those exceptions by providing that *the UPEPA does apply* when a legal action is based on the sale of goods or services, fraud, or consumer protection statutes, and is a legal action against a person arising from their exercise of communicating to the public through artistic, political, or journalist work, or consumer opinions and rating of businesses.

3 Special motion for expedited relief.

Allows a party who is sued, when the UPEPA would apply, to file a motion for expedited relief to request that the court dismiss the action. The motion should be brought within 60 days of service but may be later for good cause.

Section Description – Article 18: Uniform Public Expression Protection Act

- 4 **Stay.**
Provides that when a motion for expedited relief is filed to dismiss the action, discovery and pending hearing motions are stayed until the action under the UPEPA are resolved, including an appeal, subject to exceptions provided in this section.
- 5 **Hearing.**
Requires the court to hear a motion for expedited relief within 60 days.
- 6 **Proof.**
Provides that the court shall rely on filings to determine a matter brought under the UPEPA.
- 7 **Dismiss of cause of action in whole or part.**
Requires the court to dismiss an action with prejudice if they establish that the UPEPA does apply and the responding party failed to establish a prima facie case or there is no cause of action upon which relief can be granted or there is no genuine issue of material fact.
- 8 **Ruling.**
Requires the court to issue a ruling on a motion under the UPEPA within 60 days.
- 9 **Appeal.**
Allows the moving party to appeal as a matter of right an order denying a motion within 30 days of the entry of the order.
- 10 **Costs, attorneys fees, and expenses.**
Allows the party filing a motion under the UPEPA to get attorneys fees and costs if they prevail on the motion, and for the defending party to get attorneys fees if the filing party's motion was frivolous or filed to delay the proceedings in another matter.
- 11 **Construction.**
Provides that the UPEPA should be broadly construed to protect first amendment rights under the state and federal constitution.
- 12 **Uniformity of application and construction.**
Provides that the UPEPA should be uniformly applied by the states who enact it.
- 13 **Savings clause.**
Provides that the UPEPA does not affect actions brought before the effective date of these sections.

Section Description – Article 18: Uniform Public Expression Protection Act

- 14 **No waiver of other pleadings or defenses.**
Provides that a motion for expedited relief under the UPEPA does not waive a defense or preclude other filings regarding the cause of action.
- 15 **Revisor instruction.**
Provides the revisor of statutes shall prepare additional legislation for needed conforming changes based on the UPEPA.
- 16 **Repealer.**
Repeals Minnesota’s previous Anti-SLAPP statutes, sections 554.01 to 554.06.
- 17 **Effective date.**
Provides that the UPEPA is effective the day following final enactment and applies to actions pending or commenced on or after that date.



**MN HOUSE
RESEARCH**

Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.

www.house.mn.gov/hrd | 651-296-6753 | 155 State Office Building | St. Paul, MN 55155