A bill for an act
relating to public safety; modifying certain provisions relating to courts, public
safety, firefighters, corrections, crime, disaster assistance, and controlled substances;
requesting reports; providing for penalties; appropriating money for public safety,
courts, corrections, Guardian Ad Litem Board, Uniform Laws Commission, Board
on Judicial Standards, Board of Public Defense, Sentencing Guidelines, Peace
Officer Standards and Training (POST) Board, and Private Detective Board;
amending Minnesota Statutes 2016, sections 3.739, subdivision 1; 12.221,
subdivision 6; 12B.15, subdivision 2; 152.02, subdivisions 2, 12; 152.105; 169.444,
subdivision 2; 169.64, by adding a subdivision; 169.68; 169.791, by adding a
subdivision; 169.792, subdivision 7; 169.797, by adding a subdivision; 169.80,
subdivision 1; 169.829, by adding a subdivision; 169.98, subdivision 3, by adding
a subdivision; 169.99, subdivision 1c, by adding a subdivision; 169A.03,
subdivision 21; 169A.20, subdivision 2; 169A.51, subdivisions 2, 4; 171.24; 241.01,
subdivision 3a; 243.05, subdivision 1; 243.166, subdivision 1b; 243.17, subdivision
1; 243.49; 244.05, subdivision 3; 244.09, subdivision 1; 244.195, subdivision 1;
244.198, by adding a subdivision; 253D.22; 260C.163, subdivisions 3, 10;
260C.607, subdivision 2; 271.21, subdivision 2; 299A.707, subdivision 2; 299C.46,
subdivision 6; 326.3384, subdivision 1; 357.42; 358.116; 401.01, subdivision 2;
480.242, subdivision 2; 484.70, subdivision 7; 484.702, by adding a subdivision;
486.05, subdivision 1; 486.06; 518.179, subdivision 2; 549.09, subdivision 1;
609.095; 609.135, subdivision 1; 609.14, by adding a subdivision; 609.2231,
subdivisions 2, 3a; 609.342, subdivision 2, by adding a subdivision; 609.343,
subdivision 2, by adding a subdivision; 609.344, subdivision 2, by adding a
subdivision; 609.345, subdivision 2, by adding a subdivision; 609.3451, subdivision
3; 609.3455, subdivisions 7, 8, by adding subdivisions; 609.475; 609.48, by adding
a subdivision; 609.605, by adding a subdivision; 609.74; 609.746, subdivision 1;
609.748, subdivisions 3, 3a, 4, 5, by adding subdivisions; 609.749, subdivision 3;
609.855, subdivision 2; 609.87, subdivision 2a, by adding subdivisions; 609.891,
subdivisions 1, 2, 3; 617.246, subdivision 7, by adding a subdivision; 617.247,
subdivisions 3, 4, by adding a subdivision; 624.714, subdivision 17; 620.863;
626.88, subdivision 2; 631.52, subdivision 2; 634.36; Laws 2009, chapter 59,
article 3, section 4, subdivision 9, as amended; Laws 2014, chapter 263, section
2; Laws 2016, chapter 160, section 19; proposing coding for new law in Minnesota
Statutes, chapters 171; 243; 299A; 609; 626; repealing Minnesota Statutes 2016,
sections 169.685, subdivision 4; 169A.51, subdivision 3; 486.05, subdivision 1a;
525.112; 609.342, subdivision 3; 609.343, subdivision 3; 609.344, subdivision 3;
609.345, subdivision 3; 609.3455, subdivision 6.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

ARTICLE 1

APPROPRIATIONS

Section 1. APPROPRIATIONS.

The sums shown in the columns marked "Appropriations" are appropriated to the agencies.
and for the purposes specified in this article. The appropriations are from the general fund,
or another named fund, and are available for the fiscal years indicated for each purpose.
The figures "2018" and "2019" used in this article mean that the appropriations listed under
them are available for the fiscal year ending June 30, 2018, or June 30, 2019, respectively.
"The first year" is fiscal year 2018, "The second year" is fiscal year 2019, "The biennium"
is fiscal years 2018 and 2019. Appropriations for the fiscal year ending June 30, 2017, are
effective the day following final enactment.

APPROPRIATIONS

Available for the Year

Ending June 30

<table>
<thead>
<tr>
<th></th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivision 1, Total Appropriation</td>
<td>$50,539,000</td>
<td>$51,350,000</td>
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</tr>
</tbody>
</table>

The amounts that may be spent for each
purpose are specified in the following.

Sec. 2. SUPREME COURT

The amounts that may be spent for each
purpose are specified in the following.

https://www.revisor.mn.gov/bills/text.php?number=HF896&version=1&session=ls90&session_year=2017&session_number=0
Subdivisions.

Subd. 2. Supreme Court Operations

<table>
<thead>
<tr>
<th></th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$37,263,000</td>
<td>$38,074,000</td>
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Subd. 3. Civil Legal Services

<table>
<thead>
<tr>
<th></th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$13,276,000</td>
<td>$13,276,000</td>
</tr>
</tbody>
</table>

Legal Services to Low-Income Clients in Family Law Matters

$948,000 each year is to improve the access of low-income clients to legal representation in family law matters. This appropriation must be distributed under Minnesota Statutes, section 480.242, to the qualified legal services program described in Minnesota Statutes, section 480.242, subdivision 2, paragraph (a). Any unencumbered balance remaining in the first year does not cancel and is available in the second year.

Sec. 3. COURT OF APPEALS

<table>
<thead>
<tr>
<th></th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$12,178,000</td>
<td>$12,357,000</td>
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</table>

Sec. 4. DISTRICT COURTS

<table>
<thead>
<tr>
<th></th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$285,147,000</td>
<td>$289,933,000</td>
</tr>
</tbody>
</table>

Subdivision 1. Treatment Courts Stability

$100,000 each year is for treatment courts stability.

Subd. 2. New Trial Judges

$884,000 the first year and $818,000 the second year are for two new trial court judge units.

Sec. 5. GUARDIAN AD LITEM BOARD

<table>
<thead>
<tr>
<th></th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$15,652,000</td>
<td>$15,890,000</td>
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</tbody>
</table>

Sec. 6. TAX COURT

<table>
<thead>
<tr>
<th></th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$1,402,000</td>
<td>$1,406,000</td>
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</table>

Sec. 7. UNIFORM LAWS COMMISSION

<table>
<thead>
<tr>
<th></th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$93,000</td>
<td>$93,000</td>
</tr>
</tbody>
</table>

Sec. 8. BOARD ON JUDICIAL STANDARDS

Major Disciplinary Actions

$125,000 each year is for special investigative and hearing costs for major disciplinary actions undertaken by the board. This appropriation does not cancel. Any unencumbered and unspent balances remain available for these expenditures until June 30, 2021.

Sec. 9. BOARD OF PUBLIC DEFENSE

<table>
<thead>
<tr>
<th></th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$85,087,000</td>
<td>$87,831,000</td>
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</tbody>
</table>

Sec. 10. SENTENCING GUIDELINES

<table>
<thead>
<tr>
<th></th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$658,000</td>
<td>$675,000</td>
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</tbody>
</table>

Sec. 11. PUBLIC SAFETY

Subdivision 1. Total Appropriation

<table>
<thead>
<tr>
<th></th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$195,469,000</td>
<td>$194,221,000</td>
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</table>

Appropriations by Fund

<p>| |</p>
<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
</tr>
<tr>
<td>Special Revenue</td>
</tr>
<tr>
<td>State Government</td>
</tr>
<tr>
<td>Special Revenue</td>
</tr>
<tr>
<td>Environmental</td>
</tr>
<tr>
<td>Trunk Highway</td>
</tr>
<tr>
<td>911 Fund</td>
</tr>
</tbody>
</table>
| The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. Emergency Management

<p>| |</p>
<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
</tr>
<tr>
<td>Environmental</td>
</tr>
<tr>
<td>Special Revenue</td>
</tr>
</tbody>
</table>

Appropriations by Fund

<p>| |</p>
<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
</tr>
<tr>
<td>Environmental</td>
</tr>
<tr>
<td>Special Revenue</td>
</tr>
</tbody>
</table>

Fund

(a) Hazmat and Chemical Assessment Teams

$850,000 the first year and $850,000 the second year are from the fire safety account in the special revenue fund. These amounts must be used to fund the hazardous materials and chemical assessment teams. Of this...
amount, $100,000 the first year is for cases for which there is no identified responsible party.  

(b) Emergency Response Teams  
$736,000 in fiscal year 2018 and $736,000 in fiscal year 2019 are from the fire safety account in the special revenue fund to the commissioner of public safety to maintain three emergency response teams: one under the jurisdiction of the St. Cloud Fire Department or a similarly located fire department if necessary; one under the jurisdiction of the Duluth Fire Department; one under the jurisdiction of the St. Paul Fire Department; and one under the jurisdiction of the Moorhead Fire Department. The commissioner must allocate the appropriation as follows: (1) $184,000 in each fiscal year to the St. Cloud Fire Department; (2) $184,000 in each fiscal year to the Duluth Fire Department; (3) $184,000 in each fiscal year to the St. Paul Fire Department; and (4) $184,000 in each fiscal year to the Moorhead Fire Department. These appropriations are onetime and are not added to the agency’s base.  

(c) Disaster Assistance Account  
$2,000,000 the first year is for transfer to the disaster assistance contingency account in Minnesota Statutes, section 12.221.  

(d) Supplemental Nonprofit Security Grant Program  
$75,000 in fiscal year 2018 and $75,000 in fiscal year 2019 are for a supplemental nonprofit security grant program administered by the Division of Homeland Security and Emergency Management.  

Subd. 3. Criminal Apprehension  
Appropriations by Fund 57,891,000 58,559,000  

5.1 General 55,510,000 56,133,000  
5.2 State Government 7,000 7,000  
5.3 Special Revenue  
5.4 Trunk Highway 2,374,000 2,419,000  

(a) DWI Lab Analysis; Trunk Highway Fund  
Notwithstanding Minnesota Statutes, section 161.20, subdivision 3, $2,374,000 the first year and $2,419,000 the second year are from the trunk highway fund for laboratory analysis related to driving-while-impaired cases.  

(b) Predatory Registration System  
$2,100,000 the first year and $2,000,000 the second year are to be used to build the predatory registration system. These appropriations are available until June 30, 2020. The base for fiscal year 2020 and fiscal year 2021 is $400,000 per year to maintain the system.  

(c) BCA Investment Initiative  
$275,000 each year is:  
(1) for an additional firearms examiner; and  
(2) for additional staff in the drug chemistry lab.  

(d) Livescan Replacement  
$325,000 each year is to replace electronic fingerprint capture equipment in criminal justice agencies around the state. The equipment is to be used to automatically submit the fingerprints to the bureau for identification of the person and processing.  

(e) Base Adjustment  
The base from the general fund for criminal apprehension is $54,520,000 in fiscal year 2020 and $54,520,000 in fiscal year 2021.
Subd. 4. Fire Marshal

These appropriations are from the fire safety account in the special revenue fund and are for activities under Minnesota Statutes, section 299F.012.

Subd. 5. Board of Firefighter Training

These appropriations are from the fire safety account in the special revenue fund.

(a) Task Force 1

$500,000 the first year and $500,000 the second year are for an increase to Minnesota Task Force 1.

(b) Air Rescue

$250,000 each year is to fund the Minnesota Air Rescue Team.

(c) Unappropriated Revenue

Any additional unappropriated money collected in fiscal year 2017 is appropriated to the commissioner of public safety for the purposes of Minnesota Statutes, section 299F.012. The commissioner may transfer appropriations and base amounts between activities in this subdivision.

Subd. 6. Alcohol and Gambling Enforcement

Appropriations by Fund

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount 17-18</th>
<th>Amount 18-19</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>1,827,000</td>
<td>1,877,000</td>
</tr>
<tr>
<td>Special Revenue</td>
<td>758,000</td>
<td>764,000</td>
</tr>
</tbody>
</table>

$688,000 the first year and $694,000 the second year are from the alcohol enforcement account in the special revenue fund. Of this appropriation, $500,000 each year shall be transferred to the general fund.

$70,000 each year is from the lawful gambling regulation account in the special revenue fund.

Subd. 7. Office of Justice Programs

Appropriations by Fund

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount 17-18</th>
<th>Amount 18-19</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>40,138,000</td>
<td>40,075,000</td>
</tr>
<tr>
<td>Special Revenue</td>
<td>96,000</td>
<td>96,000</td>
</tr>
</tbody>
</table>

(a) OJP Administration Costs

Up to 2.5 percent of the grant funds appropriated in this subdivision may be used by the commissioner to administer the grant program.

(b) Violent Crime Enforcement

$35,000 each year is for additional grants for Statewide Violent Crime Enforcement Teams.

(c) Combating Terrorism Recruitment

$250,000 in fiscal year 2018 and $250,000 in fiscal year 2019 are for grants to local law enforcement agencies to develop strategies, and make efforts to combat the recruitment of Minnesota residents by terrorist organizations, such as ISIS and al-Shabaab. This is a one-time appropriation.

(d) Sex Trafficking Prevention Grants

$299,000 in fiscal year 2018 and $180,000 in fiscal year 2019 are for grants to state and local units of government for the following purposes:

1. to support new or existing multijurisdictional entities to investigate sex trafficking crimes; and
2. to provide technical assistance, including training and case consultation, to law enforcement agencies statewide.

(e) Pathway to Policing Reimbursement Grants

$500,000 in fiscal year 2018 and $500,000 in fiscal year 2019 are for reimbursement grants to local units of government that operate...
pathway to policing programs intended to bring persons with nontraditional backgrounds into law enforcement. Applicants for reimbursement grants may receive up to 50 percent of the cost of compensating and training pathway to policing participants. Reimbursement grants shall be proportionally allocated based on the number of grant applications approved by the commissioner.

Subd. 8. Emergency Communication Networks

This appropriation is from the state government special revenue fund for 911 emergency telecommunications services.

This appropriation includes funds for information technology project services and support subject to the provisions of Minnesota Statutes, section 16E.0466. Any ongoing information technology costs will be incorporated into the service level agreement and will be paid to the Office of MN IT Services by the Department of Public Safety under the rates and mechanism specified in that agreement.

(a) Public Safety Answering Points

$13,664,000 each year is to be distributed as provided in Minnesota Statutes, section 403.113, subdivision 2.

(b) Medical Resource Communication Centers

$683,000 each year is for grants to the Minnesota Emergency Medical Services Regulatory Board for the Metro East and Metro West Medical Resource Communication Centers that were in operation before January 1, 2000.

(c) ARMER Debt Service

$23,261,000 each year is to the commissioner of management and budget to pay debt service on revenue bonds issued under Minnesota Statutes, section 403.275. Any portion of this appropriation not needed to pay debt service in a fiscal year may be used by the commissioner of public safety to pay cash for any of the capital improvements for which bond proceeds were appropriated by Laws 2005, chapter 136, article 1, section 9, subdivision 8; or Laws 2007, chapter 54, article 1, section 10, subdivision 8.

(d) ARMER State Backbone Operating Costs

$9,650,000 each year is to the commissioner for transportation for costs of maintaining and operating the statewide radio system backbone.

(e) ARMER Improvements

$1,000,000 each year is to the Statewide Radio Board for improvements to those elements of the statewide public safety radio and communication system that support mutual aid communications and emergency medical services or provide interim enhancement of public safety communication interoperability in those areas of the state where the statewide public safety radio and communication system is not yet implemented, and grants to local units of government to further the strategic goals set forth by the statewide Communications Board strategic plan.

Sec. 12. PEACE OFFICER STANDARDS AND TRAINING (POST) BOARD

<table>
<thead>
<tr>
<th>Subdivision</th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Total Appropriation</td>
<td>$11,369,000</td>
<td>$11,381,000</td>
</tr>
</tbody>
</table>
Subd. 2. Excess Amounts Transferred
The special revenue fund appropriation is from the peace officer training account. Any new receipts credited to that account in the first year in excess of $4,269,000 must be transferred and credited to the general fund. Any new receipts credited to that account in the second year in excess of $4,281,000 must be transferred and credited to the general fund.

Subd. 3. Peace Officer Training Reimbursements
$2,859,000 each year from the peace officer training account in the special revenue fund is for reimbursements to local governments for peace officer training costs.

Subd. 4. Peace Officer Training Assistance
$7,000,000 each year is to support and strengthen law enforcement training and implement best practices.

Subd. 5. De-escalation Training
$100,000 each year from the peace officer training account in the special revenue fund is for training state and local community safety personnel in the use of crisis de-escalation techniques.

Subd. 6. Outreach Officer
$100,000 each year from the peace officer training account in the special revenue fund is for an outreach officer.

Sec. 13. PRIVATE DETECTIVE BOARD

Sec. 14. CORRECTIONS

Subdivision 1. Total Appropriation

(a) Offender Health Care
$9,200,000 in fiscal year 2017 is to fund a deficiency in the base budget for the offender health care contract.

(b) Federal Prison Rape Elimination Act
$943,000 in the first year and $1,068,000 the second year are to comply with requirements of the federal Prison Rape Elimination Act.

(c) Mentally Ill Offenders
$637,000 the first year and $937,000 the second year are to expand services for mentally ill offenders.
mentally ill offenders including behavioral health and security personnel.

Subd. 3. Community Services

(a) Supervised Release Agents

$728,000 each year is to increase the number of supervision agents for offenders under Department of Corrections supervision.

(b) Out-Patient Sex Offender Treatment

$372,000 each year is to increase out-patient sex offender treatment for offenders on community supervision.

(c) Subsidy

$2,205,000 each year is added to the Community Corrections Act subsidy, as described in Minnesota Statutes, section 401.14.

(d) County Probation Officers

$242,000 each year is for county probation officers reimbursement, as described in Minnesota Statutes, section 244.19, subdivision 6.

(e) Alternatives to Incarceration Pilot Program

Funds

$85,000 in fiscal year 2018 and $85,000 in fiscal year 2019 are to fund grants to facilitate access to community treatment options under article 3, section 10.

(f) Targeted Domestic Violence Prevention Programming

$100,000 in fiscal year 2018 and $100,000 in fiscal year 2019 are to develop and establish processes for identification of offenders sentenced for domestic violence related offenses, threat assessment, and targeted domestic violence prevention programming. This is a onetime appropriation and is not added to the base.

(g) Department of Corrections Intensive Supervision

$319,000 in fiscal year 2018 and $829,000 in fiscal year 2019 are to fund the Department of Corrections intensive supervised release agents needed to supervise offenders placed on intensive probation pursuant to Minnesota Statutes, section 609.3455, subdivision 8a.

(h) Community Corrections Act Intensive Probation

$619,000 in fiscal year 2018 and $1,609,000 in fiscal year 2019 are for county probation officer reimbursement, as described in Minnesota Statutes, section 244.19, subdivision 6. To provide supervision to offenders placed on intensive probation pursuant to Minnesota Statutes, section 609.3455, subdivision 8a. The general fund base for this program shall be $133,154,000 in fiscal year 2020 and $134,694,000 in fiscal year 2021.

Subd. 4. Operations Support

$208,000 in fiscal year 2018 is for a transfer to the commissioner of administration for a title search, environmental assessment, conditional assessment, and appraisal of a private correctional facility in Appleton, Minnesota.

Sec. 15. TRANSFERS

MINNCOR

Notwithstanding Minnesota Statutes, section 241.27, the commissioner of management and budget shall transfer $1,000,000 each year from the Minnesota correctional industries.
Sec. 16. Laws 2016, chapter 160, section 19, is amended to read:

Sec. 19. TRANSFER; COMMUNITY JUSTICE REINVESTMENT ACCOUNT.

In fiscal year 2017, the commissioner of management and budget shall transfer $488,000 from the general fund to the community justice reinvestment account in the special revenue fund. The base for this transfer is $461,000 beginning in each of fiscal years 2018 and 2019, year 2020 and thereafter.

ARTICLE 2
COURTS

Section 1. Minnesota Statutes 2016, section 243.49, is amended to read:

243.49 COMMITMENT PAPERS; DUTY OF COURT ADMINISTRATOR.

Upon a plea of guilty or finding of guilty after trial, the court administrator of every court which sentences a defendant for a felony or gross misdemeanor to the custody of the commissioner of corrections or to the superintendent of the workhouse or work farm, shall provide the officer or person having custody of the defendant a certified record for commitment, including (a) a copy of the indictment and plea, (b) a transcript of the sentencing proceedings, with the date thereof, together with the defendant's statement under oath if obtained, or to the defendant's true name, residence, if any, the date and place of birth, the name and addresses of parents and other relatives and of employers and others who know the defendant well, social and other affiliations, past occupations and employment, former places of residence and the period of time and the dates the defendant has resided in each, citizenship, the number, dates, places and causes of any prior convictions, and (3) if the person pleaded guilty, a transcript of the sentencing proceedings. The record shall also include the trial judge's impressions of the defendant's mental and physical condition, general character, capacity, disposition, habits and special needs. The court reporter shall provide the required transcripts. The certified record for commitment may be used as evidence in any postconviction proceeding brought by the defendant. The court administrator shall also deliver to the sheriff or other officer or person conveying the defendant to the correctional facility, workhouse, or work farm designated by the commissioner of corrections or the judge a warrant of commitment together with a certified copy of the warrant directing the conveyer to deliver the person and the certified record for commitment to the principal officer in charge of the correctional facility, workhouse, or work farm. Upon the delivery of any person, the principal officer in charge of the correctional facility, workhouse, or work farm shall keep the certified copy of the warrant of commitment and endorse the principal officer's receipt upon the original, which shall be filed with the sentencing court. The court administrator shall retain one copy of the required transcript, and a tape recording and the court reporter's notes of all other proceedings.

Sec. 2. Minnesota Statutes 2016, section 260C.163, subdivision 3, is amended to read:

Subd. 3. Appointment of counsel. (a) The child, parent, guardian or custodian has the right to effective assistance of counsel in connection with a proceeding in juvenile court as provided in this subdivision.

(b) Except in proceedings where the sole basis for the petition is habitual truancy, if the child, parent, guardian or custodian desires counsel but is unable to employ it, the court shall appoint counsel to represent the child who is ten years of age or older under section 611.14, clause (4), or other counsel at public expense.

(c) Except in proceedings where the sole basis for the petition is habitual truancy, if the parent, guardian, or custodian desires counsel but is unable to employ it, the court shall appoint counsel to represent the parent, guardian, or custodian in any case in which it finds that such an appointment is appropriate if the person would be financially unable to obtain counsel under the guidelines set forth in section 611.17. Court-appointed counsel shall be at county expense as outlined in paragraph (b).

(d) In any proceeding where the subject of a petition for a child in need of protection or services is ten years of age or older, the responsible social services agency shall, within 14 days after filing the petition or at the emergency removal hearing under section 260C.178, subdivision 1, if the child is present, fully and effectively inform the child of the child's right to be represented by appointed counsel upon request and shall notify the court as to whether the child desired counsel. Information provided to the child shall include, at a minimum, the fact that counsel will be provided without charge to the child, that the child's communications with counsel are confidential, and that the child has the right to participate in all proceedings on a petition, including the opportunity to personally attend all hearings.

The responsible social services agency shall also, within 14 days of the child's tenth birthday, fully and effectively inform the child of the child's right to be represented by counsel if the child reaches the age of ten years while the child is the subject of a petition for a child in need of protection or services or if a child under the guardianship of the commissioner.

(e) In any proceeding where the sole basis for the petition is habitual truancy, the child, parent, guardian, and custodian do not have the right to appointment of a public defender or other counsel at public expense. However, before any out-of-home placement, including
foster care or inpatient treatment, can be ordered, the court must appoint a public defender
or other counsel at public expense in accordance with this subdivision.

(a) Court for the child shall not also act as the child's guardian ad litem.

(b) In any proceeding where the subject of a petition for a child in need of protection
or services of a child is represented by an attorney, the court shall determine the child's preferences
regarding the proceedings, including informing the child of the right to appointed counsel
and asking whether the child desires counsel, if the child is of suitable age to express a
preference.

(c) Court-appointed counsel for the parent, guardian, or custodian under this
subdivision is at county expense. If the county has contracted with counsel meeting
qualifications under paragraph (a), the court shall appoint the counsel retained by the
county, unless a conflict of interest exists. If a conflict exists, after consulting with the chief
judge of the judicial district or the judge's designee, the county shall contract with competent
counsel to provide the necessary representation. The court may appoint only one counsel
at public expense for the first court hearing to represent the interests of the parents, guardians,
and custodians, unless, at any time during the proceedings upon petition of a party, the court
determines and makes written findings on the record that extraordinary circumstances exist
that require counsel to be appointed to represent a separate interest of other parents, guardians,
or custodians subject to the jurisdiction of the juvenile court.

Subd. 2. Counsel retained by the county under paragraph (c) must meet the qualifications
established by the Judicial Council in at least one of the following: (1) has a minimum of
two years' experience handling child protection cases; (2) has training in handling child
protection cases from a course or courses approved by the Judicial Council; or (3) is
supervised by an attorney who meets the minimum qualifications under clause (1) or (2).

Sec. 3. Minnesota Statutes 2016, section 260C.163, subdivision 10, is amended to read:

Subd. 10. Waiver. (a) Waiver of any right which a child has under this chapter must be
an express waiver made voluntarily and, intelligently made, and in writing by the child after
the child has been fully and effectively informed of the right being waived to counsel.

(b) Waiver of a child's right to be represented by counsel provided under the juvenile
court rules must be an express waiver made voluntarily and, intelligently made, and in
writing by the child after the child has been fully and effectively informed of the right being
waived by the responsible social services agency. In determining whether a child has
voluntarily and intelligently waived the right to counsel, the court shall look to the totality
of the circumstances which includes but is not limited to the child's age, maturity, intelligence,
education, experience, and ability to comprehend, and the presence and competence of the
child's parents, guardian, or guardian ad litem. The court shall not permit the child's parent,
or other person legally responsible for the child's care, or the child's guardian ad litem to waive
the child's right to be represented by counsel. If the court accepts the child's waiver, it shall
state on the record the findings and conclusions that form the basis for its decision to accept
the waiver.

Sec. 4. Minnesota Statutes 2016, section 260C.607, subdivision 2, is amended to read:

Subd. 2. Notice. Notice of review hearings shall be given by the court to:

(1) the responsible social services agency;
(2) the child, if the child is age ten and older;
(3) the child's guardian ad litem;
(4) counsel appointed for the child pursuant to section 260C.163, subdivision 3;
(5) relatives of the child who have kept the court informed of their whereabouts as
required in section 260C.221 and who have responded to the agency's notice under section
260C.221, indicating a willingness to provide an adoptive home for the child unless the
relative has been previously ruled out by the court as a suitable foster parent or permanency
resource for the child;
(6) the current foster or adopting parent of the child;
(7) any foster or adopting parents of siblings of the child; and
(8) the Indian child's tribe.

Sec. 5. Minnesota Statutes 2016, section 271.21, subdivision 2, is amended to read:

Subd. 2. Jurisdiction. At the election of the taxpayer, the Small Claims Division shall
have jurisdiction only in the following matters:

(a) cases involving valuation, assessment, or taxation of real or personal property, if:
(i) the issue is a denial of a current year application for the homestead classification for
the taxpayer's property;
(ii) only one parcel is included in the petition, the entire parcel is classified as homestead
class 1a or 1b under section 273.13, and the parcel contains no more than one dwelling unit;
(iii) the entire property is classified as agricultural homestead class 2a or 1b under section
273.13, or
(iv) the assessor's estimated market value of the property included in the petition is less
than $300,000; or
(b) any case not involving valuation, assessment, or taxation of real and personal property
in which the amount in controversy does not exceed $5,000 $15,000, including penalty and
interest.
Sec. 6. Minnesota Statutes 2016, section 299A.707, subdivision 2, is amended to read:

Subd. 2. Account purpose, grants. Money in this account shall be allocated by a grant program administered by the commissioner of public safety through the Office of Justice Programs. Local units of government and nonprofit organizations are eligible for grants to establish or operate chemical dependency and mental health treatment programs, programs that improve supervision, including pretrial and precharge supervision, and programs to reduce recidivism of controlled substances offenders on probation or supervised release or participating in drug treatment courts or to fund local participation in drug treatment court initiatives approved by the Judicial Council.

Sec. 7. Minnesota Statutes 2016, section 357.42, is amended to read:

357.42 DRUG TREATMENT COURT FEES.

(a) When a court establishes a drug treatment court process, the court may establish one or more fees for services provided to defendants participating in the process.

(b) In each fiscal year, the court shall deposit the drug treatment court participation fees in the special revenue fund and credit the fees to a separate account for the trial courts. The balance in this account is appropriated to the trial courts and does not cancel but is available until expended. Expenditures from this account must be made for drug treatment court purposes.

Sec. 8. Minnesota Statutes 2016, section 358.116, is amended to read:

358.116 COURT DOCUMENTS.

Unless specifically required by court rule, a pleading, motion, affidavit, or other document filed with a court of the Minnesota judicial branch, or presented to a judge or judicial officer, constitutes "verification upon oath or affirmation" as defined in section 358.41, clause (3), without administration of an oath under section 358.07, provided that the signature, as defined by court rules, is affixed immediately below a declaration using substantially the following language: "I declare under penalty of perjury that everything I have stated in this document is true and correct." In addition to the signature, the date of signing and the county and state where the document was signed shall be noted on the document. A person who signs knowing that the document is false in any material respect is guilty of perjury under section 609.48, even if the date, county, and state of signing are omitted from the document.

Sec. 9. Minnesota Statutes 2016, section 480.242, subdivision 2, is amended to read:

Subd. 2. Review of applications; selection of recipients. At times and in accordance with any procedures as the Supreme Court adopts in the form of court rules, applications for the expenditure of civil legal services funds shall be accepted from qualified legal services programs or from local government agencies and nonprofit organizations seeking to establish qualified alternative dispute resolution programs. The applications shall be reviewed by the advisory committee, and the advisory committee, subject to review by the Supreme Court, shall distribute the funds available for this expenditure to qualified legal services programs or to qualified alternative dispute resolution programs submitting applications. The funds shall be distributed in accordance with the following formula:

(a) Eighty-five percent of the funds distributed shall be distributed to qualified legal services programs that have demonstrated an ability as of July 1, 1982, to provide legal services to persons unable to afford private counsel with funds provided by the federal Legal Services Corporation. The allocation of funds among the programs selected shall be based upon the number of persons with incomes below the poverty level established by the United States Census Bureau who reside in the geographical area served by each program, as determined by the Supreme Court on the basis of the most recent national census. All funds distributed pursuant to this clause shall be used for the provision of legal services in civil and farm legal assistance matters as prioritized by program boards of directors to eligible clients.

(b) Fifteen percent of the funds distributed may be distributed (1) to other qualified legal services programs for the provision of legal services in civil matters to eligible clients, including programs which organize members of the private bar to perform services and programs for qualified alternative dispute resolution, (2) to programs for training mediators operated by nonprofit alternative dispute resolution corporations, or (3) to qualified legal services programs to provide family farm legal assistance for financially distressed state farmers. The family farm legal assistance must be directed at farm financial problems including, but not limited to, liquidation of farm property including bankruptcy, farm foreclosure, repossession of farm assets, restructuring or discharge of farm debt, farm credit and general debtor-creditor relations, and tax considerations. If all the funds to be distributed pursuant to this clause cannot be distributed because of insufficient acceptable applications, the remaining funds shall be distributed pursuant to clause (a).

A person is eligible for legal assistance under this section if the person is an eligible client as defined in section 480.24, subdivision 2, or:

(1) is a state resident;
Subd. 6. Expedited child support process. Hearings and proceedings conducted in the expedited child support process under this section may be reported by use of electronic recording equipment provided that the equipment meets the minimum standards established by the court administrator. Electronic recording equipment must be operated and monitored by a person who meets the minimum qualifications established by the court administrator.

Sec. 12. Minnesota Statutes 2016, section 486.05, subdivision 1, is amended to read:

Subdivision 1. Salaries. The salary for each court reporter shall be set annually by the district administrator as provided in judicial branch personnel policies and collective bargaining agreements within the range established under section 480.101 as provided in the judicial branch personnel rules.

Sec. 13. Minnesota Statutes 2016, section 486.06, is amended to read:

486.06 CHARGE FOR TRANSCRIPT.

In addition to the salary set in section 486.05, the court reporter may charge for a transcript of a record ordered by any person other than the judge 50 cents per original folio thereof and ten cents per folio for each manuscript or other copy thereof when so ordered that it can be made with the original transcript. The chief judge of the judicial district may by order establish new transcript fee ceilings annually a rate set by the chief justice.

A court reporter may impose a fee authorized under this section only if the transcript is delivered to the person who ordered it within a reasonable time after it was ordered.

Sec. 14. Minnesota Statutes 2016, section 518.179, subdivision 2, is amended to read:

Subd. 2. Applicable crimes. This section applies to the following crimes or similar crimes under the laws of the United States, or any other state:

1. Murder in the first, second, or third degree under section 609.185, 609.19 or 609.195;
2. Manslaughter in the first degree under section 609.20;
3. Assault in the first, second, or third degree under section 609.221, 609.222 or 609.223;
4. Kidnapping under section 609.25;
5. Depriving another of custodial or parental rights under section 609.26;
6. Soliciting, inducing, promoting, or receiving profit derived from prostitution involving a minor under section 609.322;
7. Criminal sexual conduct in the first degree under section 609.342;
Sec. 15. Minnesota Statutes 2016, section 549.09, subdivision 1, is amended to read:

Subdivision 1. When owed; rate. (a) When a judgment or award is for the recovery of money, including a judgment for the recovery of taxes, interest from the time of the verdict, award, or report until judgment is finally entered shall be computed by the court administrator or arbitrator as provided in paragraph (c), clause (1), regardless of the amount and added to the judgment or award.

(b) Except as otherwise provided by contract or allowed by law, preverdict, preaward, or prereport interest on pecuniary damages shall be computed as provided in paragraph (c), clause (1), regardless of the amount from the time of the commencement of the action or a demand for arbitration, or the time of a written notice of claim, whichever occurs first, except as provided herein. The action must be commenced within two years of a written notice of claim for interest to begin to accrue from the time of the notice of claim. If either party serves a written offer of settlement, the other party may serve a written acceptance or a written counteroffer within 30 days. After that time, interest on the judgment or award shall be calculated by the judge or arbitrator in the following manner. The prevailing party shall receive interest on any judgment or award from the time of commencement of the action or a demand for arbitration, or the time of a written notice of claim, or as to special damages from the time when special damages were incurred, if later, until the time of verdict, award, or report only if the amount of its offer is closer to the judgment or award than the amount of the opposing party's offer. If the amount of the losing party's offer was closer to the judgment or award than the prevailing party's offer, the prevailing party shall receive interest only on the amount of the settlement offer or the judgment or award, whichever is less, and only from the time of commencement of the action or a demand for arbitration, or the time of a written notice of claim, or as to special damages from when the special damages were incurred, if later, until the time the settlement offer was made. Subsequent offers and counteroffers supersede the legal effect of earlier offers and counteroffers. For the purposes of clause (2), the amount of settlement offer must be allocated between past and future damages in the same proportion as determined by the trier of fact. Except as otherwise provided by contract or allowed by law, preverdict, preaward, or prereport interest shall not be awarded on the following:

(1) judgments, awards, or benefits in workers' compensation cases, but not including third-party actions;
(2) judgments or awards for future damages;
(3) punitive damages, fines, or other damages that are noncompensatory in nature;
(4) judgments or awards not in excess of the amount specified in section 491A.01; and
(5) that portion of any verdict, award, or report which is founded upon interest, or costs, disbursements, attorney fees, or other similar items added by the court or arbitrator.

(c)(1)(i) For interest that accrues before a judgment is final, a judgment or award of $50,000 or less, or a judgment or award for or against the state or a political subdivision of the state, regardless of the amount, or a judgment or award in a family court action, regardless of the amount, the interest shall be computed as simple interest per annum. The rate of interest shall be based on the secondary market yield of one year United States Treasury bills, calculated on a bank discount basis as provided in this section.

On or before the 20th day of December of each year the state court administrator shall determine the rate from the one-year constant maturity treasury yield for the most recent calendar month, reported on a monthly basis in the latest statistical release of the board of governors of the Federal Reserve System. This yield, rounded to the nearest one percent, or four percent, whichever is greater, shall be the annual interest rate during the succeeding calendar year. The state court administrator shall communicate the interest rates to the court administrators and sheriffs for use in computing the interest on verdicts and shall make the interest rates available to arbitrators.

This item applies to any section that references section 549.09 by citation for the purposes of computing an interest rate on any amount owed to or by the state or a political subdivision of the state, regardless of the amount.

(ii) The court, in a family court action, may order a lower interest rate or no interest rate if the parties agree or if the court makes findings explaining why application of a lower interest rate or no interest rate is necessary to avoid causing an unfair hardship to the debtor. This item does not apply to child support or spousal maintenance judgments subject to section 548.091.

(2) For a judgment or award over $50,000, other than a judgment or award for or against the state or a political subdivision of the state or a judgment or award in a family court action, the interest rate shall be ten percent per year until paid.
(3) When a judgment creditor, or the judgment creditor’s attorney or agent, has received a payment after entry of judgment, whether the payment is made voluntarily by or on behalf of the judgment debtor, or is collected by legal process other than execution levy where a proper return has been filed with the court administrator, the judgment creditor, or the judgment creditor’s attorney, before applying to the court administrator for an execution shall file with the court administrator an affidavit of partial satisfaction. The affidavit must state the dates and amounts of payments made upon the judgment after the most recent affidavit of partial satisfaction filed, if any; the part of each payment that is applied to taxable disbursements and to accrued interest and to the unpaid principal balance of the judgment; and the accrued, but the unpaid interest owing, if any, after application of each payment.

(d) This section does not apply to arbitrations between employers and employees under chapter 179 or 179A. An arbitrator is neither required to nor prohibited from awarding interest under chapter 179 or under section 179A.16 for essential employees.

(e) For purposes of this subdivision:

(1) “state” includes a department, board, agency, commission, court, or other entity in the executive, legislative, or judicial branch of the state; and

(2) “political subdivision” includes a town, statutory or home rule charter city, county, school district, or any other political subdivision of the state.

(f) This section does not apply to a judgment or award upon which interest is entitled to be recovered under section 60A.0811.

EFFECTIVE DATE. This section is effective August 1, 2017, and applies to judgments and awards entered on or after that date.

Sec. 16. Minnesota Statutes 2016, section 609.48, is amended to read:

Subd. 5. Venue. A violation of subdivision 1, clause (4), may be prosecuted in the county where the statement, under penalty of perjury, was signed, or the county of the district court in which the statement was filed.

Sec. 17. Minnesota Statutes 2016, section 609.748, subdivision 4, is amended to read:

Subd. 4. Temporary restraining order; relief by court. (a) The court may issue a temporary restraining order that provides any or all of the following:

(1) orders the respondent to cease or avoid the harassment of another person; or

(2) orders the respondent to have no contact with another person.

(b) The court may issue an order under paragraph (a) if the petitioner files a petition in compliance with subdivision 3 and if the court finds reasonable grounds to believe that the respondent has engaged in harassment. When a petition alleges harassment as defined by subdivision 1, paragraph (a), clause (1), the petition must further allege an immediate and present danger of harassment before the court may issue a temporary restraining order under this section. When signed by a referee, the temporary order becomes effective upon the referee’s signature.

(c) Notice need not be given to the respondent before the court issues a temporary restraining order under this subdivision. A copy of the restraining order must be served on the respondent along with the order for hearing and petition, as provided in subdivision 3.

If the respondent is a juvenile, whenever possible, a copy of the restraining order, along with notice of the pendency of the case and the time and place of the hearing, shall also be served by mail at the last known address upon any parent or guardian of the juvenile respondent who is not the petitioner. A temporary restraining order may be entered only against the respondent named in the petition.

(d) The temporary restraining order is in effect until a hearing is held on the issuance of a restraining order under subdivision 5. The court shall hold the hearing on the issuance of a restraining order if the petitioner requests a hearing. The hearing may be continued by the court upon a showing that the respondent has not been served with a copy of the temporary restraining order despite the exercise of due diligence or if service is made by published notice under subdivision 3 and the petitioner files the affidavit required under that subdivision.

(e) If the temporary restraining order has been issued and the respondent requests a hearing, the hearing shall be scheduled by the court upon receipt of the respondent’s request. Service of the notice of hearing must be made upon the petitioner not less than five days prior to the hearing. The court shall serve the notice of the hearing upon the petitioner by mail in the manner provided in the Rules of Civil Procedure for pleadings subsequent to a complaint and motions and shall also mail notice of the date and time of the hearing to the respondent. In the event that service cannot be completed in time to give the respondent or petitioner the minimum notice required under this subdivision, the court may set a new hearing date.

(f) A request for a hearing under this subdivision must be made within 45 days after the temporary restraining order is issued.

Sec. 18. Minnesota Statutes 2016, section 631.52, subdivision 2, is amended to read:

Subd. 2. Application. Subdivision 1 applies to the following crimes or similar crimes under the laws of the United States or any other state:

(1) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;
(2) manslaughter in the first degree under section 609.20;
(3) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;
(4) kidnapping under section 609.25;
(5) depriving another of custodial or parental rights under section 609.36;
(6) soliciting, inducing, promoting, or receiving profit derived from prostitution involving
a minor under section 609.322;
(7) criminal sexual conduct in the first degree under section 609.342;
(8) criminal sexual conduct in the second degree under section 609.343;
(9) criminal sexual conduct in the third degree under section 609.344, subdivision 1,

paragraph (c), (f), or (g);
(10) solicitation of a child to engage in sexual conduct under section 609.352;
(11) incest under section 609.365;
(12) malicious punishment of a child under section 609.377;
(13) neglect of a child under section 609.378;
(14) terrorist threats under section 609.713 or
(15) felony stalking under section 609.745; or
(16) domestic assault by strangulation under section 609.2247.

Sec. 19. Minnesota Statutes 2016, section 634.36, is amended to read:

634.36 EVIDENCE OF VIDEOTAPES, AUDIOTAPES, OR OTHER RECORDINGS.

In any hearing or trial of a criminal offense or petty misdemeanor or proceeding pursuant
to section 169A.53, subdivision 3, evidence of a videotape, audiotape, or electronic or digital
recording prepared by a peace officer, using recording equipment in a law enforcement
vehicle or on the officer's person, while in the performance of official duties shall not be
excluded on the ground that a written transcript of the recording was not prepared and
available at or prior to trial. As used in this section, "peace officer" has the meaning given
in section 169A.03, subdivision 18.

EFFECTIVE DATE. This section is effective July 1, 2017, and applies to trials and
hearings beginning on or after that date.

Sec. 20. Laws 2014, chapter 263, section 2, the effective date, is amended to read:

EFFECTIVE DATE; SUNSET. (a) This section is effective retroactively from January
15, 2014.
(b) The amendments to this section expire on August 1, 2021.

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

Sec. 21. REPEALER.
Minnesota Statutes 2016, sections 169.685, subdivision 4; 486.05, subdivision 1a; and
525.112, are repealed.

ARTICLE 3
CORRECTIONS

Section 1. Minnesota Statutes 2016, section 3.739, subdivision 1, is amended to read:

Subdivision 1. Permissible claims. Claims and demands arising out of the circumstances
described in this subdivision shall be presented to, heard, and determined as provided in
subdivision 2:
(1) an injury to or death of an inmate of a state, regional, or local correctional facility
or county jail who has been conditionally released and ordered to perform while performing
compensated or uncompensated work in the community for a state agency, a political
subdivision or public corporation of this state, a nonprofit educational, medical, or social
service agency, or a private business or individual, as a condition of the release, while
performing the work;
(2) an injury to or death of a person sentenced by a court, granted a suspended sentence
by a court, or subject to a court disposition order, and who, under court order, is performing
work (1) in restitution, (2) in lieu of or to work off fines or court-ordered, court-ordered
costs, or other statutorily authorized correctional fees, (3) in lieu of incarceration, or
(4) as a term or condition of a sentence, suspended sentence, or disposition order, while
performing the work;
(3) an injury to or death of a person, who has been diverted from the court system and
who is performing work as described in paragraph clause (1) or (2) under a written agreement
signed by the person, and if a juvenile, by a parent or guardian; and
(4) an injury to or death of any person caused by an individual who was performing
work as described in paragraph clause (1), (2), or (3).

Sec. 2. Minnesota Statutes 2016, section 241.01, subdivision 3a, is amended to read:

Subd. 3a. Commissioner, powers and duties. The commissioner of corrections has the
following powers and duties:
(a) To accept persons committed to the commissioner by the courts of this state for care, custody, and rehabilitation.

(b) To determine the place of confinement of committed persons in a correctional facility or other facility of the Department of Corrections, or a nonpublicly owned facility, and to prescribe reasonable conditions and rules for their employment, conduct, instruction, and discipline within or outside the facility. Inmates shall not exercise custodial functions or have authority over other inmates.

(c) To administer the money and property of the department.

(d) To administer, maintain, and inspect all state correctional facilities.

(e) To transfer authorized positions and personnel between state correctional facilities as necessary to properly staff facilities and programs.

(f) To utilize state correctional facilities in the manner deemed to be most efficient and beneficial to accomplish the purposes of this section, but not to close the Minnesota Correctional Facility-St. Cloud without legislative approval. The commissioner may place juveniles and adults at the same state minimum security correctional facilities, if there is total separation of and no regular contact between juveniles and adults, except contact incidental to admission, classification, and mental and physical health care.

(g) To organize the department and employ personnel the commissioner deems necessary to discharge the functions of the department, including a chief executive officer for each facility under the commissioner’s control who shall serve in the unclassified civil service and may, under the provisions of section 43A.33, be removed only for cause.

(h) To define the duties of these employees and to delegate to them any of the commissioner’s powers, duties and responsibilities, subject to the commissioner’s control and the conditions the commissioner prescribes.

(i) To annually develop a comprehensive set of goals and objectives designed to clearly establish the priorities of the Department of Corrections. This report shall be submitted to the governor commencing January 1, 1976. The commissioner may establish ad hoc advisory committees.

(j) At such time that the commissioner determines that the department has an insufficient number of prison beds to house the current or projected prison population and needs to expand an existing facility or build a new facility, the commissioner shall enter into a contract either to purchase and operate or to lease-to-own and operate an existing prison facility located in Appleton, Minnesota. The commissioner shall attempt to conclude negotiations within 12 months of the date the commissioner determines the need for additional beds. The contract negotiated must be approved by the legislature before its final execution. All employees who supervise inmates at the facility must be state employees.

Sec. 3. Minnesota Statutes 2016, section 243.05, subdivision 1, is amended to read:

Subdivision 1. Conditional release. (a) The commissioner of corrections may parole any person sentenced to confinement in any state correctional facility for adults under the control of the commissioner of corrections, provided that:

(1) no inmate serving a life sentence for committing murder before May 1, 1980, other than murder committed in violation of clause (1) of section 609.185 who has not been previously convicted of a felony shall be paroled without having served 20 years, less the diminution that would have been allowed for good conduct had the sentence been for 20 years;

(2) no inmate serving a life sentence for committing murder before May 1, 1980, who has been previously convicted of a felony or though not previously convicted of a felony is serving a life sentence for murder in the first degree committed in violation of clause (1) of section 609.185 shall be paroled without having served 25 years, less the diminution which would have been allowed for good conduct had the sentence been for 25 years;

(3) any inmate sentenced prior to September 1, 1963, who would be eligible for parole had the inmate been sentenced after September 1, 1963, shall be eligible for parole; and

(4) any new rule or policy or change of rule or policy adopted by the commissioner of corrections which has the effect of postponing eligibility for parole has prospective effect only and applies only with respect to persons committing offenses after the effective date of the new rule or policy or change.

(b) Upon being paroled and released, an inmate is and remains in the legal custody and control of the commissioner, subject at any time to be returned to a facility of the Department of Corrections established by law for the confinement or treatment of convicted persons and the parole rescinded by the commissioner.

(c) The written order of the commissioner of corrections, is sufficient authority for any peace officer, state correctional investigator, or state parole and probation agent to retake and place in actual custody any person on parole or supervised release. In addition, when it appears necessary in order to prevent escape or enforce discipline, any state parole and probation agent or state correctional investigator may, without order of warrant, take and detain a parolee or person on supervised release or work release and bring the person to the commissioner for action.

(d) The written order of the commissioner of corrections is sufficient authority for any peace officer, state correctional investigator, or state parole and probation agent to retake and place in actual custody any person on probation under the supervision of the commissioner pursuant to section 609.135. Additionally, when it appears necessary in order
to prevent escape or enforce discipline, any state parole and probation agent or state
correctional investigator may, without an order, retake and detain a probationer and bring
the probationer before the court for further proceedings under section 609.14.

(e) The written order of the commissioner of corrections is sufficient authority for any
peace officer, state correctional investigator, or state parole and probation agent to detain
any person on pretrial release who absconds from pretrial release or fails to abide by the
conditions of pretrial release.

(f) Persons conditionally released, and those on probation under the supervision of the
commissioner of corrections pursuant to section 609.135 may be placed within or outside
the boundaries of the state at the discretion of the commissioner of corrections or the court,
and the limits fixed for these persons may be enlarged or reduced according to their conduct.

(g) Except as otherwise provided in subdivision 1b, in considering applications for
conditional release or discharge, the commissioner is not required to hear oral argument
from any attorney or other person not connected with an adult correctional facility of the
Department of Corrections in favor of or against the parole or release of any inmate. The
commissioner may institute inquiries by correspondence, taking testimony, or otherwise,
as to the previous history, physical or mental condition, and character of the inmate and, to
that end, has the authority to require the attendance of the chief executive officer of any
state adult correctional facility and the production of the records of these facilities, and to
compel the attendance of witnesses. The commissioner is authorized to administer oaths to
witnesses for these purposes.

(h) Unless the district court directs otherwise, state parole and probation agents may
require a person who is under the supervision of the commissioner of corrections to perform
community work service for violating a condition of probation imposed by the court.
Community work service may be imposed for the purpose of protecting the public, to aid
the offender's rehabilitation, or both. Agents may impose up to eight hours of community
work service for each violation and up to a total of 24 hours per offender per 12-month
period, beginning with the date on which community work service is first imposed. The
commissioner may authorize an additional 40 hours of community work services, for a total
of 64 hours per offender per 12-month period, beginning with the date on which community
work service is first imposed. At the time community work service is imposed, parole and
probation agents are required to provide written notice to the offender that states:

   (1) the condition of probation that has been violated;
   (2) the number of hours of community work service imposed for the violation; and
   (3) the total number of hours of community work service imposed to date in the 12-month
   period.

   An offender may challenge the imposition of community work service by filing a petition
   in district court. An offender must file the petition within five days of receiving written
   notice that community work service is being imposed. If the offender challenges the
   imposition of community work service, the state bears the burden of showing, by a
   preponderance of the evidence, that the imposition of community work service is reasonable
   under the circumstances.

   Community work service includes sentencing to service.

   (i) Prior to revoking a nonviolent controlled substance offender's parole or probation
   based on a technical violation, when the offender does not present a risk to the public and
   the offender is amenable to continued supervision in the community, a parole or probation
   agent must identify community options to address and correct the violation including, but
   not limited to, inpatient chemical dependency treatment. If a probation or parole agent
determines that community options are appropriate, the agent shall seek to restructure the
offender's terms of release to incorporate those options. If an offender on probation stipulates
in writing to restructure the terms of release, a probation agent must forward a report to the
district court containing:

   (1) the specific nature of the technical violation of probation;
   (2) the recommended restructure to the terms of probation; and
   (3) a copy of the offender's signed stipulation indicating that the offender consents to
   the restructuring of probation.

   The recommended restructuring of probation becomes effective when confirmed by a
judge. The order of the court shall be proof of such confirmation and amend the terms of
the sentence imposed by the court under section 609.135. If a nonviolent controlled substance
offender's parole or probation is revoked, the offender's agent must first attempt to place
the offender in a local jail. For purposes of this paragraph, "nonviolent controlled substance
offender" is a person who meets the criteria described under section 244.0513, subdivision
2, clauses (1), (2), and (5), and "technical violation" has the meaning given in section
244.196, subdivision 6.

Sec. 4. Minnesota Statutes 2016, section 243.17, subdivision 1, is amended to read:

Subdivision 1. Allowed expenses. The necessary expenses of sheriffs and other peace
officers, commissioner of management and budget shall pay out of the state treasury to the
commissioner of corrections each fiscal year the amount necessary to offset expenses
incurred in conveying to convey convicted persons and children adjudicated delinquent and
committed to the custody of the commissioner of corrections to the appropriate adult or
juvenile correctional facility as designated by the commissioner of corrections, including,
per diem and expenses of correctional officers, shall be allowed by the commissioner of.
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Sec. 5. [243.521] ADMINISTRATIVE AND DISCIPLINARY SEGREGATION.

Subdivision 1. Authorization. In any adult correctional facility under the control of the commissioner of corrections, the commissioner may require an inmate to be placed in disciplinary segregation for rule violations involving use of a weapon or infliction of bodily harm, escape, or a major rule violation, or in administrative segregation for the safety of the inmate or others, subject to the requirements of this section.

Subd. 2. Conditions in segregated housing. The segregation unit shall provide regular meals, furnished cells, appropriate reading materials, limited recreational facilities, at least five hours a week out of cell unless safety and security dictate otherwise, reduced lighting during the nighttime hours, rights of communication and visitation by those properly authorized, and other privileges as may be established by the commissioner.

Subd. 3. Review of disciplinary segregation status. An inmate who serves 15 days in disciplinary segregation shall have the inmate’s segregation status reviewed at that time by the warden of the institution and every 15 days thereafter. An inmate who serves 60 days in disciplinary segregation shall have the inmate’s segregation status reviewed at that time by the commissioner of corrections, or a deputy or assistant commissioner, and every 30 days thereafter.

Subd. 4. Graduated disciplinary sanctions. The commissioner shall design and implement a graduated scale of responses to infractions, including reprimands, loss of privileges, and restriction of motion within the institution, so that the use of disciplinary segregation is reserved for the most serious and persistent infractions.

Subd. 5. Discharge from segregated housing. (a) The commissioner shall not release an inmate to the community directly from segregated housing. A segregated inmate must serve at least 30 days in the general population prior to the inmate’s release to the community, absent a documented, compelling safety reason, approved by the warden.

(b) An inmate who is being released from segregated housing to the general population after serving in that status for 30 days or more shall have the transfer reviewed and approved by a mental health professional prior to returning to the general population.

Subd. 6. Reporting. By January 15, 2018, and by January 15 each year thereafter, the commissioner of corrections shall report to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over public safety and judiciary on the status of the implementation of the provisions in this section. This report shall include, but not be limited to, data regarding:

(1) the number of inmates in each institution placed in segregation during the past year;
(2) the ages of inmates placed in segregation during the past year;
(3) the number of inmates transferred from segregation to the mental health treatment unit;
(4) the nature of the infractions leading to the use of segregation;
(5) the lengths of terms served in segregation, including terms served consecutively; and
(6) any incidents of inmates not receiving at least five hours a week out of cell.

Sec. 6. Minnesota Statutes 2016, section 244.05, subdivision 3, is amended to read:

Subd. 3. Sanctions for violation. If an inmate violates the conditions of the inmate’s supervised release imposed by the commissioner, the commissioner may:

(1) continue the inmate’s supervised release term, with or without modifying or enlarging the conditions imposed on the inmate; or
(2) revoke the inmate’s supervised release and reimprison the inmate for the appropriate period of time.

Prior to revoking a nonviolent controlled substance offender’s supervised release based on a technical violation, when the offender does not present a risk to the public and the offender is amenable to continued supervision in the community, the commissioner must identify community options to address and correct the violation including, but not limited to, inpatient chemical dependency treatment. If the commissioner determines that community options are appropriate, the commissioner shall structure the inmate’s terms of release to incorporate those options. If a nonviolent controlled substance offender’s supervised release is revoked, the offender’s agent must first attempt to place the offender in a local jail. For purposes of this subdivision, “nonviolent controlled substance offender” is a person who meets the criteria described under section 244.0513, subdivision 2, clauses (1), (2), and (5), and “technical violation” has the meaning given in section 244.196, subdivision 6.
The period of time for which a supervised release may be revoked may not exceed the period of time remaining in the inmate's sentence, except that if a sex offender is sentenced and conditionally released under Minnesota Statutes 2004, section 609.108, subdivision 5, the period of time for which conditional release may be revoked may not exceed the balance of the conditional release term.

Sec. 7. Minnesota Statutes 2016, section 244.09, subdivision 11, is amended to read:

Subd. 11. Modification. The commission shall meet as necessary for the purpose of modifying and improving the guidelines. Any modification which amends the Sentencing Guidelines grid, including severity levels and criminal history scores, or which would result in the reduction of any sentence or in the early release of any inmate, with the exception of a modification mandated or authorized by the legislature or relating to a crime created or amended by the legislature in the preceding session, shall be submitted to the legislature by January 15 of any year in which the commission wishes to make the change and if approved by the legislature by law, becomes effective on August 1 of that year, unless the legislature by law provides otherwise. All other modifications shall take effect according to the procedural rules of the commission. On or before January 15 of each year, the commission shall submit a written report to the committees of the senate and the house of representatives with jurisdiction over criminal justice policy that identifies and explains all modifications made during the preceding 12 months and all proposed modifications that are being submitted to the legislature that year.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to any pending or future proposed modifications.

Sec. 8. Minnesota Statutes 2016, section 244.198, is amended by adding a subdivision to read:

Subd. 2a. Alternatives to incarceration. (a) A probation agent must present the court, with local options to address and correct the violation including, but not limited to, inpatient chemical dependency treatment when the defendant at a summary hearing provided by subdivision 2 is:

(1) a nonviolent controlled substance offender;
(2) subject to supervised probation;
(3) appearing based on a technical violation; and
(4) admitting or found to have violated any of the conditions of probation.
(b) For purposes of this subdivision, “nonviolent controlled substance offender” is a person who meets the criteria described under section 244.0513, subdivision 2, clauses (1), (2), and (5), and “technical violation” has the meaning given in section 244.196, subdivision 6.

Sec. 9. Minnesota Statutes 2016, section 609.14, is amended by adding a subdivision to read:

Subd. 2a. Alternatives to incarceration. (a) A probation agent must present the court, with local options to address and correct the violation including, but not limited to, inpatient chemical dependency treatment when the defendant at a summary hearing provided by subdivision 2 is:

(1) a nonviolent controlled substance offender;
(2) subject to supervised probation;
(3) appearing based on a technical violation; and
(4) admitting or found to have violated any of the conditions of probation.
(b) For purposes of this subdivision, “nonviolent controlled substance offender” is a person who meets the criteria described under section 244.0513, subdivision 2, clauses (1), (2), and (5), and “technical violation” has the meaning given in section 244.196, subdivision 6.

Sec. 10. ALTERNATIVES TO INCARCERATION PILOT PROGRAM FUND.

(a) Agencies providing supervision to offenders on probation, parole, or supervised release are eligible for grants to facilitate access to community options including, but not limited to, inpatient chemical dependency treatment for nonviolent controlled substance offenders to address and correct behavior that is, or is likely to result in, a technical violation of the conditions of release. For purposes of this section, “nonviolent controlled substance offender” is a person who meets the criteria described under Minnesota Statutes, section 244.0513, subdivision 2, clauses (1), (2), and (5), and “technical violation” has the meaning given in Minnesota Statutes, section 244.196, subdivision 6.
(b) The Department of Corrections shall establish criteria for selecting grant recipients and the amount awarded to each grant recipient.
(c) By January 15, 2019, the commissioner of corrections shall submit a report to the chairs of the house of representatives and senate committees with jurisdiction over public safety policy and finance. At a minimum, the report must include:

(1) the total number of grants issued under this program;
(2) the average amount of each grant;
(3) the community services accessed as a result of the grants;
(4) a summary of the type of supervision offenders were under when a grant was used to help access a community option;
(5) the number of individuals who completed, and the number who failed to complete, programs accessed as a result of this grant; and
Sec. 11. TARGETED DOMESTIC VIOLENCE PREVENTION PROGRAMMING.

Subd. 1. Domestic violence offender identification. The commissioner of corrections shall implement a process to identify offenders sentenced for domestic violence related offenses.

Subd. 2. Threat assessment and screening. The commissioner of corrections shall develop a process to identify offenders who pose the highest threat to commit domestic violence and abuse upon release from confinement.

Subd. 3. Programming. The commissioner shall identify accepted best practices, if any, for providing domestic violence prevention programming to offenders, including evaluating any currently piloted domestic violence programming. The commissioner shall provide programming consistent with accepted best practices to offenders identified as posing the highest threat of committing domestic violence and abuse upon release from confinement.

Subd. 4. Report. By January 15, 2019, the commissioner of corrections shall submit a report to the chairs of the house of representatives and senate committees with jurisdiction over public safety policy and finance. At a minimum, the report must include:

(1) a description of the offender identification screening process;
(2) a description of the process used to assess offenders who pose an increased threat of committing domestic violence and abuse upon release from confinement;
(3) the number of offenders identified as being likely to commit domestic violence or abuse upon release from confinement;
(4) the number of offenders who have participated in targeted domestic violence prevention programming;
(5) the number of offenders who participated in targeted domestic violence prevention programming who have been released from confinement;
(6) the recidivism rate of offenders who participated in targeted domestic violence prevention programming who have been released from confinement; and
(7) the number of offenders who participated in targeted domestic violence prevention programming who committed domestic violence offenses after release from confinement.

ARTICLE 4
PUBLIC SAFETY

Section 1. Minnesota Statutes 2016, section 12.221, subdivision 6, is amended to read:

Subd. 6. Disaster assistance contingency account; appropriation. (a) A disaster assistance contingency account is created in the special revenue fund in the state treasury. Money in the disaster assistance contingency account is appropriated to the commissioner of public safety to provide:

(1) cost-share for federal assistance under section 12A.15, subdivision 1;
(2) state public disaster assistance to eligible applicants under chapter 12B;
(3) cost-share for federal assistance from the Federal Highway Administration emergency relief program under United States Code, title 23, section 125; and
(4) cost-share for federal assistance from the United States Department of Agriculture, Natural Resources Conservation Service emergency watershed protection program under United States Code, title 16, sections 2203 to 2205.

(b) For appropriations under paragraph (a), clause (1), the amount appropriated is 100 percent of any nonfederal share for state agencies and local governments, and utility cooperatives. Money appropriated under paragraph (a), clause (1), may be used to pay all or a portion of the nonfederal share for publicly owned capital improvement projects.

(c) For appropriations under paragraph (a), clause (2), the amount appropriated is the amount required to pay eligible claims under chapter 12B, as certified by the commissioner of public safety.

(d) By January 15 of each year, the commissioner of management and budget shall submit a report to the chairs and ranking minority members of the house of representatives Ways and Means Committee and the senate Finance Committee detailing state disaster assistance appropriations and expenditures under this subdivision during the previous calendar year.

(e) The governor’s budget proposal submitted to the legislature under section 16A.11 must include recommended appropriations to the disaster assistance contingency account. The governor’s appropriation recommendations must be informed by the commissioner of public safety’s estimate of the amount of money that will be necessary to:

(1) provide 100 percent of the nonfederal share for state agencies, local governments, and utility cooperatives that will receive federal financial assistance from FEMA during the next biennium; and
(2) fully pay all eligible claims under chapter 12B.

(f) Notwithstanding section 16A.28:

(1) funds appropriated or transferred to the disaster assistance contingency account do not lapse but remain in the account until appropriated; and
(2) funds appropriated from the disaster assistance contingency account do not lapse and are available until expended.
Sec. 2. Minnesota Statutes 2016, section 12B.15, subdivision 2, is amended to read:

Subd. 2. Applicant. "Applicant" means a local government or state government agency or utility cooperative that applies for state disaster assistance under this chapter.

Sec. 3. Minnesota Statutes 2016, section 152.105, is amended to read:

152.105 DISPOSAL.

Subdivision 1. Disposal of controlled substances. Controlled substances listed in section 152.02, subdivisions 3 to 6, may be collected and disposed of only pursuant to the provisions of Code of Federal Regulations, title 21, parts 1300, 1301, 1304, 1305, 1307, and 1317, that are applicable to the disposal of controlled substances. Disposal of controlled substances and legend and nonlegend drugs must also comply with the requirements of section 116.07 governing the disposal of hazardous waste, and the rules promulgated thereunder.

Subd. 2. Sheriff to maintain collection receptacle. The sheriff of each county shall maintain at least one collection receptacle for the disposal of noncontrolled substances, pharmaceutical controlled substances, and other legend drugs, as permitted by federal law. For purposes of this section, "legend drug" has the meaning given in section 151.01, subdivision 17. The collection receptacle must comply with federal law. In maintaining and operating the collection receptacle, the sheriff shall follow all applicable provisions of Code of Federal Regulations, title 21, parts 1300, 1301, 1304, 1305, 1307, and 1317.

Sec. 4. Minnesota Statutes 2016, section 169.791, is amended by adding a subdivision to read:

Subd. 6a. Mandatory court appearance. A mandatory court appearance is required if a person violates this section under circumstances involving a collision that caused bodily harm or damage to the property of another.

Sec. 5. Minnesota Statutes 2016, section 169.792, subdivision 7, is amended to read:

Subd. 7. License revocation. Upon receiving the notification under subdivision 6 or notification of a conviction for violation of section 169.791, the commissioner shall revoke the person's driver's license or permit to drive. The revocation shall be effective beginning 14 days after the date of notification by the district court administrator or officer to the Department of Public Safety. In order to be revoked, notice must have been mailed to the person by the commissioner at least ten days before the effective date of the revocation. If the person, before the effective date of the revocation, provides the commissioner or court with the proof of insurance or other verifiable insurance information as determined by the commissioner, establishing that the required insurance covered the vehicle at the time of the original demand, the revocation must not become effective. Revocation based upon receipt of a notification under subdivision 6 must be carried out regardless of the status or disposition of any related criminal charge. The person's driver's license or permit to drive shall be revoked for the longer of: (i) the period provided in section 169.797, subdivision 4, paragraph (e) (f), including any rules adopted under that paragraph, or (ii) until the driver or owner files proof of insurance with the Department of Public Safety or judicial officer.

Proof of insurance satisfactory to the commissioner of public safety. If proof is filed with the court under item (ii), the judicial officer must report the proof filing to the commissioner of public safety. A license must not be revoked more than once based upon the same demand for proof of insurance.

Sec. 6. Minnesota Statutes 2016, section 169.797, is amended by adding a subdivision to read:

Subd. 4b. Mandatory court appearance. A mandatory court appearance is required if a person violates this section under circumstances involving a collision that caused bodily harm or damage to the property of another.

Sec. 7. Minnesota Statutes 2016, section 169.80, subdivision 1, is amended to read:

Subdivision 1. Limitations; misdemeanor. (a) It is a misdemeanor for a person to drive or move, or for the owner to cause or knowingly permit to be driven or moved, on a highway a vehicle or vehicles of a size or weight exceeding the limitations stated in sections 169.80 to 169.88, or otherwise in violation of sections 169.80 to 169.88, other than section 169.81, subdivision 5a, and the maximum size and weight of vehicles as prescribed in sections 169.80 to 169.88 shall be lawful throughout this state, and local authorities shall have no power or authority to alter these limitations except as express authority may be granted in sections 169.80 to 169.88.

(b) When all the axes of a vehicle or combination of vehicles are weighed separately or move, or for the owner to cause or knowingly permit to be driven or moved, on a highway a vehicle or vehicles of a size or weight exceeding the limitations stated in sections 169.80 to 169.88, or otherwise in violation of sections 169.80 to 169.88, other than section 169.81, subdivision 5a, and the maximum size and weight of vehicles as prescribed in sections 169.80 to 169.88 shall be lawful throughout this state, and local authorities shall have no power or authority to alter these limitations except as express authority may be granted in sections 169.80 to 169.88.

(c) When each of the axes of any group that contains two or more consecutive axes of a vehicle or combination of vehicles has been weighed separately the sum of the weights of the axes so weighed shall be evidence of the total gross weight on the group of axes so weighed.

(d) When, in any group of three or more consecutive axes of a vehicle or combination of vehicles any axes have been weighed separately and two or more axes consecutive to each other in the group have been weighed together, the sum of the weights of the axes
weighed separately and the axes weighed together shall be evidence of the total gross weight
of the group of axles so weighed.

(e) The provisions of sections 169.80 to 169.88 governing size, weight, and load shall
do not apply to a fire apparatus, or to a vehicle operated under the terms of a special permit
issued as provided by law.

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

Sec. 8. Minnesota Statutes 2016, section 169.829, is amended by adding a subdivision to
read:

Subd. 4. Certain emergency vehicles. The provisions of sections 169.80 to 169.88
governing size, weight, and load do not apply to a fire apparatus, a police special response
vehicle, or a licensed land emergency ambulance service vehicle.

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

Sec. 9. Minnesota Statutes 2016, section 169.99, subdivision 1c, is amended to read:

Subd. 1c. Notice of surcharge. All parts of the uniform traffic ticket must give
provide conspicuous notice of the fact that:

(1) if convicted, the person to whom it was issued must pay a state-imposed surcharge
under section 357.021, subdivision 6, and the current amount of the required surcharge;
and

(2) programs, including diversion, may be available.

Sec. 10. Minnesota Statutes 2016, section 169.99, is amended by adding a subdivision to
read:

Subd. 1d. Collision. In every charge of a violation of any provision of this chapter, the
uniform traffic ticket shall contain a blank or space where the officer shall specify whether
an offense involved a collision that caused bodily harm or damage to the property of another.

Sec. 11. Minnesota Statutes 2016, section 171.24, is amended by adding a subdivision to
read:

Subd. 4a. Mandatory court appearance. A court appearance is required if a person
violates subdivision 1, 2, or 3 under circumstances involving a collision that caused bodily
harm or damage to the property of another.

EFFECTIVE DATE. This section is effective August 1, 2017, and applies to violations
committed on or after that date.

Sec. 12 [171.2405] LICENSE REINSTATEMENT DIVERSION PROGRAM.

Subd. 1. Establishment. A city or county may establish a license reinstatement
diversion program for holders of class D drivers' licenses who have been charged with
violating section 171.24, subdivision 1 or 2, but have not yet entered a plea in the
proceedings. An individual charged with driving after revocation under section 171.24,
subdivision 2, is eligible for diversion only if the revocation was due to a violation of section
169.791; 169.797; 169A.52; 169A.54; 171.17, subdivision 1, paragraph (a), clause (6); or
171.172. An individual who otherwise qualifies for the diversion program under this section
and who is also canceled under section 171.24, subdivision 5, is eligible for the diversion
program. An individual who otherwise qualifies for the diversion program under this section
and who is also canceled under section 171.24, subdivision 5, is eligible for license
reinstatement only if the individual complies with the requirements of section 171.305 and
other applicable restrictions, including the ignition interlock device program. An individual
who is a holder of a commercial driver's license or who has committed an offense in a
commercial motor vehicle is not eligible to participate in the diversion program.

Subd. 2. Contract. Notwithstanding any law or ordinance to the contrary, a city or
county may contract with a third party to create and administer the diversion program
under this section.

Subd. 3. Diversion of an individual. A prosecutor for a participating city or county
may, in consultation with the commissioner, determine whether to accept an individual for
diversion. When making the determination, the prosecutor must consider:

(1) whether the individual has a record of driving without a valid license or other criminal
record, or has previously participated in a diversion program;

(2) the strength of the evidence against the individual, along with any mitigating factors;
and

(3) the apparent ability and willingness of the individual to participate in the diversion
program and comply with program requirements.

Subd. 4. Diversion driver's license. (a) Notwithstanding any law to the contrary, the
commissioner of public safety may issue a diversion driver's license to a person who is a
participant in the diversion program, after receiving an application and payment of:

(1) the reinstatement fee under section 171.20, subdivision 4, by a participant whose
driver's license has been suspended;

(2) the reinstatement fee under section 171.29, subdivision 2, paragraph (a), by a
participant whose driver's license has been revoked under section 169.791; 169.797; or
Subd. 5. Components of program. (a) At a minimum, the diversion program must require individuals to:

1. successfully attend and complete, at the individual’s expense, educational classes that provide, among other things, information on driver's licensure;
2. pay, under a schedule approved by the prosecutor, all required fees, fines, and charges that affect the individual’s driver's license status, including applicable statutory license reinstatement fees and costs of participation in the program;
3. comply with all traffic laws; and
4. demonstrate compliance with motor vehicle insurance requirements.

(b) An individual accepted into the diversion program is eligible to apply for a diversion driver's license.

Subd. 6. Termination of participation in diversion program. (a) An individual’s participation in the diversion program may terminate when:

1. during participation in the program, the individual is guilty of a moving traffic violation; failure to provide vehicle insurance for an offense that occurred after the individual attended the education class under subdivision 5, paragraph (a), clause (1);
2. the third-party administrator of the diversion program informs the court and the commissioner that the individual no longer satisfies the conditions of the diversion program; or
3. the third-party administrator informs the court, the prosecutor, and the commissioner of public safety that the individual has met all conditions of the diversion program, including, at a minimum, satisfactory fulfillment of the components under subdivision 5,

(b) Upon termination of an individual’s participation in the diversion program, the commissioner must cancel the individual’s diversion driver's license.

(c) Upon receiving notice under paragraph (a), clause (3), the court must dismiss the charge or the prosecutor must decline to prosecute the individual.

(d) The original charge against the individual for violating section 171.24 may be reinstated against an individual if the individual’s diversion program participation terminates under paragraph (a), clause (1) or (2).

(e) The commissioner must reinstate the driver’s license of an individual whose diversion program participation terminates under paragraph (a), clause (3).

(f) If an individual terminates diversion program participation under paragraph (a), clause (1) or (2), or voluntarily leaves the diversion program, the third-party administrator must retain any fees paid under subdivision 4 for a period of five years from the termination date. If the individual returns to the diversion program within the five-year period, the retained fees may be applied to the subsequent diversion program participation. If the individual does not return to the program within the five-year period, the returned fees are forfeited to the third-party administrator.

Subd. 7. Biennial report. (a) By February 1 of each even-numbered year, each city and county that participates in the diversion program must report to the legislative committee with jurisdiction over transportation and the judiciary concerning the results of the program.

The report must be made available electronically and, upon request, in print. The report must include, without limitation, the effect of the program on:

1. recidivism rates for participants in the diversion program;
2. payment of the fees and fines collected in the diversion program to cities, counties, and the state;
3. educational support provided to participants in the diversion program; and
4. the total number of participants in the diversion program, including the number of participants who have terminated from the program under clauses (1) to (3).

(b) The report must include recommendations regarding legislative changes, as appropriate.
EFFECTIVE DATE. This section is effective July 1, 2020, or the day following the
date the Minnesota Licensing and Registration System is first used for driver's license
transactions, whichever is earlier.

Sec. 13. [299A.625] SUPPLEMENTAL NONPROFIT SECURITY GRANT
PROGRAM.
Subd. 1. Establishment. A supplemental nonprofit security grant program is
established. The Division of Homeland Security and Emergency Management shall
administer the program.

Subd. 2. Eligibility and application. Nonprofit organizations whose applications for
funding through the Federal Emergency Management Agency's nonprofit security grant
program have been approved by the Division of Homeland Security and Emergency
Management are eligible for grants under this section. No additional application shall be
required for grants under this section, and an application for a grant from the federal program
is also an application for funding from the state supplemental program.

Subd. 3. Amount, preference, and timing of grants. Organizations meeting the
eligibility requirements of subdivision 2 may receive grants of up to $75,000, except that
the total received by any individual from both the federal nonprofit security grant program
and the state supplemental nonprofit security grant program shall not exceed $75,000. Grants
shall be awarded in an order consistent with the ranking given to applicants for the federal
nonprofit security grant program. No grants under the state supplemental nonprofit security
grant program shall be awarded until the announcement of the recipients and the amount
of the grants awarded under the federal nonprofit security grant program.

Subd. 4. Administrative costs. The commissioner may use up to one percent, on an
annual basis, of the appropriation received under this section to pay costs incurred by the
department in administering the supplemental nonprofit security grant program.

Sec. 14. Minnesota Statutes 2016, section 299C.46, subdivision 6, is amended to read:

Subd. 6. Orders for protection and no contact orders. (a) As used in this subdivision,
"no contact orders" include orders issued as pretrial orders under section 629.72, subdivision
2, orders under section 629.75, and orders issued as probationary or sentencing orders at
the time of disposition in a criminal domestic abuse case.

(b) The data communications network must include orders for protection issued under
section 518B.01 and harassment restraining orders, and no contact orders issued against
adults and juveniles. A no contact order must be accompanied by a photograph of the
offender for the purpose of enforcement of the order, if a photograph is available and verified
by the court to be an image of the defendant.

(c) Data from orders for protection, harassment restraining orders, or no contact orders
data entered by law enforcement to assist in the enforcement of those orders are classified
as private data on individuals as defined in section 13.02, subdivision 12. Data about the
offender can be shared with the victim for purposes of enforcement of the order.

Sec. 15. Minnesota Statutes 2016, section 609.748, subdivision 3, is amended to read:

Subd. 3. Contents of petition; hearing; notice. (a) A petition for relief must allege
facts sufficient to show the following:

(1) the name of the alleged harassment victim;
(2) the name of the respondent; and
(3) that the respondent has engaged in harassment.

A petition for relief must state whether the petitioner has had a previous restraining order
in effect against the respondent. The petition shall be accompanied by an affidavit made
under oath stating the specific facts and circumstances from which relief is sought. The
court shall provide simplified forms and clerical assistance to help with the writing and
filing of a petition under this section and shall advise the petitioner of the right to sue in
forma pauperis under section 563.01. The court shall advise the petitioner of the right to
request a hearing. If the petitioner does not request a hearing, the court shall advise the
petitioner that the respondent may request a hearing and that notice of the hearing date and
time will be provided to the petitioner by mail at least five days before the hearing. Upon
receipt of the petition and a request for a hearing by the petitioner, the court shall order a
hearing. Personal service must be made upon the respondent not less than five days before
the hearing. If personal service cannot be completed in time to give the respondent the
minimum notice required under this paragraph, the court may set a new hearing date. Nothing
in this section shall be construed as requiring a hearing on a matter that has no merit.

(b) Notwithstanding paragraph (a), the order for a hearing and a temporary order issued
under subdivision 4 may be served on the respondent by means of a one-week published
notice under section 645.11, if:

(1) the petitioner files an affidavit with the court stating that an attempt at personal
service made by a sheriff, peace officer, or high school peace officer was unsuccessful because the respondent is avoiding
service by concealment or otherwise; and
(2) a copy of the petition and order for hearing and any temporary restraining order has
been mailed to the respondent at the respondent's residence or place of business, if the
respondent is an organization, or the respondent's residence or place of business is not known
to the petitioner.
(c) Regardless of the method of service, if the respondent is a juvenile, whenever possible, the court also shall have notice of the pendency of the case and of the time and place of the hearing served by mail at the last known address upon any parent or guardian of the juvenile respondent who is not the petitioner.

(d) A request for a hearing under this subdivision must be made within 20 days of service of the petition.

Sec. 16. Minnesota Statutes 2016, section 609.748, subdivision 3a, is amended to read:

Subd. 3a. Filing fee; cost of service. The filing fees for a restraining order under this section are waived for the petitioner if the petition alleges acts that would constitute a violation of section 609.749, subdivision 2, 3, 4, or 5, or sections 609.342 to 609.3451. The court administrator and the sheriff of any county may charge the court administrator and the sheriff of any county to any peace officer in this state shall perform their duties relating to service of process without charge to the petitioner. The court shall direct payment of the reasonable costs of service of process if served by a private process server when the sheriff or a peace officer is unavailable or if service is made by publication.

The court may direct a respondent to pay to the court administrator the petitioner's filing fees and reasonable costs of service of process if the court determines that the respondent has the ability to pay the petitioner's fees and costs.

Sec. 17. Minnesota Statutes 2016, section 609.748, subdivision 5, is amended to read:

Subd. 5. Restraining order. (a) The court may issue a restraining order that provides any or all of the following:

(1) orders the respondent to cease or avoid the harassment of another person; or
(2) orders the respondent to have no contact with another person.

(b) The court may issue an order under paragraph (a) if all of the following occur:

(1) the petitioner has filed a petition under subdivision 3;
(2) the sheriff or a peace officer has served respondent with a copy of the temporary restraining order obtained under subdivision 4, and with notice of the right to request a hearing, or service has been made by publication under subdivision 3, paragraph (b); and
(3) the court finds at the hearing that there are reasonable grounds to believe that the respondent has engaged in harassment.

A restraining order may be issued only against the respondent named in the petition; except that if the respondent is an organization, the order may be issued against and apply to all of the members of the organization. If the court finds that the petitioner has had two or more previous restraining orders in effect against the same respondent or the respondent has violated a prior restraining order on two or more occasions, relief granted by the restraining order may be for a period of up to 50 years. In all other cases, relief granted by the restraining order must be for a fixed period of not more than two years. When a referee presides at the hearing on the petition, the restraining order becomes effective upon the referee's signature.

(c) An order issued under this subdivision must be personally served upon the respondent.

(d) If the court orders relief for a period of up to 50 years under paragraph (a), the respondent named in the restraining order may request to have the restraining order vacated or modified if the court finds that the respondent has not violated the order. Application for relief under this paragraph must be made in the county in which the restraining order was issued. Upon receipt of the request, the court shall set a hearing date. Personal service must be made upon the petitioner named in the restraining order not less than 30 days before the date of the hearing. At the hearing, the respondent named in the restraining order has the burden of proving by a preponderance of the evidence that there has been a material change in circumstances and that the reasons upon which the court relied in granting the restraining order no longer apply and are unlikely to occur. If the court finds that the respondent named in the restraining order has met the burden of proof, the court may vacate or modify the order. If the court finds that the respondent named in the restraining order has not met the burden of proof, the court shall deny the request and no request may be made to vacate or modify the restraining order until five years have elapsed from the date of denial. An order vacated or modified under this paragraph must be personally served on the petitioner named in the restraining order.

Sec. 18. Minnesota Statutes 2016, section 609.748, is amended by adding a subdivision to read:

Subd. 5a. Short-form notification. (a) In lieu of personal service of a harassment restraining order, a peace officer may serve a person with a short-form notification. The short-form notification must include the following clauses: the respondent's name; the respondent's date of birth, if known; the petitioner's name; the names of other protected parties; the date and county in which the temporary restraining order or restraining order was filed; the court file number; the hearing date and time; if known, the conditions that apply to the respondent; either in checklist form or handwritten; and the name of the judge who signed the order.

The short-form notification must be in bold print in the following form:

"The restraining order is now enforceable. A copy of the restraining order is available at your nearest law enforcement office or district court. You are subject to arrest and may be charged with a misdemeanor, gross misdemeanor, or felony if you violate any of the terms of the restraining order or this short-form notification."

https://www.revisor.mn.gov/bills/text.php?number=HF896&version=1&session=ls90&session_year=2017&session_number=0
Sec. 19. Minnesota Statutes 2016, section 609.748, is amended by adding a subdivision to read:

**Subd. 5b. Training.** Training shall consist of at least 16 continuing education credits within an officer's three-year period and shall meet board requirements for board-approved continuing education credit. The training shall comply with learning objectives developed and approved by the board.

Subd. 5c. Bias training. The training shall include education and strategies to recognize and value community diversity and cultural differences to include implicit bias training to every peace officer and part-time peace officer employed by the agency.

Subd. 5d. Crisis management training. The training shall include education and training in crisis intervention and mental illness crises, conflict management and mediation, and recognizing and valuing community diversity and cultural differences to include implicit bias training to every peace officer and part-time peace officer employed by the agency.

The training shall comply with learning objectives developed and approved by the board, and shall meet board requirements for board-approved continuing education credit. The training shall consist of at least 16 continuing education credits within an officer's three-year period.

EFFECTIVE DATE. This section is effective 30 days following publication of a notice on the Bureau of Criminal Apprehension's website that a computer system is available to send harassment restraining order data from the Minnesota Judicial Branch to law enforcement.

Sec. 20. Minnesota Statutes 2016, section 624.714, subdivision 17, is amended to read:

**Subd. 17. Posting; trespass.** (a) A person carrying a firearm on or about his or her person or under a permit or otherwise who remains at a private establishment knowing that the operator of the establishment or its agent has made a reasonable request that firearms not be brought into the establishment may be ordered to leave the premises. A person who fails to leave when so requested is guilty of a petty misdemeanor.

(b) As used in this subdivision, the terms in this paragraph have the meanings given.

(1) "Reasonable request" means a request made under the following circumstances:

(i) the requester has prominently posted a conspicuous sign at every entrance to the establishment containing the following language: "(INDICATE IDENTITY OF OPERATOR) BANS GUNS IN THESE PREMISES."; or

(ii) the requester or the requester's agent personally informs the person that guns are prohibited in the premises and demands compliance.

(2) "Prominently" means readily visible and within four feet laterally of the entrance with the bottom of the sign at a height of four to six feet above the floor.

(3) "Conspicuous" means lettering in black arial typeface at least 1-1/2 inches in height against a bright contrasting background that is at least 187 square inches in area.

(4) "Private establishment" means a building, structure, or portion thereof that is owned, leased, controlled, or operated by a nongovernmental entity for a nongovernmental purpose.

(c) The owner or operator of a private establishment may not prohibit the lawful carry or possession of firearms in a parking facility or parking area.

(d) The owner or operator of a private establishment may not prohibit the lawful carry or possession of firearms by a peace officer, as defined in section 626.84, subdivision 1, or their guests.

(e) As used in this subdivision, the terms in this paragraph have the meanings given.

(f) "Private establishment" means a building, structure, or portion thereof that is owned, leased, controlled, or operated by a nongovernmental entity for a nongovernmental purpose.

(g) "Peace officer" means a law enforcement officer of every state and local law enforcement agency.

(h) "Peace officer" means a law enforcement officer of every state and local law enforcement agency.

(i) "Peace officer" means a law enforcement officer of every state and local law enforcement agency.

(j) "Peace officer" means a law enforcement officer of every state and local law enforcement agency.

Sec. 21. [626.8469] TRAINING IN CRISIS RESPONSE, CONFLICT MANAGEMENT, AND CULTURAL DIVERSITY.

Subdivision 1. In-service training required. Beginning July 1, 2018, the chief law enforcement officer of every state and local law enforcement agency shall provide in-service training in crisis intervention and mental illness crises, conflict management and mediation, and recognizing and valuing community diversity and cultural differences to include implicit bias training to every peace officer and part-time peace officer employed by the agency.

The training shall comply with learning objectives developed and approved by the board, and shall meet board requirements for board-approved continuing education credit. The training shall consist of at least 16 continuing education credits within an officer's three-year period.
licensing cycle. Each peace officer with a license renewal date after June 30, 2018, is not
required to complete this training until the officer's next full three-year licensing cycle.

Subd. 2. Record keeping required. The head of every local and state law enforcement
agency shall maintain written records of the agency's compliance with the requirements of
subdivision 1. The documentation is subject to periodic review by the board, and shall be
made available to the board at its request.

Subd. 3. Licensing sanctions; injunctive relief. The board may impose licensing
sanctions and seek injunctive relief under section 214.11 for failure to comply with the
requirements of this section.

Sec. 22. Laws 2009, chapter 59, article 3, section 4, subdivision 9, as amended by Laws
2010, chapter 197, section 1, Laws 2011, chapter 87, section 1, subdivision 9, and Laws
2013, chapter 127, section 60, is amended to read:

Subd. 9. Sunset; transition. A city or county participating in this pilot program may
accept an individual for diversion into the pilot program until June 30, 2017. The and the
third party administering the diversion program may collect and disburse fees collected
pursuant to subdivision 6, paragraph (a), clause (2), through December 31, 2018 until the
day following the date the permanent diversion program established under Minnesota
Statutes, section 171.2405, is effective, at which time the pilot program under this section
expires. An individual participating in this program who has not completed the pilot program on the
date the pilot program expires is automatically transferred and enrolled in the permanent
diversion program under Minnesota Statutes, section 171.2405, and credited for any fees,
paid or activities completed under the pilot program.

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

ARTICLE 5
GENERAL CRIMINAL PROVISIONS

Section 1. Minnesota Statutes 2016, section 169.444, subdivision 2, is amended to read:

Subd. 2. Violations by drivers; penalties. (a) A person who fails to stop a vehicle or
to keep it stopped, as required in subdivision 1, or who violates subdivision 1a, is guilty of
a misdemeanor punishable by a fine of not less than $500.

(b) A person is guilty of a gross misdemeanor if the person fails to stop a motor vehicle
or to keep it stopped, as required in subdivision 1, or who violates subdivision 1a, and
commits either or both of the following acts:

(1) passes or attempts to pass the school bus in a motor vehicle on the right-hand,
passer-door side of the bus; or
(2) passes or attempts to pass the school bus in a motor vehicle when a school child is
outside of and on the street or highway used by the school bus or on the adjacent sidewalk.

EFFECTIVE DATE. This section is effective August 1, 2017, and applies to violations,
committed on and after that date.

Sec. 2. Minnesota Statutes 2016, section 169.64, is amended by adding a subdivision to
read:

Subd. 11. Gross misdemeanor. A person who violates subdivision 2, 3, or 4 while
impersonating a peace officer in violation of section 609.4751, subdivision 1, is guilty of a
gross misdemeanor.

Sec. 3. Minnesota Statutes 2016, section 169.68, is amended to read:

169.68 HORN, SIREN.

Subdivision 1. Requirement; limitations. (a) Every motor vehicle when operated upon
a highway must be equipped with a horn in good working order and capable of emitting
sound audible under normal conditions from a distance of not less than 200 feet. However,
the horn or other warning device must not emit an unreasonably loud or harsh sound or a
whistle. The driver of a motor vehicle shall, when reasonably necessary to ensure safe
operation, give audible warning with the horn, but shall not otherwise use the horn when
upon a highway.

(b) A vehicle must not be equipped with, and a person shall not use upon a vehicle, any
siren, whistle, or bell, except as otherwise permitted in this section.

(c) It is permissible, but not required, for any commercial vehicle to be equipped with
a theft alarm signal device, so arranged that it cannot be used by the driver as an ordinary
warning signal.

(d) All authorized emergency vehicles must be equipped with a siren capable of emitting
sound audible under normal conditions from a distance of not less than 500 feet and of a
type conforming to the federal certification standards for sirens, as determined by the General
Services Administration. However, the siren must not be used except when the vehicle is
operated in response to an emergency call or in the immediate pursuit of an actual or
suspected violator of the law, in which latter events the driver of the vehicle shall sound the
siren when necessary to warn pedestrians and other drivers of the vehicle's approach.

(e) It is permissible, but not required, for a bicycle to be equipped with a horn or bell
designed to alert motor vehicles, other bicycles, and pedestrians of the bicycle's presence.
Subd. 2. Gross misdemeanor. A person who violates subdivision 1 while impersonating a peace officer in violation of section 609.4751, subdivision 1, is guilty of a gross misdemeanor.

Sec. 4. Minnesota Statutes 2016, section 169.98, subdivision 3, is amended to read:

Subd. 3. Security guard vehicle. (a) All motor vehicles which are used by security guards in the course of their employment may have any color other than those specified in subdivision 1 for law enforcement vehicles if the vehicle is not predominantly grey in the course of the security’s employment. The identity of the security service shall be displayed on the motor vehicle as required for law enforcement vehicles both front door panels and on the rear of the vehicle. The identity must include the word “Security” with letters not less than 2-1/2 inches high, one inch wide, and of a three-eighths inch brush stroke. The identity shall be of a color contrasting with the background color so that the motor vehicle is easily identifiable as belonging to a specific security service. The identity may be in the form of an emblem. Each vehicle must be marked with its own identifying number on the rear of the vehicle. The number shall be printed in the same size and color required pursuant to this subdivision for identifying words which may be displayed on the vehicle.

(b) Notwithstanding subdivision 1, paragraph (a), clause (1), a security guard may continue to use a motor vehicle that is predominantly black in the course of the guard’s employment if the vehicle was being used in this manner before August 1, 2002.

(c) Notwithstanding subdivision 1, paragraph (a), clause (3), a security guard may continue to use a motor vehicle that is predominantly gold in the course of the guard’s employment if the vehicle was being used in this manner before August 1, 2012.

(d) Notwithstanding paragraph (a), a security guard may continue to use a motor vehicle that is not predominantly grey in the course of the guard’s employment if the vehicle was being used in this manner before August 1, 2017.

Sec. 5. Minnesota Statutes 2016, section 169.98, is amended by adding a subdivision to read:

Subd. 6. Offense. A person may not own or operate a motor vehicle marked or identified:

1) in any manner described in this section;
2) with the word or words “police,” “patrolman,” “sheriff,” “deputy,” “trooper,” “state patrol,” “conservation officer,” “agent,” or “marshal”; or
3) with any lettering, marking, or insignia, or colorable imitation thereof, including, but not limited to, stars, badges, or shields identifying the vehicle as a federal, state, county, or municipal law enforcement vehicle, and which a reasonable person would believe that the vehicle is authorized by any agency for use by the person operating the motor vehicle; and
4) that a reasonable person would believe that the vehicle is authorized by any agency for use by the person operating the motor vehicle.

Sec. 6. Minnesota Statutes 2016, section 171.24, is amended to read:

171.24 VIOLATIONS; DRIVING WITHOUT VALID LICENSE.

Subdivision 1. Driving after suspension; misdemeanor. Except as otherwise provided in subdivision 5, a person is guilty of a misdemeanor if:

1) the person’s driver’s license or driving privilege has been suspended;
2) the person has been given notice of or reasonably should know of the suspension; and
3) the person disobeys the order by operating in this state any motor vehicle, the operation of which requires a driver’s license, while the person’s license or privilege is suspended.

Subd. 2. Driving after revocation; misdemeanor. Except as otherwise provided in subdivision 5, a person is guilty of a misdemeanor if:

1) the person’s driver’s license or driving privilege has been revoked;
2) the person has been given notice of or reasonably should know of the revocation; and
3) the person disobeys the order by operating in this state any motor vehicle, the operation of which requires a driver’s license, while the person’s license or privilege is revoked.

Subd. 3. Driving after cancellation; misdemeanor. Except as otherwise provided in subdivision 5, a person is guilty of a misdemeanor if:

1) the person’s driver’s license or driving privilege has been canceled;
2) the person has been given notice of or reasonably should know of the cancellation; and
3) the person disobeys the order by operating in this state any motor vehicle, the operation of which requires a driver’s license, while the person’s license or privilege is canceled.

Subd. 4. Driving after disqualification; misdemeanor. Except as otherwise provided in subdivision 5, a person is guilty of a misdemeanor if the person:

1) has been disqualified from holding a commercial driver’s license or been denied the privilege to operate a commercial motor vehicle;
2) has been given notice of or reasonably should know of the disqualification; and
1) the person's driver's license or driving privilege has been canceled or denied under section 61.04, subdivision 1, clause (10);

2) the person has been given notice of or reasonably should know of the cancellation or denial; and

3) the person disobeys the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while the person's license or privilege is canceled or denied.

(b) A person is guilty of a gross misdemeanor if the person violates this section and

causes a collision resulting in substantial bodily harm or death to another;

(c) A person is guilty of a gross misdemeanor and is subject to the minimum penalty under subdivision 5a, paragraph (b), if the person violates this section within ten years of the first of two prior convictions under this section.

Subd. 5a. Minimum penalties. (a) A person who is convicted under this section a second time must, at a minimum, be sentenced to pay a fine of at least $750. This paragraph does not apply to penalties under subdivision 5, paragraph (c).

(b) A person who is convicted under this section a third or subsequent time must, at a minimum, be sentenced to pay a fine of at least $1,500.

(c) The court may order a person to perform community work service in lieu of all or any portion of the minimum fine required under this subdivision if the court makes specific findings on the record that the convicted person is indigent or that payment of the fine would create undue hardship for the convicted person or that person's immediate family.

Subd. 6. Responsibility for prosecution. (a) The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section is also responsible for prosecution of gross misdemeanor violations of this section.

(b) Nothing in this section or section 609.035 or 609.04 shall limit the power of the state to prosecute or punish a person for conduct that constitutes any other crime under any other law of this state.

Subd. 7. Sufficiency of notice. (a) Notice of revocation, suspension, cancellation, or disqualification is sufficient if personally served or if mailed by first class mail to the person's last known address or to the address listed on the person's driver's license. Notice is also sufficient if the person was informed that revocation, suspension, cancellation, or disqualification would be imposed upon a condition occurring or failing to occur, and where the condition has in fact occurred or failed to occur,

(b) It is not a defense that a person failed to file a change of address with the post office, or failed to notify the Department of Public Safety of a change of name or address as required under section 617.247.

Subd. 8. Definition. For the purposes of this section, "substantial bodily harm" has the meaning given in section 609.02, subdivision 7a.

EFFECTIVE DATE. This section is effective August 1, 2017, and applies to offenses committed on or after that date.

Sec. 7. Minnesota Statutes 2016, section 243.166, subdivision 1b, is amended to read:

Subd. 1b. Registration required. (a) A person shall register under this section if:

1) the person was charged with or petitioned for a felony violation of or attempt to violate, or aiding, abetting, or conspiracy to commit, any of the following, and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances:

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

   (ii) kidnapping under section 609.25;

   (iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451;

   subdivision 3, or 609.3453; or

   (iv) indirect exposure under section 617.23. subdivision 3; or

   (v) stalking a minor with sexual or aggressive intent under section 609.749, subdivision 3, paragraph (b);

   (2) the person was charged with or petitioned for a violation of, or attempt to violate, or aiding, abetting, or conspiring to commit criminal abuse in violation of section 609.2325, subdivision 1, paragraph (b); false imprisonment in violation of section 609.255, subdivision 2; solicitation, inducement, or promotion of the prostitution of a minor or engaging in the sex trafficking of a minor in violation of section 609.322; a prostitution offense in violation of section 609.324, subdivision 1, paragraph (a); soliciting a minor to engage in sexual conduct in violation of section 609.332, subdivision 2 or 2a, clause (1); using a minor in a sexual performance in violation of section 617.246; or possessing pornographic work involving a minor violation of section 617.247, and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances;

   (3) the person was sentenced as a patterned sex offender under section 609.3455.

   subdivision 3a; or

   (4) the person was charged with or petitioned for, including pursuant to a court martial, violating a law of the United States, including the Uniform Code of Military Justice, similar
Whoever falsely impersonates a peace officer with intent to mislead another into believing that the impersonator is actually an officer is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than $4,000, or both.

(b) Whoever commits either of the following acts against a person identified in paragraph (a), clause (1) or (2), is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than $4,000, or both.

(1) physically assaults the person and the assault inflicts demonstrable bodily harm; or

(2) intentionally throws or otherwise transfers bodily fluids or feces at or onto the person.
misdemeanor.

Subd. 2. Gross misdemeanor. Whoever violates subdivision 1 while committing any
of the following acts is guilty of a gross misdemeanor:

(1) attempting to gain access to a public building or government facility that is not open
to the public;

(2) possessing false or fraudulent credentials that identify the person as a peace officer;
or

(3) directing or ordering another person to act.

Subd. 3. Felony. (a) Whoever violates subdivision 1 or 2 while committing any of the
following acts is guilty of a felony and may be sentenced to imprisonment for not more than
five years or to payment of a fine of not more than $10,000, or both:

(1) possessing a firearm;
or

(2) violating section 169.98, subdivision 6.

(b) Whoever violates subdivision 1 or 2 within five years of a previous violation of this
section is guilty of a felony and may be sentenced to imprisonment for not more than five
years or to payment of a fine of not more than $10,000, or both.

Sec. 12. [609.476] IMPERSONATING A SECURITY OFFICER.

Whoever falsely impersonates a private security officer, protective officer, or bail
enforcement officer with intent to mislead another into believing that the impersonator is
actually an officer to gain entry to a government facility that the impersonator is not
authorized to enter or for other criminal purposes is guilty of a gross misdemeanor.

Sec. 13. [609.547] PUBLIC SAFETY MOTOR VEHICLE TAMPERING.

Subd. 1. Offenses. (a) Whoever intentionally damages or tampers with a public
safety motor vehicle is guilty of a felony and may be sentenced as provided in subdivision
2.

(b) Whoever intentionally damages or tampers with a motor vehicle owned by a public
safety officer because the motor vehicle belongs to a public safety officer is guilty of a crime
and may be sentenced as provided in subdivision 2.

Subd. 2. Penalties. (a) Except as provided in paragraph (c), a person who violates
subdivision 1, paragraph (a), may be sentenced to imprisonment for not more than five
years or to payment of a fine of not more than $10,000, or both.

(b) Except as provided in paragraph (c), a person who violates subdivision 1, paragraph
(b), may be sentenced:

(1) to a gross misdemeanor if the violation reduces the value of the property by not more
than $500; or

(2) to imprisonment for not more than two years or to payment of a fine of not more
than $5,000, or both, if the violation:

(i) reduces the value of the property by more than $500 but not more than $1,000 as
measured by the cost of repair and replacement; or

(ii) creates a reasonably foreseeable risk of bodily harm but does not otherwise damage
the vehicle.

(c) A person who violates subdivision 1, paragraph (a) or (b), and the violation causes
a substantial interruption or impairment of a service rendered by the public safety agency
that owns the motor vehicle or employs the officer who owns the motor vehicle may be
sentenced to imprisonment for not more than ten years or to payment of a fine of not more
than $20,000, or both.

Subd. 3. Definitions. (a) As used in this section, the following terms have the meanings
given:

(b) “Public safety motor vehicle” includes:

(1) police patrols, including specially marked vehicles permitted under section 169.98,
subdivision 2a, owned or leased by the state or a political subdivision;

(2) fire apparatuses, including fire-suppression support vehicles, owned or leased by the
state or a political subdivision;

(3) ambulances owned or leased by the state or a political subdivision;

(4) vehicles owned by ambulance services licensed under section 144E.10 that are
equipped and specifically intended for emergency response or providing ambulance services;

(5) marked vehicles used by conservation officers of the Division of Enforcement and
Field Service of the Department of Natural Resources;

(c) “Public safety officer” includes:

(1) a peace officer as defined in section 626.84, subdivision 1, paragraph (c) or (d);

(2) an individual employed on a full-time basis by the state or by a fire department of a
governmental subdivision of the state, who is engaged in any of the following duties:

(i) firefighting;

(ii) emergency motor vehicle operation;

(iii) the provision of emergency medical services; or

(iv) hazardous material response;

(3) a legally enrolled member of a volunteer fire department or member of an independent
nonprofit firefighting corporation who is engaged in the hazards of firefighting; and

(4) a first responder who is certified by the Emergency Medical Services Regulatory
Board to perform basic emergency skills before the arrival of a licensed ambulance service.
Sec. 14. Minnesota Statutes 2016, section 609.605, is amended by adding a subdivision to read:

Subd. 4a. Trespass on a school bus. (a) As used in this subdivision, "school bus" has the meaning given in section 169.011, subdivision 71.

(b) As used in this subdivision, "pupil" has the meaning given in section 123B.41, subdivision 6.

(c) A person who boards a school bus when the bus is on its route or otherwise in operation, or who has pupils or who refuses to leave the bus on demand of the bus operator, is guilty of a misdemeanor.

(d) This subdivision does not apply to a pupil, school employees, or volunteer authorized to be on the school bus.

EFFECTIVE DATE. This section is effective August 1, 2017, and applies to violations committed on or after that date.

Sec. 15. [609.6057] GEOGRAPHIC RESTRICTION.

Subd. 1. Definition. As used in this section "geographic restriction" means a limitation prohibiting a defendant in a criminal proceeding or a juvenile offender in a delinquency proceeding from entering a designated property or geographic area.

Subd. 2. Prohibited conduct; penalty. A person who knows of a geographic restriction order issued against the person and intentionally enters or remains in the restricted area is guilty of a misdemeanor.

Subd. 3. Notice. (a) A geographic restriction may be issued as a pretrial order before final disposition of the underlying criminal case, as a postconviction probationary order, or both. A geographic restriction order is independent of any condition of pretrial release or probation imposed on the defendant. A geographic restriction order may be issued in addition to a similar restriction imposed as a condition of pretrial release or probation.

(b) A court may issue a geographic restriction upon a finding that its issuance will serve the interests of protecting public safety or property. In making that determination, a court shall consider the following factors:

1. Whether a defendant's presence in a restricted area creates a risk to public safety or property;

2. A defendant's criminal history;

3. The likelihood of future criminal activity within the restricted area; and

4. Any other factors deemed relevant by the court.

(c) A court may grant any exceptions to a geographic restriction that it deems necessary in order to avoid the imposition of a significant hardship upon a defendant. In determining whether to grant an exception, a court shall also consider the impact of the exception on the interests of protecting public safety or property.

(d) A geographic restriction order under this section shall be issued in a proceeding that is separate from but which may be held immediately following a proceeding in which any pretrial release or sentencing issues are decided.

(e) A court issuing a geographic restriction order under this section shall notify a defendant:

1. Of the area subject to a geographic restriction; and

2. That violation of the geographic restriction order is a crime.

Subd. 4. Cancellation. (a) A court shall cancel a pretrial geographic restriction order at the final disposition of the underlying criminal case.

(b) A court shall cancel a postconviction geographic restriction order when an offender completes a period of probationary supervision or is committed to the commissioner of corrections.

(c) A court may cancel a postconviction geographic restriction order at any time during which an offender is under probationary supervision.

EFFECTIVE DATE. This section is effective August 1, 2017, and applies to crimes committed on or after that date.

Sec. 16. [609.7141] SOLICITING OR PROVIDING SUPPORT FOR AN ACT OF TERRORISM.

Subd. 1. Crime. Whoever raises, solicits, collects, or provides material support or resources with intent that the material support or resources will be used, in whole or in part, to plan, prepare, carry out, or aid in either an act of terrorism or the concealment of, or an escape from, an act of terrorism is guilty of a felony.

Subd. 2. Penalty. Whoever violates subdivision 1 may be sentenced as follows:

1. To imprisonment for not more than 15 years or to payment of a fine of not more than $30,000, or both, if the total value of the material support or resources exceeds $5,000; or

2. To imprisonment for not more than seven years or to payment of a fine of not more than $15,000, or both, if the total value of the material support or resources is $5,000 or less.

https://www.revisor.mn.gov/bills/text.php?number=HF896&version=1&session=ls90&session_year=2017&session_number=0
Subd. 3. Definitions. (a) As used in this section, the following terms have the meanings

given.

(b) “Act of terrorism” means an act that is violent or dangerous to human life, a violation

of the criminal laws of the United States or any state, and intended to:

(1) intimidate or coerce a civilian population; or

(2) affect the conduct of a unit of government by murder, assassination, or kidnapping.

(c) “Coercion” means compulsion by physical force or threat of physical force.

(d) “Material support or resources” means currency or other financial securities, financial

services, lodging, training, safe houses, false documentation or identification, communications,

equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and

other physical assets, except medicine or religious materials.

Sec. 17. Minnesota Statutes 2016, section 609.74, is amended to read:

609.74 PUBLIC NUISANCE.

(a) Whoever by an act or failure to perform a legal duty intentionally does any of the

following is guilty of maintaining a public nuisance, which is a misdemeanor:

(1) maintains or permits a condition which unreasonably annoys, injures or endangers

the safety, health, morals, comfort, or repose of any considerable number of members of

the public; or

(2) except as provided in paragraph (b), interferes with, obstructs, or renders dangerous

for passage, any public highway or right-of-way, or waters used by the public; or

(3) is guilty of any other act or omission declared by law to be a public nuisance and for

which no sentence is specifically provided.

(b) It is a gross misdemeanor for a person to interfere with or obstruct traffic that is

entering, exiting, or on a freeway or entering, exiting, or on a public roadway within the

boundaries of airport property with the intent to interfere with, obstruct, or otherwise disrupt

traffic. This paragraph does not apply to the actions of law enforcement or other emergency

responders, road or airport authorities, or utility officials, or their agents, employees, or

contractors when carrying out duties imposed by law or contract. For purposes of this

paragraph (1) “airport” means an airport that has a control tower and airline service; and

(2) “freeway” means a divided highway whose only access and egress for vehicular traffic

is from entrance and exit ramps.

EFFECTIVE DATE. This section is effective August 1, 2017, and applies to crimes

committed on or after that date.

Sec. 18. Minnesota Statutes 2016, section 609.746, subdivision 1, is amended to read:

Subdivision 1. Surreptitious intrusion; observation device. (a) A person is guilty of

gross misdemeanor who:

(1) enters upon another's property;

(2) surreptitiously gazes, stares, or peeps in the window or any other aperture of a house

or place of dwelling of another; and

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

household.

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

(1) enters upon another's property;

(2) surreptitiously installs or uses any device for observing, photographing, recording,

amplifying, or broadcasting sounds or events through the window or any other aperture of

a house or place of dwelling of another; and

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

household.

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

(1) surreptitiously gazes, stares, or peeps in the window or other aperture of a sleeping

room in a hotel, as defined in section 327.70, subdivision 3, a tanning booth, or other place

where a reasonable person would have an expectation of privacy and has exposed or is

likely to expose their intimate parts, as defined in section 609.341, subdivision 5, or the

clothing covering the immediate area of the intimate parts; and

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

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

(1) surreptitiously installs or uses any device for observing, photographing, recording,

amplifying, or broadcasting sounds or events through the window or other aperture of a

sleeping room in a hotel, as defined in section 327.70, subdivision 3, a tanning booth, or

other place where a reasonable person would have an expectation of privacy and has exposed

or is likely to expose their intimate parts, as defined in section 609.341, subdivision 5, or

the clothing covering the immediate area of the intimate parts; and

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

(e) A person is guilty of a felony and may be sentenced to imprisonment for not more

than five years or to payment of a fine of not more than $5,000, or both, if the person:

(1) violates this subdivision after a previous conviction under this subdivision or section

609.749; or

(2) violates this subdivision against a minor under the age of 18, knowing or having

reason to know that the minor is present.
Sec. 19. Minnesota Statutes 2016, section 609.749, subdivision 3, is amended to read:

Subd. 3. Aggravated violations. (a) A person who commits any of the following acts is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both:

(1) commits any offense described in subdivision 2 because of the victim's or another's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age, or national origin;

(2) commits any offense described in subdivision 2 by falsely impersonating another; or

(3) commits any offense described in subdivision 2 and possesses a dangerous weapon at the time of the offense;

(b) stalks another, as defined in subdivision 1, with intent to influence or otherwise tamper with a juror or a judicial proceeding or with intent to retaliate against a judicial officer, as defined in section 609.415, or a prosecutor, defense attorney, or officer of the court, because of that person's performance of official duties in connection with a judicial proceeding; or

(c) a person who commits any offense described in subdivision 2 against a victim under the age of 18, if the actor is more than 36 months older than the victim.

(b) A person who commits any offense described in subdivision 2 against a victim under the age of 18, if the actor is more than 36 months older than the victim, and the act is committed with sexual or aggressive intent, is guilty of a felony and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than $20,000, or both.

Sec. 20. Minnesota Statutes 2016, section 609.855, subdivision 2, is amended to read:

Subd. 2. Unlawful interference with transit operator. (a) Whoever intentionally commits an act that interferes with or obstructs, or tends to interfere with or obstruct, the operation of a transit vehicle is guilty of unlawful interference with a transit operator, a crime and may be sentenced as provided in paragraph (c).

(b) An act that is committed on a transit vehicle that distracts the driver from the safe operation of the vehicle, restricts passenger access to the transit vehicle, or that endangers passengers is a violation of this subdivision if an authorized transit representative has clearly warned the person once to stop the act.

(c) A person who violates this subdivision may be sentenced as follows:

(1) to imprisonment for not more than three years or to payment of a fine of not more than $5,000, or both, if the violation was accompanied by force or violence or a communication of a threat of force or violence; or

(2) to imprisonment for not more than 90 days or to payment of a fine of not more than $1,000, or both, if the violation was not accompanied by force or violence or a communication of a threat of force or violence.

EFFECTIVE DATE. This section is effective August 1, 2017, and applies to crimes committed on or after that date.

Sec. 21. Minnesota Statutes 2016, section 609.87, subdivision 2a, is amended to read:

Subd. 2a. Authorization. (a) "Authorization" means:

(1) with the permission of the owner of the computer, computer system, computer network, computer software, or other property;

(2) access by employees of the Department of Commerce acting under the authority and powers granted to the director of the Weights and Measures Division in chapter 239 at any time the device is commercially available for use;

(3) access by registrants in the voluntary placing in service program and registered liquified petroleum gas (LPG) meter inspectors acting under the authority and powers granted in Minnesota Rules, chapter 7601, but only at times specified by the device owner or operator or the device owner's or operator's designated representative; or

(4) access by other people who have the express permission of the device owner or operator or the device owner's or operator's designated representative but only at times as approved by the device owner or operator and only for purposes approved by the device owner or operator.

(b) Authorization may be limited by the owner by:

(1) giving the user actual notice orally or in writing;

(2) posting a written notice in a prominent location adjacent to the computer being used; or

(3) using a notice displayed on or announced by the computer being used.

Sec. 22. Minnesota Statutes 2016, section 609.87, is amended by adding a subdivision to read:

Authorized.
Subd. 15. **Electronic terminal.** "Electronic terminal" means an electronic device, other than a telephone operated by a consumer, through which an individual or company may initiate an electronic fund transfer. The term includes, but is not limited to, point-of-sale terminals, automated teller machines, cash dispensing machines, and gas pump dispensers.

Sec. 23. Minnesota Statutes 2016, section 609.87, is amended to read:

Subd. 16. **Accessory device.** "Accessory device" means a card that is used by an individual or company to initiate transactions and is:

1. A means of access to an individual's or company's account;
2. Issued on a prepaid basis to the individual or company in a specific amount; or
3. Used by the individual or company to access government benefits.

Sec. 24. Minnesota Statutes 2016, section 609.891, subdivision 1, is amended to read:

Subdivision 1. **Crime.** A person is guilty of unauthorized computer access if the person intentionally and without authorization attempts to or does penetrate a computer security system or electronic terminal.

Sec. 25. Minnesota Statutes 2016, section 609.891, subdivision 2, is amended to read:

Subd. 2. **Felony.** (a) A person who violates subdivision 1 in a manner that creates a grave risk of causing the death of a person is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both.

(b) A person who is convicted of a second or subsequent misdemeanor violation of subdivision 1 is guilty of a felony and may be sentenced under paragraph (a).

(c) A person who violates subdivision 1 by accessing or attempting to access an electronic terminal through opening any panel or access door without authorization and placing or attaching or attempting to place or attach an electronic device to capture, store, or communicate access device information is guilty of a felony.

**EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to crimes committed on or after that date.

Sec. 26. Minnesota Statutes 2016, section 609.891, subdivision 3, is amended to read:

Subd. 3. **Gross misdemeanor.** (a) A person who violates subdivision 1 in a manner that creates a risk to public health and safety is guilty of a gross misdemeanor and may be sentenced to imprisonment for a term of not more than one year or to payment of a fine of not more than $3,000, or both.

(b) A person who violates subdivision 1 in a manner that compromises the security of data that are protected under section 609.52, subdivision 2, clause (8), or are not public data as defined in section 13.02, subdivision 8a, is guilty of a gross misdemeanor and may be sentenced under paragraph (a).

(c) A person who violates subdivision 1 and gains access to personal data is guilty of a gross misdemeanor and may be sentenced under paragraph (a).

(d) A person who is convicted of a second or subsequent misdemeanor violation of subdivision 1 within five years is guilty of a gross misdemeanor and may be sentenced under paragraph (a).

(e) A person who violates subdivision 1 by accessing an electronic terminal through opening any panel or access door without authorization is guilty of a gross misdemeanor

**EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to crimes committed on or after that date.

Sec. 27. Minnesota Statutes 2016, section 626.863, is amended to read:

626.863 **UNAUTHORIZED PRACTICE.**

(a) A person who is not a peace officer or part-time peace officer is guilty of a misdemeanor if the person (1) makes a representation of being a peace officer or part-time peace officer, or (2) performs or attempts to perform an act, duty, or responsibility reserved by law for licensed peace officers and part-time peace officers.

(b) A peace officer who authorizes or knowingly allows a person to violate paragraph (a) is guilty of a misdemeanor.

(c) The board shall designate the appropriate law enforcement agency to investigate violations of this section. The attorney general shall prosecute violations of this section.

(d) A person who violates this section and who has previously been convicted of a violation of this section is guilty of a gross misdemeanor.

**EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to crimes committed on or after that date.

Sec. 28. Minnesota Statutes 2016, section 626.88, subdivision 2, is amended to read:

Subd. 2. **Uniforms.** (a) Uniforms for peace officers shall be of uniform colors throughout the state as provided herein. Uniforms for:

1. Municipal peace officers, including University of Minnesota peace officers and peace officers assigned to patrol duties in parks, shall be blue, brown, or green;

2. State employees, including University of Minnesota employees, shall be black, gray, or white;

3. Officers assigned to patrol duties in parks, shall be blue, brown, or green;

4. Officers assigned to patrol duties in city parks, shall be blue, brown, or green;

5. Officers assigned to patrol duties in county parks, shall be blue, brown, or green.

6. Officers assigned to patrol duties in state parks, shall be blue, brown, or green.

7. Officers assigned to patrol duties in national parks, shall be blue, brown, or green.

8. Officers assigned to patrol duties in military parks, shall be blue, brown, or green.
(2) peace officers who are members of the county sheriffs' office shall be blue, brown, or green;
(3) state troopers shall be maroon;
(4) conservation officers shall be green.
(b) The uniforms of security guards may be any color other than those specified for peace officers and protective agents shall be predominantly white or grey. This paragraph shall apply to uniforms purchased after August 1, 2018.
(c) The uniforms of a bail bondsman or bail enforcement agent or any person who acts at the direction of a surety may be any color other than those specified for peace officers.
A violation of this paragraph is a petty misdemeanor.
(d) This subdivision shall apply to uniforms purchased subsequent to January 1, 1981.

Sec. 29. SENTENCING GUIDELINES MODIFICATIONS.
The Sentencing Guidelines Commission shall modify the sentencing guidelines grid by ranking: (1) violations of Minnesota Statutes, section 609.746, subdivision 1, paragraph (e) (interfering with the privacy - subsequent violations and minor victim), in severity level 2, and (2) violations of Minnesota Statutes, section 609.749, subdivision 3, paragraph (b) (staking a minor with sexual or aggressive intent), in severity level 5.

ARTICLE 6
CRIMINAL SEXUAL CONDUCT

Section 1. Minnesota Statutes 2016, section 244.195, subdivision 1, is amended to read:
Subd. 1. Definitions. (a) As used in this subdivision, the following terms have the meanings given them.
(b) "Commissioner" means the commissioner of corrections.
(c) "Conditional release" means parole, supervised release, conditional release as authorized by section 609.3455, subdivision 6, or 7, or 8; Minnesota Statutes 2004, section 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and any other authorized temporary release from a correctional facility.
(d) "Court services director" means the director or designee of a county probation agency that is not organized under chapter 401.
(e) "Detain" means to take into actual custody, including custody within a local correctional facility.
(f) "Local correctional facility" has the meaning given in section 241.021, subdivision 1.
(g) "Release" means to release from actual custody.

EFFECTIVE DATE. This section is effective August 1, 2017, and applies to offenses committed on or after that date.

Sec. 2. Minnesota Statutes 2016, section 253D.22, is amended to read:
253D.22 TRANSFER TO CORRECTIONAL FACILITY.
(a) If a person has been committed under this chapter and later is committed to the custody of the commissioner of corrections for any reason, including but not limited to, being sentenced for a crime or revocation of the person's supervised release or conditional release under section 244.05; 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, the person shall be transferred to a facility designated by the commissioner of corrections without regard to the procedures provided in section 253D.29, subdivision 1.
(b) If a person is committed under this chapter after a commitment to the commissioner of corrections, the person shall first serve the sentence in a facility designated by the commissioner of corrections. After the person has served the sentence, the person shall be transferred to a treatment program designated by the commissioner of human services.

EFFECTIVE DATE. This section is effective August 1, 2017, and applies to offenses committed on or after that date.

Sec. 3. Minnesota Statutes 2016, section 401.01, subdivision 2, is amended to read:
Subd. 2. Definitions. (a) For the purposes of sections 401.01 to 401.16, the following terms have the meanings given them.
(b) "CCA county" means a county that participates in the Community Corrections Act.
(c) "Commissioner" means the commissioner of corrections or a designee.
(d) "Conditional release" means parole, supervised release, conditional release as authorized by section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and any other authorized temporary release from a correctional facility.
(e) "County probation officer" means a probation officer appointed under section 244.19.
(f) "Detain" means to take into actual custody, including custody within a local correctional facility.
(g) "Joint board" means the board provided in section 471.59.
(b) "Local correctional facility" has the meaning given in section 241.021, subdivision 1.

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

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

EFFECTIVE DATE. This section is effective August 1, 2017, and applies to offenses committed on or after that date.

Sec. 4. Minnesota Statutes 2016, section 609.095, is amended to read:

609.095 LIMITS OF SENTENCES.

(a) The legislature has the exclusive authority to define crimes and offenses and the range of the sentences or punishments for their violation. No other or different sentence or punishment shall be imposed for the commission of a crime than is authorized by this chapter or other applicable law.

(b) Except as provided in section 152.18 or 609.375, or upon agreement of the parties, in a case that does not include a charge for violating section 243.166, 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 609.3453, a court may not refuse to adjudicate the guilt of a defendant who tenders a guilty plea in accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been found guilty by a court or jury following a trial.

(c) Paragraph (b) does not supersede Minnesota Rules of Criminal Procedure, rule 26.04.

(d) The rules promulgated by the Supreme Court shall provide for remote access, searchable by defendant name, to the publicly accessible portions of the district court register of actions, orders, notices prepared by the court, and any other documents in a case:

1. that includes a charge for violating section 243.166, 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 609.3453; and

2. in which a court did not adjudicate the guilt of a defendant who, before August 1, 2017, tendered a guilty plea in accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been found guilty by a court or jury following a trial.

EFFECTIVE DATE. This section is effective August 1, 2017, and applies to offenses committed on or after that date.

Sec. 5. Minnesota Statutes 2016, section 609.135, subdivision 1, is amended to read:

Subdivision 1. Terms and conditions. (a) Except when a sentence of life imprisonment is required by law, or when a mandatory minimum sentence is required by section 609.11, or as provided in paragraph (e), any court may stay imposition or execution of sentence and:

1. may order intermediate sanctions without placing the defendant on probation; or

2. may place the defendant on probation with or without supervision and on the terms the court prescribes, including intermediate sanctions when practicable. The court may order the supervision to be under the probation officer of the court, or, if there is none and the conviction is for a felony or gross misdemeanor, by the commissioner of corrections, or in any case by some other suitable and consenting person. Unless the court directs otherwise, state parole and probation agents and probation officers may impose community work service or probation violation sanctions, consistent with section 243.05, subdivision 1; sections 244.196 to 244.199; or 401.02, subdivision 5.

No intermediate sanction may be ordered performed at a location that fails to observe applicable requirements or standards of chapter 181A or 182, or any rule promulgated under them.

(b) For purposes of this subdivision, subdivision 6, and section 609.14, the term "intermediate sanctions" includes but is not limited to incarceration in a local jail or workhouse, home detention, electronic monitoring, intensive probation, sentencing to service, reporting to a day reporting center, chemical dependency or mental health treatment or counseling, restitution, fines, day-fines, community work service, work service in a restorative justice program, work in lieu of or to work off fines and, with the victim's consent, work in lieu of or to work off restitution.

(c) A court may not stay the revocation of the driver's license of a person convicted of violating the provisions of section 169A.20.

(d) If the court orders a fine, day-fine, or restitution as an intermediate sanction, payment is due on the date imposed unless the court otherwise establishes a due date or a payment plan.

(e) A court may not stay imposition of a sentence for a felony violation of section 243.166, 609.342, 609.343, 609.344, 609.345, 609.3451, or 609.3453.

EFFECTIVE DATE. This section is effective August 1, 2017, and applies to offenses committed on or after that date.

Sec. 6. Minnesota Statutes 2016, section 609.2231, subdivision 3a, is amended to read:

Subd. 3a. Secure treatment facility personnel. (a) As used in this subdivision, "secure treatment facility" includes facilities listed in sections 253B.02, subdivision 18a, and 253D.02, subdivision 13.
(b) Whoever, while committed under chapter 253D, Minnesota Statutes 2012, section 253B.185, or Minnesota Statutes 1992, section 526.10, commits either of the following acts against an employee or other individual who provides care or treatment to a secure treatment facility while the person is engaged in the performance of a duty imposed by law, policy, or rule, is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than $4,000, or both:

1. (a) assaults the person and inflicts demonstrable bodily harm; or
2. (b) intentionally throws or otherwise transfers bodily fluids or feces at or onto the person.

(c) Whoever, while committed under section 253B.18, or admitted under the provision of section 253B.10, subdivision 1, commits either of the following acts against an employee or other individual who supervises and works directly with patients at a secure treatment facility while the person is engaged in the performance of a duty imposed by law, policy, or rule, is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than $4,000, or both:

1. (a) assaults the person and inflicts demonstrable bodily harm; or
2. (b) intentionally throws or otherwise transfers urine, blood, semen, or feces onto the person.

(d) The court shall commit a person convicted of violating paragraph (b) to the custody of the commissioner of corrections for a violation of subdivision 1, clause (c), (d), (e), (f), or (h). Sentencing a person in a manner otherwise than that described in this paragraph is a departure from the Sentencing Guidelines.

(e) Notwithstanding the statutory maximum sentence provided in paragraph (b), when a court sentences a person to the custody of the commissioner of corrections for a violation of paragraph (b), the court shall provide that after the person has been released from prison, the commissioner shall place the person on conditional release for five years. The terms of conditional release are governed by sections 244.05 and 609.3455, subdivision 4, 7, or 8; and Minnesota Statutes 2004, section 609.109.

EFFECTIVE DATE. This section is effective August 1, 2017, and applies to offenses committed on or after that date.

Sec. 7. Minnesota Statutes 2016, section 609.342, subdivision 2, is amended to read:

Subd. 2. Penalty. (a) Except as otherwise provided in section 609.3455; or Minnesota Statutes 2004, section 609.109, a person convicted under subdivision 1 may be sentenced to imprisonment for not more than 30 years or to a payment of a fine of not more than $40,000, or both.

(b) Unless a longer mandatory minimum sentence is otherwise required by law or the Sentencing Guidelines provide for a longer presumptive executed sentence, the court shall presume that an executed sentence of 144 months must be imposed on an offender convicted of violating this section. Sentencing a person in a manner other than that described in this paragraph is a departure from the Sentencing Guidelines.

(c) A person convicted under this section is also subject to lifetime probation, and intensive probation under section 609.3455.

EFFECTIVE DATE. This section is effective August 1, 2017, and applies to offenses committed on or after that date.

Sec. 8. Minnesota Statutes 2016, section 609.342, is amended by adding a subdivision to read:

Subd. 4. Stays prohibited. (a) Pursuant to section 609.095, paragraph (b), a court may not refuse to adjudicate the guilt of a defendant who tenders a guilty plea under this section in accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been found guilty by a court or jury following a trial.

(b) Pursuant to section 609.135, subdivision 1, paragraph (e), a court may not stay imposition of a sentence under this section.

EFFECTIVE DATE. This section is effective August 1, 2017, and applies to offenses committed on or after that date.

Sec. 9. Minnesota Statutes 2016, section 609.343, subdivision 2, is amended to read:

Subd. 2. Penalty. (a) Except as otherwise provided in section 609.3455; or Minnesota Statutes 2004, section 609.109, a person convicted under subdivision 1 may be sentenced to imprisonment for not more than 25 years or to a payment of a fine of not more than $25,000, or both.

(b) Unless a longer mandatory minimum sentence is otherwise required by law or the Sentencing Guidelines provide for a longer presumptive executed sentence, the court shall presume that an executed sentence of 90 months must be imposed on an offender convicted of violating subdivision 1, clause (c), (d), (e), (f), or (h). Sentencing a person in a manner other than that described in this paragraph is a departure from the Sentencing Guidelines.
(c) A person convicted under this section is also subject to lifetime conditional release, lifetime probation, and intensive probation under section 609.3455.

**EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses committed on or after that date.

Sec. 10. Minnesota Statutes 2016, section 609.343, is amended by adding a subdivision to read:

**Subd. 4.** Stays prohibited. (a) Pursuant to section 609.095, paragraph (b), a court may not refuse to adjudicate the guilt of a defendant who tenders a guilty plea under this section in accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been found guilty by a court or jury following a trial.

(b) Pursuant to section 609.135, subdivision 1, paragraph (e), a court may not stay imposition of a sentence under this section.

**EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses committed on or after that date.

Sec. 11. Minnesota Statutes 2016, section 609.344, subdivision 2, is amended to read:

**Subd. 2.** Penalty. Except as otherwise provided in section 609.3455, a person convicted under subdivision 1 may be sentenced:

(1) to imprisonment for not more than 15 years or to a payment of a fine of not more than $30,000, or both; or

(2) if the person was convicted under subdivision 1, paragraph (b), and if the actor was no more than 48 months but more than 24 months older than the complainant, to imprisonment for not more than five years or a fine of not more than $30,000, or both.

A person convicted under this section is also subject to lifetime conditional release, lifetime probation, and intensive probation under section 609.3455.

**EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses committed on or after that date.

Sec. 12. Minnesota Statutes 2016, section 609.344, is amended by adding a subdivision to read:

**Subd. 4.** Stays prohibited. (a) Pursuant to section 609.095, paragraph (b), a court may not refuse to adjudicate the guilt of a defendant who tenders a guilty plea under this section in accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been found guilty by a court or jury following a trial.

(b) Pursuant to section 609.135, subdivision 1, paragraph (e), a court may not stay imposition of a sentence under this section.

**EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses committed on or after that date.

Sec. 13. Minnesota Statutes 2016, section 609.345, subdivision 2, is amended to read:

**Subd. 2.** Penalty. Except as otherwise provided in section 609.3455, a person convicted under subdivision 1 may be sentenced to imprisonment for not more than ten years or to a payment of a fine of not more than $20,000, or both. A person convicted under this section is also subject to lifetime conditional release, lifetime probation, and intensive probation under section 609.3455.

**EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses committed on or after that date.

Sec. 14. Minnesota Statutes 2016, section 609.345, is amended by adding a subdivision to read:

**Subd. 4.** Stays prohibited. (a) Pursuant to section 609.095, paragraph (b), a court may not refuse to adjudicate the guilt of a defendant who tenders a guilty plea under this section in accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been found guilty by a court or jury following a trial.

(b) Pursuant to section 609.135, subdivision 1, paragraph (e), a court may not stay imposition of a sentence under this section.

**EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses committed on or after that date.

Sec. 15. Minnesota Statutes 2016, section 609.3451, subdivision 3, is amended to read:

**Subd. 3.** Felony. (a) A person is guilty of a felony and may be sentenced to imprisonment for not more than seven years or to payment of a fine of not more than $14,000, or both, if

(1) a previous conviction for violating subdivision 1, clause (2), a crime described in paragraph (b), or a statute from another state in conformity with any of these offenses; or
(2) the first of two or more previous convictions for violating subdivision 1, clause (1), or a statute from another state in conformity with this offense.

(b) A previous conviction for violating section 609.342; 609.343; 609.344; 609.345; 609.3453; 617.23, subdivision 2, clause (2), or subdivision 3; or 617.247 may be used to enhance a criminal penalty as provided in paragraph (a).

(c) Pursuant to section 609.095, paragraph (b), a court may not refuse to adjudicate the guilt of a defendant who tenders a guilty plea under this subdivision in accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been found guilty by a court or jury following a trial.

(d) Pursuant to section 609.135, subdivision 1, paragraph (e), a court may not stay imposition of a sentence under this subdivision.

(e) A person convicted under this subdivision is also subject to lifetime conditional release, lifetime probation, and intensive probation under section 609.3455.

**EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses committed on or after that date.

Sec. 16. Minnesota Statutes 2016, section 609.3455, subdivision 7, is amended to read:

Subd. 7. **Mandatory lifetime conditional release term.** (a) When a court sentences an offender under subdivision 7 or 4, the court shall provide that, if the offender is released from prison, the commissioner of corrections shall place the offender on conditional release for the remainder of the offender’s life.

(b) Notwithstanding the statutory maximum sentence otherwise applicable to the offense, when the court commits an offender to the custody of the commissioner of corrections for a felony violation of section 609.342, 609.343, 609.344, 609.345, 609.3451, or 609.3453, and the offender has a previous or prior sex offense conviction, the court shall provide that, after the offender has been released from prison, the commissioner shall place the offender on conditional release for the remainder of the offender’s life.

(c) Notwithstanding paragraph (b), an offender may not be placed on lifetime conditional release for a violation of section 609.345, unless the offender’s previous or prior sex offense conviction is for a violation of section 609.342, 609.343, 609.344, or 609.3453, or any similar statute of the United States, this state, or any other state.

**EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses committed on or after that date.

Sec. 17. Minnesota Statutes 2016, section 609.3455, is amended by adding a subdivision to read:

Subd. 7a. **Lifetime probation.** Notwithstanding the statutory maximum sentence otherwise applicable to the offense and otherwise provided in section 609.135, subdivision 2, paragraph (a), when the court does not commit an offender to the commissioner of corrections for a felony violation of section 609.342, 609.343, 609.344, 609.345, 609.3451, or 609.3453, the court shall, after the offender has been released from any term of confinement imposed by the court, place the offender on probation for the remainder of the offender’s life.

**EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses committed on or after that date.

Sec. 18. Minnesota Statutes 2016, section 609.3455, subdivision 8, is amended to read:

Subd. 8. **Terms of conditional release; applicable to all sex offenders.** (a) The provisions of this subdivision relating to conditional release apply to all sex offenders sentenced to prison for a violation of section 609.342, 609.343, 609.344, 609.345, or 609.3453. Except as provided in this subdivision, conditional release of sex offenders is governed by provisions relating to supervised release. The commissioner of corrections may not dismiss an offender on conditional release from supervision until the offender’s conditional release term expires.

(b) The conditions of release may include successful completion of treatment and aftercare in a program approved by the commissioner, satisfaction of the release conditions specified in section 244.05, subdivision 6, and any other conditions the commissioner considers appropriate. The commissioner shall develop a plan to pay the cost of treatment of a person released under this subdivision. The plan may include co-payments from offenders, third-party payers, local agencies, or other funding sources as they are identified. This section does not require the commissioner to accept or retain an offender in a treatment program. Before the offender is placed on conditional release, the commissioner shall notify the sentencing court and the prosecutor in the jurisdiction where the offender was sentenced of the terms of the offender’s conditional release. The commissioner also shall make reasonable efforts to notify the victim of the offender’s crime of the terms of the offender’s conditional release.

(c) If the offender fails to meet any condition of release, the commissioner may revoke the offender’s conditional release and order that the offender serve all or a part of the remaining portion of the conditional release term in prison. An offender, while on supervised...
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Subd. 8a.  This subdivision applies to offenses committed on or after that date.

Sec. 19.  Minnesota Statutes 2016, section 609.3455, is amended by adding a subdivision to read:

Subd. 7.  Intensive probation.  (a) When the court does not commit an offender to the commissioner of corrections after a conviction for a felony violation of section 609.342, 609.343, 609.344, 609.345, 609.3451, or 609.3453, the court shall place the offender on intensive probation as provided in this subdivision.

(b) Phase I of intensive probation is six months and begins after the offender is released from confinement, if ordered by the court.  Phase II lasts for at least one-third of the time remaining in the offender's imposed sentence at the beginning of phase II.  Phase III lasts for at least one-third of the time remaining in the offender's imposed sentence at the beginning of phase III.  Phase IV continues until the offender's imposed sentence expires.

(c) During phase I, the offender will be under house arrest in a residence approved by the offender's probation agent and may not move to another residence without permission.  "House arrest" means that the offender's movements will be severely restricted and continually monitored by the assigned agent.  During phase II, modified house arrest is imposed.  During phases III and IV, the offender is subjected to a daily curfew instead of house arrest.

(d) During phase I, the assigned probation agent shall have at least four face-to-face contacts with the offender each week.  During phase II, two face-to-face contacts a week are required.  During phase III, one face-to-face contact a week is required.  During phase IV, two face-to-face contacts a month are required.  When an offender is an inmate of a jail or a resident of a facility that is staffed full time, at least one face-to-face contact a week is required.

(e) During phases I, II, III, and IV, the offender must spend at least 40 hours a week performing approved work, undertaking constructive activity designed to obtain employment, or attending a treatment or education program as directed by the agent.  An offender may not spend more than six months in a residential treatment program that does not require the offender to spend at least 40 hours a week performing approved work or undertaking constructive activity designed to obtain employment.

(f) During any phase, the offender may be placed on electronic surveillance if the probation agent so directs.  If electronic surveillance is directed during phase I, the court must require that the offender be kept in custody, or that the offender's probation agent or the agent's designee directly supervise the offender until electronic surveillance is activated.  It is the responsibility of the offender placed on electronic surveillance to ensure that the offender's residence is properly equipped and the offender's telecommunications system is properly configured to support electronic surveillance prior to being released from custody or the direct supervision of a probation agent.  It is a violation of an offender's probation to fail to comply with this paragraph.

(g) Throughout all phases of intensive probation, the offender shall submit at any time to an unannounced search of the offender's person, vehicle, computer and other devices that access the Internet or store data, or premises by a probation agent.

(h) The court may include any other conditions in the various phases of intensive probation that the court finds necessary and appropriate.

EFFECTIVE DATE.  This section is effective August 1, 2017, and applies to offenses committed on or after that date.

Sec. 20.  Minnesota Statutes 2016, section 617.246, subdivision 7, is amended to read:

Subd. 7.  Conditional release term.  Notwithstanding the statutory maximum sentence otherwise applicable to the offense or any provision of the sentencing guidelines, when a court commits a person to the custody of the commissioner of corrections for violating this section, the court shall provide that after the person has been released from prison, the commissioner shall place the person on conditional release for five years.  If the person has previously been convicted of a violation of this section, section 609.342, 609.343, 609.344, 609.345, 609.3451, 609.3453, or 617.247, or any similar statute of the United States, this state, or any state, the commissioner shall place the person on conditional release for ten years, the remainder of the offender's life.  The terms of conditional release are governed by section 609.3455, subdivision 8.

EFFECTIVE DATE.  This section is effective August 1, 2017, and applies to offenses committed on or after that date.

Sec. 21.  Minnesota Statutes 2016, section 617.246, is amended by adding a subdivision to read:

Subd. 8.  Mandatory minimum sentence.  A person convicted under this section must serve a minimum of six months of incarceration.  If the person (1) has a prior conviction...
under this section or section 617.247, or (2) is required to register as a predatory offender, the person must serve a minimum of 12 months of incarceration.

**EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses committed on or after that date.

Sec. 22. Minnesota Statutes 2016, section 617.247, subdivision 3, is amended to read:

Subd. 3. *Dissemination prohibited.* (a) A person who disseminates pornographic work to an adult or a minor, knowing or with reason to know its content and character, is guilty of a felony and may be sentenced to imprisonment for not more than 

(b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to imprisonment for not more than 45 years if the violation occurs when the person is a registered predatory offender under section 243.166.

**EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses committed on or after that date.

Sec. 23. Minnesota Statutes 2016, section 617.247, subdivision 4, is amended to read:

Subd. 4. *Possession prohibited.* (a) A person who possesses a pornographic work or a computer disk or computer or other electronic, magnetic, or optical storage system or a storage system of any other type, containing a pornographic work, knowing or with reason to know its content and character, is guilty of a felony and may be sentenced to imprisonment for not more than seven years and a fine of not more than $5,000 per offense and for not more than $15,000 for a second or subsequent offense.

(b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to imprisonment for not more than 15 years if the violation occurs when the person is a registered predatory offender under section 243.166.

**EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses committed on or after that date.

Sec. 24. Minnesota Statutes 2016, section 617.247, is amended by adding a subdivision to read:

Subd. 10. *Mandatory minimum sentence.* A person convicted under this section must serve a minimum of six months of incarceration. If the person (1) has a prior conviction under this section or section 617.246, or (2) is required to register as a predatory offender, the person must serve a minimum of 12 months of incarceration.

**EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses committed on or after that date.

Sec. 25. **SENTENCING GUIDELINES MODIFICATION.**

The Sentencing Guidelines Commission shall modify the sex offender grid by ranking violations of Minnesota Statutes, section 617.247, subdivision 3 (dissemination of child pornography - subsequent or by predatory offender), in severity level C; violations of Minnesota Statutes, sections 617.246 (use of minors in sexual performance), 617.247, subdivision 3 (dissemination of child pornography - first time, nonpredatory offender), and 617.247, subdivision 4 (possession of child pornography - subsequent or by predatory offender), in severity level D; and violations of Minnesota Statutes, section 617.247, subdivision 4 (possession of child pornography - first time, nonpredatory offender), in severity level E.

**EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses committed on or after that date.

Sec. 26. **REPEALER.**

Minnesota Statutes 2016, sections 609.342, subdivision 3; 609.343, subdivision 3; 609.344, subdivision 3; 609.345, subdivision 3, and 609.3455, subdivision 6, are repealed.

**EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses committed on or after that date.

**ARTICLE 7**

**DWI**

Section 1. Minnesota Statutes 2016, section 169A.03, subdivision 21, is amended to read:

Subd. 21. *Prior impaired driving-related loss of license.* (a) "Prior impaired driving-related loss of license" includes a driver's license suspension, revocation, cancellation, denial, or disqualification under:

...
(1) that Minnesota law requires the person to take a test:

(1) of the person’s blood, breath, or urine under section 609A.51 (chemical tests for intoxication), or 609A.52 (test refusal or failure; revocation of license); or

(2) of the person’s blood or urine as required by a search warrant under sections 626.04 to 626.18.

Sec. 2. Minnesota Statutes 2016, section 169A.20, subdivision 2, is amended to read:

Subd. 2. Refusal to submit to chemical test crime. It is a crime for any person to refuse to submit to a chemical test:

(1) of the person’s blood, breath, or urine under section 609A.51 (chemical tests for intoxication), or 609A.52 (test refusal or failure; revocation of license); or

(2) of the person’s blood or urine as required by a search warrant under sections 626.04 to 626.18.

Sec. 3. Minnesota Statutes 2016, section 169A.51, subdivision 2, is amended to read:

Subd. 2. Implied consent Breath test advisory. (a) Subject to paragraph (b), At the time a breath test is requested, the person must be informed:

(1) that Minnesota law requires the person to take a test:

(i) to determine if the person is under the influence of alcohol, controlled substances, or intoxicating substances; and

(ii) to determine the presence of a controlled substance listed in Schedule I or II or metabolite, other than marijuana or tetrahydrocannabinol; and

(2) if the motor vehicle was a commercial motor vehicle, to determine the presence of alcohol;

(3) that refusal to take a breath test is a crime; and

(4) if the peace officer has probable cause to believe the person has violated the criminal vehicular homicide and injury laws, that a test will be taken with or without the person’s consent, and

(4) that the person has the right to consult with an attorney, but that this right is limited to the extent that it cannot unreasonably delay administration of the test.

(5) A peace officer who is not pursuing an implied consent revocation is not required to give the advisory described in paragraph (a) to a person whom the officer has probable cause to believe has violated section 609A.2112, subdivision 1, clause (2), (3), (4), (5), or (6); 609A.2113, subdivision 1, clause (2), (3), (4), or (5); 609A.2114, subdivision 1, clause (2), (3), (4), (5), or (6); or Minnesota Statutes 2012, 609A.21, subdivision 1, clause (2), (3), (4), (5), or (6) (criminal vehicular operation DWI related provisions).

Sec. 4. Minnesota Statutes 2016, section 169A.51, subdivision 4, is amended to read:

Subd. 4. Requirement of urine or blood test. Notwithstanding subdivision 3, A blood or urine test may be required pursuant to a search warrant under sections 626.04 to 626.18 even after a breath test has been administered if there is probable cause to believe that:

(1) there is impairment by a controlled substance or a hazardous substance that is not subject to testing by a breath test; or

(2) a controlled substance listed in Schedule I or II or its metabolite, other than marijuana or tetrahydrocannabinol, is present in the person’s body.
(3) the person is unconscious or incapacitated to the point that the peace officer providing a breath test advisory, administering a breath test, or serving the search warrant has a good-faith belief that the person is mentally or physically unable to comprehend the breath test advisory or otherwise voluntarily submit to chemical tests.

Action may be taken against a person who refuses to take a blood test under this subdivision only if a urine test was offered and action may be taken against a person who refuses to take a urine test only if a blood test was offered.

Sec. 5. [171.177] REVOCATION; PURSUANT TO SEARCH WARRANT

Subdivision 1. License revocation pursuant to search warrant. After executing a search warrant under sections 626.04 to 626.18 for the collection of a blood or urine sample based upon probable cause of a violation of chapter 169A, the peace officer acting under sections 626.13 to 626.17 shall certify to the commissioner of public safety:

(1) when a person refuses to comply with the execution of the search warrant; or
(2) if a person submits to the test and the test results indicate:
   (i) an alcohol concentration of 0.08 or more;
   (ii) an alcohol concentration of 0.04 or more, if the person was driving, operating, or in physical control of a commercial motor vehicle at the time of the violation; or
   (iii) the presence of a controlled substance listed in Schedule I or II or its metabolite, other than marijuana or tetrahydrocannabinols.

Subd. 2. Test refusal; license revocation. (a) Upon certification under subdivision 1, that there existed probable cause to believe the person had been driving, operating, or in physical control of a motor vehicle in violation of section 169A.20 (driving while impaired), and that the person refused to comply with the execution of the search warrant under sections 626.04 to 626.18, the commissioner shall revoke the person's license or permit to drive or nonresident operating privilege. The commissioner shall revoke the license, permit, or nonresident operating privilege:

   (1) for a person with no qualified prior impaired driving incidents within the past ten years, for a period of not less than one year;
   (2) for a person under the age of 21 years and with no qualified prior impaired driving incidents within the past ten years, for a period of not less than one year;
   (3) for a person with one qualified prior impaired driving incident within the past ten years or two qualified prior impaired driving incidents, for a period of not less than two years;
   (4) for a person with two qualified prior impaired driving incidents within the past ten years or three qualified prior impaired driving incidents, for a period of not less than three years;
   (5) for a person with three qualified prior impaired driving incidents within the past ten years, for a period of not less than four years; or
   (6) for a person with four or more qualified prior impaired driving incidents, for a period of not less than six years;

(b) When a person refuses to comply with the search warrant and permit testing, the commissioner shall disqualify the person from operating a commercial motor vehicle and shall revoke the person's license or permit to drive or nonresident operating privilege according to the federal regulations adopted by reference in section 171.165, subdivision 2.

Subd. 3. Test failure; license revocation. (a) Upon certification under subdivision 1, pursuant to a search warrant under sections 626.04 to 626.18, that there existed probable cause to believe the person had been driving, operating, or in physical control of a motor vehicle in violation of section 169A.20 (driving while impaired), and that the person submitted to a test and the test results indicate an alcohol concentration of 0.08 or more or the presence of a controlled substance listed in Schedule I or II or its metabolite, other than marijuana or tetrahydrocannabinols, the commissioner shall revoke the person's license or permit to drive or nonresident operating privilege:

   (1) for a period of 90 days or, if the test results indicate an alcohol concentration of twice the legal limit or more, not less than one year;
   (2) if the person is under the age of 21 years, for a period of not less than 180 days or, if the test results indicate an alcohol concentration of twice the legal limit or more, not less than one year;
   (3) for a person with one qualified prior impaired driving incident within the past ten years or two qualified prior impaired driving incidents, for a period of not less than one year or, if the test results indicate an alcohol concentration of twice the legal limit or more, not less than two years;
   (4) for a person with two qualified prior impaired driving incidents within the past ten years or three qualified prior impaired driving incidents, for a period of not less than three years;

(b) On certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a commercial motor vehicle, with any presence of alcohol and that the person submitted to a test and the test results,
indicated an alcohol concentration of 0.04 or more, the commissioner shall disqualify the
person from operating a commercial motor vehicle under section 171.165 (commercial
driver's license disqualification).
(c) If the test is of a person's blood or urine by a laboratory operated by the Bureau of
Criminal Apprehension or authorized by the bureau to conduct the analysis of a blood or
urine sample, the laboratory may directly certify to the commissioner the test results, and
the peace officer shall certify to the commissioner that there existed probable cause to
believe the person had been driving, operating, or in physical control of a motor vehicle in
violation of section 169A.20 (driving while impaired), and that the person submitted to a
test. Upon receipt of both certifications, the commissioner shall undertake the license actions
described in paragraphs (a) and (b).

Subd. 4. Unauthorized drivers; license issuance denial. If the person is a resident without
a license or permit to operate a motor vehicle in this state, the commissioner shall deny to
the person the issuance of a license or permit after the date of the alleged violation for the
same period as provided in this section for revocation, subject to review as provided in
subdivisions 8 and 9.

Subd. 5. Notice of revocation or disqualification; review. A revocation under this
section, or a disqualification under section 171.165 (commercial driver's license
disqualification), becomes effective at the time the commissioner or a peace officer acting
on behalf of the commissioner notifies the person of the intention to revoke, disqualify, or
both, and of revocation or disqualification. The notice must advise the person of the right
to obtain administrative and judicial review as provided in subdivisions 8 and 9. If mailed,
the notice and order of revocation or disqualification is deemed received three days after
mailing to the last known address of the person.

Subd. 6. Test refusal; driving privilege lost. (a) On behalf of the commissioner, a peace
officer requiring a test or directing the administration of a chemical test pursuant to a search
warrant under sections 626.04 to 626.18 shall serve immediate notice of intention to revoke,
and of revocation on a person who refuses to permit a test or on a person who submits to a
test the results of which indicate an alcohol concentration of 0.08 or more.
(b) On behalf of the commissioner, a peace officer requiring a test or directing the
administration of a chemical test of a person driving, operating, or in physical control of a
commercial motor vehicle pursuant to a search warrant under sections 626.04 to 626.18
shall serve immediate notice of intention to disqualify and of disqualification on a person
who refuses to permit a test or on a person who submits to a test the results of which indicate
an alcohol concentration of 0.04 or more.
(c) The officer shall:
(1) invalidate the person's driver's license or permit card by clipping the upper corner
of the card in such a way that no identifying information including the photo is destroyed,
and immediately return the card to the person;
(2) issue the person a temporary license effective for only seven days; and
(3) send the notification of this action to the commissioner along with the certificate
required by subdivision 3 or 4.

Subd. 7. Notice of action to other states. When a nonresident's privilege to operate a
motor vehicle in this state has been revoked or denied, the commissioner shall give
information in writing of the action taken to the official in charge of traffic control or public
safety of the state of the person's residence and of any state in which the person has a license.

Subd. 8. Administrative review. (a) At any time during a period of revocation imposed
under this section, or a period of disqualification imposed under section 171.165 (commercial
driver's license disqualification), a person may request in writing a review of the order of
revocation or disqualification by the commissioner, unless the person is entitled to review
under section 171.166 (review of disqualification). Upon receiving a request, the
commissioner or the commissioner's designee shall review the order, the evidence upon
which the order was based, and any other material information brought to the attention of
the commissioner and determine whether sufficient cause exists to sustain the order. Within
15 days of receiving the request, the commissioner shall report in writing the results of the
review. The review provided in this subdivision is not subject to the contested case provisions
of the Administrative Procedure Act in sections 14.001 to 14.69.
(b) The availability of administrative review for an order of revocation or disqualification
has no effect upon the availability of judicial review under this section.
(c) Review under this subdivision must take place, if possible, at the same time as any
administrative review of the person's impoundment order under section 169A.60, subdivision
9.

Subd. 9. Petition for judicial review. (a) Within 60 days following receipt of a notice
and order of revocation pursuant to this section, a person may petition the court for review.
The petition must be filed with the district court administrator in the county where the
alleged offense occurred, together with proof of service of a copy on the commissioner, and
accompanied by the standard filing fee for civil actions. Responsive pleading is not required
of the commissioner, and court fees must not be charged for the appearance of the
commissioner in the matter.
(b) The petition must:
(1) be captioned in the full name of the person making the petition as petitioner and the
commissioner as respondent;
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 Sec. 6. Repealer.

Minnesota Statutes 2016, section 169A.51, subdivision 3, is repealed.

ARTICLE 8
CONTROLLED SUBSTANCES
Section 1. Minnesota Statutes 2016, section 152.02, subdivision 2, is amended to read:

Subd. 2.

Schedule I.

(a) Schedule I consists of the substances listed in this subdivision.

(b) Opiates. Unless specifically excepted or unless listed in another schedule, any of the following substances, including their analogs, isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the analogs, isomers, esters, ethers, and salts is possible:

(1) acetylmethadol;
(2) allylprodine;
(3) alphacetylmethadol (except levo-alphacetylmethadol, also known as levomethadyl acetate);
(4) alphameprodine;
(5) alphamethadol;
(6) alpha-methylfentanyl benzethidine;
(7) betacetylmethadol;
(8) betameprodine;
(9) betamethadol;
(10) betaprodine;
(11) clonitazene;
(12) dezromoramide;
(13) diampromide;
(14) diethyliambutene;
(15) difenoxin;
(16) dimenoxadol;
(17) dimethylmorphine;
(18) dimethylthiambutene;
(19) dioxaphetyl butyrate;
(20) dipipanone;
(21) ethylmethylthiambutene;
(22) eutonitazene;
(23) etoxeridine;
(24) furethidine;
(25) hydroxypethidine;
(26) ketobemidone;
(27) levomoramide;
(28) levo-alpha-methylfentanyl;
(29) 3-methylfentanyl;
(30) acetyl-alpha-methylfentanyl;
(31) alphamethadol;
(32) benzylfentanyl beta-hydroxyfentanyl;
(33) beta-hydroxy-3-methylfentanyl;
(34) 3-methylthiofentanyl;
(35) thenylfentanyl;
(36) thiofentanyl;
(37) thenylfentanyl;
(38) thiofentanyl;
(39) para-fluorofentanyl;
(40) noracymethadol;
(41) norlevorphanol;
(42) normethadone;
(43) norpipanone;
(44) 1-(2-phenylethyl)-4-phenyl-4-acetoxypiperidine (PEPAP);
(45) phenadoxone;
(46) phenampromide;
(47) phenomorphan;
(48) phenperidine;
(49) pinipram;
(50) piroheptazine;
(51) proporidine;
(52) propiram;
(53) racemoramide;
(54) tilidine;
(55) trimipramine;
(56) N-(1-Phenethylpiperidin-4-yl)-N-phenylacetamide (acetyl fentanyl);
(57) N-phenyl-N-[1-(2-phenethyl)piperidin-4-yl]furan-2-carboxamide (furanylfentanyl);
(58) 3,4-dichloro-N-(1R,2R)-2-(dimethylamino)cyclohexyl]-N-methylbenzamide (U47700); and
(59) N-phenyl-N-[1-(2-phenethyl)piperidin-4-yl]furan-2-carboxamide (furanylfentanyl).

(c) Opium derivatives. Any of the following substances, their analogs, salts, isomers, and salts of isomers, unless specifically excepted or unless listed in another schedule, are schedule I controlled substances when taken together as a whole or in any combination, and whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:

(1) acetorphine;
(2) acetylmorphone;
(3) benzylmorphine;
(4) codeine methylbromide;
(5) codeine-n-oxide;
(6) cyprenorphine;
(7) desomorphine;
(8) dihydromorphine;
(9) drotebanol;
(10) etorphine;
(11) heroin;
(12) hydromorphinol;
(13) methyldesorphine;
(14) methyldihydromorphine;
(15) morphine methylbromide;
(16) morphine methylsulfonate;
(17) morphine-n-oxide;
(18) myrophine;
(19) nicocodeine;
(20) nicomorphine;
(21) normorphine;
(22) pholcodine; and
(23) thebacon.

(d) Hallucinogens. Any material, compound, mixture or preparation which contains any quantity of the following substances, their analogs, salts, isomers (whether optical, positional, or geometric), and salts of isomers, unless specifically excepted or unless listed in another schedule, whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:

103.1 (1) methylenedioxyamphetamine;
103.2 (2) methylenedioxymethamphetamine;
103.3 (3) methylenedioxy-N-ethylamphetamine (MDEA);
103.4 (4) n-hydroxy-methylenedioxyamphetamine;
103.5 (5) 4-bromo-2,5-dimethoxyamphetamine (DOB);
103.6 (6) 2,5-dimethoxyamphetamine (2,5-DMA);
103.7 (7) 4-methoxyamphetamine;
103.8 (8) 5-methoxy-3,4-methylenedioxyamphetamine;
103.9 (9) alpha-ethyltryptamine;
103.10 (10) bufotenine;
103.11 (11) diethyltryptamine;
103.12 (12) dimethyltryptamine;
103.13 (13) 3,4,5-trimethoxyamphetamine;
103.14 (14) 4-methyl-2,5-dimethoxyamphetamine (DOM);
103.15 (15) ibogaine;
103.16 (16) lysergic acid diethylamide (LSD);
103.17 (17) mescaline;
103.18 (18) para-hexyl;
103.19 (19) N-ethyl-3-piperidyl benzilate;
103.20 (20) N-methyl-3-piperidyl benzilate;
103.21 (21) psilocybin;
103.22 (22) psilocyn;
103.23 (23) tenocyclidine (TPCP or TCP);
103.24 (24) N-ethyl-1-phenyl-cyclohexylamine (PCE);
103.25 (25) 1-(1-phenylcyclohexyl) pyrrolidine (PCPy);
103.26 (26) 1-(1-hydroxy-1-phenylcyclohexyl) pyrrolidine (TCPy);
103.27 (27) 4-chloro-2,5-dimethoxyamphetamine (DOC);
103.28 (28) 4-ethyl-2,5-dimethoxyamphetamine (DOET);
103.29 (29) 4-ido-2,5-dimethoxyamphetamine (DOI);
104.1 (30) 4-bromo-2,5-dimethoxyphenethylamine (2C-B);
104.2 (31) 4-chloro-2,5-dimethoxyphenethylamine (2C-C);
104.3 (32) 4-methyl-2,5-dimethoxyphenethylamine (2C-D);
104.4 (33) 4-ethyl-2,5-dimethoxyphenethylamine (2C-E);
104.5 (34) 4-ido-2,5-dimethoxyphenethylamine (2C-I);
104.6 (35) 4-propyl-2,5-dimethoxyphenethylamine (2C-P);
104.7 (36) 4-isopropylthio-2,5-dimethoxyphenethylamine (2C-I);
104.8 (37) 4-propylthio-2,5-dimethoxyphenethylamine (2C-T-4);
104.9 (38) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzoluran-4-y)ethanamine (2-CB-FLY);
104.10 (39) bromo-benzodifuranyl-isopropylamine (Bromo-DragonFLY);
104.11 (40) alpha-methyltryptamine (AMT);
104.12 (41) N,N-diasopropyltriptamine (DIPPT);
104.13 (42) 4-acetoxy-N,N-dimethyltryptamine (4-AcO-DMT);
104.14 (43) 4-acetoxy-N,N-diethyltryptamine (4-AcO-DET);
104.15 (44) 4-hydroxy-N-methyl-N-propyltryptamine (4-HO-MPT);
104.16 (45) 4-hydroxy-N,N-dipropyltryptamine (4-HO-DPT);
104.17 (46) 4-hydroxy-N,N-dialkyltryptamine (4-HO-DALT);
104.18 (47) 4-hydroxy-N,N-disopropyltryptamine (4-HO-DiPT);
(48) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DiPT);
(49) 5-methoxy-α-methyltryptamine (5-MeO-AMT);
(50) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
(51) 5-methylthio-N,N-dimethyltryptamine (5-MeS-DMT);
(52) 5-methoxy-N-methyl-N-propyltryptamine (5-MeO-MiPT);
(53) 5-methoxy-α-ethyltryptamine (5-MeO-AET);
(54) 5-methoxy-N,N-dipropyltryptamine (5-MeO-DPT);
(55) 5-methoxy-N,N-diethyltryptamine (5-MeO-DET);
(56) 5-methoxy-N,N-diallyltryptamine (5-MeO-DALT);
(57) methoxetamine (MXE);
(58) 5-iodo-2-aminoindane (5-IAI);
(59) 5,6-methylenedioxy-2-aminoindane (MDAI);
(60) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe);
(61) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe);
(62) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe);
(63) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);
(64) 2-(4-Ethylthio-2,5-dimethoxyphenyl)ethanamine (2C-T-2);
(65) N,N-Dipropyltryptamine (DPT);
(66) 3-[1-(Piperidin-1-yl)cyclohexyl]phenol (3-HO-PCP);
(67) N-ethyl-1-(3-methoxyphenyl)cyclohexanamine (3-MeO-PCE);
(68) 4-[1-(3-methoxyphenyl)cyclohexyl]morpholine (3-MeO-PCMo);
(69) 1-[1-(4-methoxyphenyl)cyclohexyl]-piperidine (methoxydine, 4-MeO-PCP);
(70) 2-(2-Chlorophenyl)-2-(ethylamino)cyclohexan-1-one (N-Ethylnorketamine, NENK);
and
(71) methylenedioxy-N,N-dimethylamphetamine (MDDMA);
(72) 3-(2-Ethyl(methyl)aminoethyl)-1H-indol-4-yl (4-AcO-MET); and
(73) 2-Phenyl-2-(methylamino)cyclohexanone (deschloroketamine).

(e) Peyote. All parts of the plant presently classified botanically as Lophophora williamsii Lemaire, whether growing or not, the seeds thereof, any extract from any part of the plant, and every compound, manufacture, salts, derivative, mixture, or preparation of the plant, its seeds or extracts. The listing of peyote as a controlled substance in Schedule I does not apply to the nondrug use of peyote in bona fide religious ceremonies of the American Indian Church, and members of the American Indian Church are exempt from registration. Any person who manufactures peyote for or distributes peyote to the American Indian Church, however, is required to obtain federal registration annually and to comply with all other requirements of law.

(f) Central nervous system depressants. Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation which contains any quantity of the following substances, their analogs, salts, isomers, and salts of isomers whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:

(1) mecloqualone;
(2) methaqualone;
(3) gamma-hydroxybutyric acid (GHB), including its esters and ethers;
(4) flunitrazepam; and
(5) 2-(2-Methoxyphenyl)-2-(methylamino)cyclohexanone (2-MeO-2-deschloroketamine).

(g) Stimulants. Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation which contains any quantity of the following substances, their analogs, salts, isomers, and salts of isomers whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:

(1) aminorex;
(2) cathinone;
(3) fenethylline;
(4) methcathinone;
(5) methylaminorex;
(6) N,benzylpiperazine (BZP);
(7) 3,4-methylenedioxy-N-methylcathinone (methylone);
(8) methoxymethcathinone (methedrone);
(9) methylenedioxypyrovalerone (MDPV);
(10) methoxymethcathinone (methedrone);
(11) methylendioxyprovalerone (MDPV);
(12) 3-fluoro-N-methylcathinone (3-FMC);
(13) dimethylmethcathinone (DMMC);
(14) 1-(Naphthalen-2-yl)-1-(4-methylphenyl)butan-1-one (naphydromethcathinone);
(B) 1-Pentyl-1H-indol-3-yl-(4-methyl-1-naphthyl)methane (JWH-184).

(A) 1-Pentyl-1H-indol-3-yl-(1-naphthyl)methane (JWH-175);

(II) 1-Pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);

(F) 1-Hexyl-3-(1-naphthoyl)indole (JWH-019);

(E) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);

(D) 1-(1,3-Benzodioxol-5-yl)-2-(dimethylamino)butan-1-one (dibutylone, bk-DMBDB);

(36) 4'-chloro-alpha-pyrrolidinopropiophenone (4-chloro-PPP);

(35) 4-methyl-alpha-ethylaminopentylphenone (4-MEAPP);

(34) 6-(2-Aminopropyl)-2,3-dihydrobenzofuran (6-APDB);

(33) 1-phenyl-2-(1-pyrrolidinyl)-1-heptanone (PV8);

(32) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran (5-APDB);

(31) alpha-pyrrolidinobutiophenone (α-PBP);

(30) 3,4-methylenedioxy-N-ethylcathinone (ethylone);

(29) 4-fluoro-N-methylcathinone (4-FMC);

(28) 4-methyl-alpha-ethylaminopentylphenone (4-MEAPP);

(27) 2-(methylamino)-1-phenylpentan-1-one (pentedrone);

(26) 4-methyl-N-ethylcathinone (4-MEC);

(25) 4-methyl-N-ethylcathinone (4-MEC);

(24) 2-(1-pyrrolidinyl)-6-phenylhexanone (Alpha-PHP);

(23) (RS)-1-(4-methylphenyl)-2-(1-pyrrolidinyl)-1-hexanone (4-Me-PPP or MPHP);

(22) (alpha-pyrrolidinopentylphenone (α-PBP);

(21) (alpha-pyrrolidinopentylphenone (α-PBP);

(20) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran (5-APDB);

(19) 3-(4-fluoro-1-naphthoyl)indole (JWH-307).

(18) naphthoylpyrroles include, but are not limited to, 1 cis or trans tetrahydrocannabinol, 6 cis or trans tetrahydrocannabinol, and 3,4 cis or trans tetrahydrocannabinol;

(17) (37) 1-(1,3-Benzodioxol-5-yl)-2-(dimethylamino)butan-1-one (dibutylone, bk-DMBDB);

(16) (36) 4'-chloro-alpha-pyrrolidinopropiophenone (4-chloro-PPP);

(15) (35) 4-methyl-alpha-ethylaminopentylphenone (4-MEAPP);

(14) (34) 6-(2-Aminopropyl)-2,3-dihydrobenzofuran (6-APDB);

(13) (33) 1-phenyl-2-(1-pyrrolidinyl)-1-heptanone (PV8);

(12) (32) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran (5-APDB);

(11) (31) alpha-pyrrolidinobutiophenone (α-PBP);

(10) (30) 3,4-methylenedioxy-N-ethylcathinone (ethylone);

(9) (29) 4-fluoro-N-methylcathinone (4-FMC);

(8) (28) any other substance, except bupropion or compounds listed under a different schedule, that is structurally derived from 2-amino-2-propan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiphene ring systems, whether or not the compound is further modified in any of the following ways:

(i) by substitution in the ring system to any extent with alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the ring system by one or more other univalent substituents;

(ii) by substitution at the 3-position with an acyclic acyl substituent;

(iii) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups;

(iv) by inclusion of the 2-amino nitrogen atom in a cyclic structure.

(b) Marihuana, tetrahydrocannabinols, and synthetic cannabinoids. Unless specifically excepted or unless listed in another schedule, any natural or synthetic material, compound, mixture, or preparation that contains any quantity of the following substances, their analogs, isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, or salts is possible:

(1) marihuana;

(2) tetrahydrocannabinols naturally contained in a plant of the genus Cannabis, synthetic equivalents of the substances contained in the cannabis plant or in the resinous extractsive of the plant, or synthetic substances with similar chemical structure and pharmacological activity to those substances contained in the plant or resinous extract, including, but not limited to, 1 cis or trans tetrahydrocannabinol, 6 cis or trans tetrahydrocannabinol, and 3,4 cis or trans tetrahydrocannabinol;

(3) synthetic cannabinoids, including the following substances:

(i) Naphthylindoles, which are any compounds containing a 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Examples of naphthylindoles include, but are not limited to:

(A) 1-Pentyl-3-(1-naphthoyl)indole (JWH-018 and AM-678);

(B) 1-Butyl-3-(1-naphthoyl)indole (JWH-073);

(C) 1-Pentyl-3-(4-methoxy-1-naphthoyl)indole (JWH-081);

(D) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);

(E) 1-Propyl-2-methyl-3-(1-naphthoyl)indole (JWH-015);

(F) 1-Hexyl-3-(1-naphthoyl)indole (JWH-019);

(G) 1-Pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);

(H) 1-Pentyl-3-(4-ethyl-1-naphthoyl)indole (JWH-210);

(I) 1-Pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);

(J) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM-2201).

(ii) Naphthylindoles, which are any compounds containing a 1H-indol-3-yl-(1-naphthoyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Examples of naphthylindoles include, but are not limited to:

(A) 1-Pentyl-1H-indol-3-yl-(1-naphthoyl)methane (JWH-175);

(B) 1-Pentyl-1H-indol-3-yl-(4-methyl-1-naphthoyl)methane (JWH-184).
(iv) Naphthylmethylindenes, which are any compounds containing a naphthylidenindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent. Examples of naphthylmethylindenes include, but are not limited to:

E-1-[1-(naphthalen-1-ylmethylene)-1H-inden-3-yl]pentane (JWH-176).

(v) Phenylacylindoles, which are any compounds containing a 3-phenylacylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent. Examples of phenylacylindoles include, but are not limited to:

(A) 1-(2-cyclohexyl(ethyl)-3-(2-methoxyphenacyl)indole (RCS-8);
(B) 1-pentyl-3-(2-methoxyphenacyl)indole (JWH-250);
(C) 1-pentyl-3-(2-methylphenacyl)indole (JWH-251);
(D) 1-pentyl-3-(2-chlorophenacyl)indole (JWH-203).

(vi) Cyclohexylophenols, which are compounds containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted in the cyclohexyl ring to any extent. Examples of cyclohexylophenols include, but are not limited to:

(A) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-5-hydroxycyclohexyl]-phenol (CP 47,497);
(B) 5-(1,1-dimethylectyl)-2-[(1R,3S)-5-hydroxycyclohexyl]-phenol (Cannabicyclohexanol or CP 47,497 C8 homologue);
(C) 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]-phenol (CP 55,940).

(vii) Benzoylindoles, which are any compounds containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. Examples of benzoylindoles include, but are not limited to:

(A) 1-Pentyl-3-(4-methoxybenzo)indole (RCS-4);
(B) 1-(5-fluoropentyl)-3-(2-isodibenzyl)indole (AM-694);
(C) (4-methoxyphenyl)-(2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl)methanone (WIN 48,098 or Pravadoline).

(viii) Others specifically named:

(A) 5-[6a,7,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210);
(B) 5-[6a,7,10a-tetrahydrobenzo[c]chromen-1-ol (Dexanabinol or HU-211);
(C) 2,3-dihydro-6-methyl-3-(4-morpholinylmethyl)pymrrol (1,2,3-de)
(D) 1-(pentylindol-3-yl)-(2,2,3,3-tetramethylcyklopropyl)methanone (UR-144);
(E) 1-(5-fluorophenyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyklopropyl)methanone (XL-11);
(F) 1-pentyl-N-nitrilys(3,3,1,13,7,dec-1-yl)-1H-indazole-3-carboxamide (AKB-48(APINACA));
(G) N-(46S,5S,7S)-adamant-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (S)-methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (5-fluoro-AMB);
(H) 1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid (PB-22);
(I) 8-quinolinyl ester-1-(5-fluoropentyl)-1H-indole-3-carboxylic acid (5-Fluoro PB-22);
(J) N-([1S]-1-(aminocarbonyl)-2-methylpropyl)-1-pentyl-1H-indazole-3-carboxamide (AB-PINACA);
(K) N-([1S]-1-(aminocarboxy)-2-methylpropyl)-1-(4-fluorophenylmethyl)-1H-indazole-3-carboxamide (AB-FUBINACA);
(L) N-([1S]-1-(aminocarboxy)-2-methylpropyl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (AB-CHMINACA);
(M) (S)-methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (5-fluoro-AMB);
(N) 1-(5-fluoropentyl)-1H-indol-3-yl][naphthalen-1-yl methanone (THJ-2201);
(O) 1-(5-fluoropentyl)-1H-benz[d]imidazol-2-yl][naphthalen-1-yl methanone (THJ-2201);
(P) (7-methoxy-1-(2-morpholinomethyl)-N-((1S,2S,4R)-1,3,3-trimethylbicyclo[2.2.1]heptan-2-yl)-1H-indole-3-carboxamide (MN-25 or UR-12);
(Q) (S)-N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)
-1H-indole-3-carboxamide (5-fluoro-ABICA);
(R) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl)
-1H-indole-3-carboxamide;
(S) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl)
-1H-indole-3-carboxamide.
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H.indazole-3-carboxamide (MAB-CHMINACA); and
(Y) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1-
H-indazole-3-carboxamide (APP-CHMINACA).

Sec. 2. Minnesota Statutes 2016, section 152.02, subdivision 12, is amended to read:

Subd. 12. Coordination of controlled substance regulation with federal law and state statute. If any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the state Board of Pharmacy, the state Board of Pharmacy shall similarly control the substance under this chapter, after the expiration of 30 days from publication in the Federal Register of a final order designating a substance as a controlled substance or rescheduling or deleting a substance. Such order shall be filed with the secretary of state. If within that 30-day period, the state Board of Pharmacy objects to inclusion, rescheduling, or deletion, it shall publish the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the state Board of Pharmacy shall publish its decision, which shall be subject to the provisions of chapter 14. If any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the state Board of Pharmacy, the state Board of Pharmacy shall similarly control the substance under this chapter, after the expiration of 30 days from publication in the Federal Register of a final order designating a substance as a controlled substance or rescheduling or deleting a substance. Such order shall be filed with the secretary of state. If within that 30-day period, the state Board of Pharmacy objects to inclusion, rescheduling, or deletion, it shall publish the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the state Board of Pharmacy shall publish its decision, which shall be subject to the provisions of chapter 14.

In exercising the authority granted by this chapter, the state Board of Pharmacy shall be subject to the provisions of chapter 14.

The state Board of Pharmacy shall annually submit a report to the legislature on or before December 1 that specifies what changes the board made to the controlled substance schedules maintained by the board in Minnesota Rules, parts 6800.4210 to 6800.4250, in the preceding 12 months. The report must include specific recommendations for amending the controlled substance schedules maintained by the board in Minnesota Rules, parts 6800.4210 to 6800.4250.

APPEXDDIX

Repealed Minnesota Statutes: H0896-1

169.685 SEAT BELT; PASSENGER RESTRAINT SYSTEM FOR CHILDREN.

Subd. 4. Admissibility into evidence. (a) Except as provided in paragraph (b), proof of the use or failure to use seat belts or a child passenger restraint system as described in subdivision 5, or proof of the installation or failure of installation of seat belts or a child passenger restraint system as described in subdivision 5 shall not be admissible in evidence in any litigation involving personal injuries or property damage resulting from the use or operation of any motor vehicle.

(b) Paragraph (a) does not affect the right of a person to bring an action for damages arising out of an incident that involves a defectively designed, manufactured, installed, or operating seat belt or child passenger restraint system. Paragraph (a) does not prohibit the introduction of evidence pertaining to the use of a seat belt or child passenger restraint system in an action described in this paragraph.

169.685 DISTRICT COURT; REPORTERS’ SALARIES AND EXPENSES.

Subd. 1a. Expenses. A court reporter, in addition to a salary, shall be paid necessary mileage, traveling, and hotel expenses incurred in the discharge of official duties while absent from the home chambers where the judge the reporter serves is assigned. The expenses are to be paid by the state upon presentation of a verified itemized statement approved by the judge.

525.112 COURT REPORTERS FOR HENNEPIN COUNTY COURT.

The county judge or judge of probate of any county now having or which may hereafter have 400,000 inhabitants, or over, may appoint a competent stenographer as court reporter and secretary, who shall be paid a salary of $3,000 per annum; and, in addition to this salary, the court reporter may also be paid such fees for transcripts of evidence made in relation to probate hearings, as the judge of probate shall fix and allow, and appoint two additional clerks who shall be competent stenographers, who shall each be paid a salary of $1,200 per annum.

(T) methyl 2-[(1-cyclohexylmethyl)-1H-indole-3-carboxamido]-3,3-dimethylbutanoate;
(U) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1-
H-indazole-3-carboxamide (MAB-CHMINACA);
(V) N-(1-amino-3,3-dimethyl-1-oxo-2-butanyl)-1-pentyl-1H-indazole-3-carboxamide (ADB-PINACA);
(W) methyl 1-(4-fluorobenzyl)-1H-indazole-3-carboxyl-L-valinate (FUB-AMB);
(X) N-((1S)-2-amino-2-oxo-1-(phenylmethyl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide.
(App-CHMINACA); and
(Y) quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FUB-PB-22); and
(Z) methyl N-(1-(cyclohexylmethyl)-1H-indole-3-carbonyl)valinate (MMB-CHMICA).
(i) A controlled substance analog, to the extent that it is implicitly or explicitly intended for human consumption.
**609.342 CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE.**
Subd. 3. Stay. Except when imprisonment is required under section 609.3455; or Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision 1, clause (g), the court may stay imposition or execution of the sentence if it finds that:
(a) a stay is in the best interest of the complainant or the family unit; and
(b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.
If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:
(1) incarceration in a local jail or workhouse;
(2) a requirement that the offender complete a treatment program; and
(3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program unless approved by the treatment program and the supervising correctional agent.

**609.343 CRIMINAL SEXUAL CONDUCT IN THE SECOND DEGREE.**
Subd. 3. Stay. Except when imprisonment is required under section 609.3455; or Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision 1, clause (g), the court may stay imposition or execution of the sentence if it finds that:
(a) a stay is in the best interest of the complainant or the family unit; and
(b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.
If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:
(1) incarceration in a local jail or workhouse;
(2) a requirement that the offender complete a treatment program; and
(3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program unless approved by the treatment program and the supervising correctional agent.

**609.344 CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE.**
Subd. 3. Stay. Except when imprisonment is required under section 609.3455; or Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision 1, clause (f), the court may stay imposition or execution of the sentence if it finds that:
(a) a stay is in the best interest of the complainant or the family unit; and
(b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.
If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:
(1) incarceration in a local jail or workhouse;
(2) a requirement that the offender complete a treatment program; and
(3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program unless approved by the treatment program and the supervising correctional agent.

**609.345 CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE.**
Subd. 3. Stay. Except when imprisonment is required under section 609.3455; or Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision 1, clause (f), the court may stay imposition or execution of the sentence if it finds that:
(a) a stay is in the best interest of the complainant or the family unit; and
(b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.
If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:
(1) incarceration in a local jail or workhouse;
(2) a requirement that the offender complete a treatment program; and
(3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program unless approved by the treatment program and the supervising correctional agent.

**609.3455 DANGEROUS SEX OFFENDERS; LIFE SENTENCES; CONDITIONAL RELEASE.**
Subd. 6. Mandatory ten-year conditional release term. Notwithstanding the statutory maximum sentence otherwise applicable to the offense and unless a longer conditional release term is required in subdivision 7, when a court commits an offender to the custody of the commissioner of corrections for a violation of section 609.342, 609.343, 609.344, 609.345, or 609.3453, the court shall provide that, after the offender has been released from prison, the commissioner shall place the offender on conditional release for ten years.