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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 2856

- 02/20/2018 Authored by Johnson, B.,
The bill was read for the first time and referred to the Committee on Public Safety and Security Policy and Finance
- 04/19/2018 Adoption of Report: Amended and re-referred to the Committee on Ways and Means
- 04/25/2018 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time
- 05/01/2018 Calendar for the Day, Amended
Read Third Time as Amended
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

1.1 A bill for an act

1.2 relating to public safety; modifying certain provisions relating to courts, public

1.3 safety, corrections, and crime; modifying definition of sexual harassment; increasing

1.4 amount of surcharge credited to training account of Peace Officer Standards and

1.5 Training (POST) Board; providing for a task force and working group; requesting

1.6 reports; providing for penalties; appropriating money for public safety, courts,

1.7 corrections, Guardian Ad Litem Board, Board of Public Defense, and Human

1.8 Services; amending Minnesota Statutes 2016, sections 168B.16; 169.64, subdivision

1.9 4; 169.92, subdivision 4; 169A.24, subdivision 1; 169A.55, subdivision 4; 171.07,

1.10 subdivision 1a; 171.16, subdivisions 2, 3; 171.18, subdivision 1; 171.24, by adding

1.11 a subdivision; 242.192; 243.166, subdivisions 1a, 1b, 2, 4, 4a, 4b, 4c, 5, 6, 7, 7a,

1.12 by adding a subdivision; 257.57, subdivisions 1, 2, by adding a subdivision; 257.75,

1.13 subdivision 4; 299C.091, subdivision 5; 299C.093; 299C.17; 357.021, subdivision

1.14 7; 363A.03, subdivision 43; 388.23, subdivision 1; 518.145, subdivision 2; 549.09,

1.15 subdivision 1; 590.11, subdivisions 1, 2, 5, 7; 609.015, subdivision 1; 609.095;

1.16 609.2112, subdivision 1; 609.2113, subdivisions 1, 2, 3; 609.2114, subdivisions

1.17 1, 2; 609.2231, subdivisions 1, 2, 3a; 609.324, subdivisions 3, 4, by adding a

1.18 subdivision; 609.341, subdivision 10, by adding subdivisions; 609.342, subdivisions

1.19 1, 2; 609.343, subdivisions 1, 2; 609.344, subdivisions 1, 2; 609.345, subdivisions

1.20 1, 2; 609.3451, subdivisions 1, 3; 609.3455, subdivisions 6, 8, by adding

1.21 subdivisions; 609.52, subdivision 3; 609.74; 609.855, subdivision 2; 611.365,

1.22 subdivisions 2, 3; 611.367; 611.368; 617.246, subdivisions 2, 3, 4, 7, by adding a

1.23 subdivision; 617.247, subdivisions 3, 4, 9, by adding a subdivision; 626.8452, by

1.24 adding a subdivision; 626A.08, subdivision 2; 626A.37, subdivision 4; 631.40,

1.25 subdivision 1a; Minnesota Statutes 2017 Supplement, sections 171.30, subdivisions

1.26 1, 2a; 171.306, subdivisions 1, 2; 171.3215, subdivisions 2, 3; 260C.163,

1.27 subdivisions 3, 10; proposing coding for new law in Minnesota Statutes, chapters

1.28 243; 299A; 299C; 611; repealing Minnesota Statutes 2016, sections 401.13;

1.29 609.349.

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

1.31 ARTICLE 1

1.32 APPROPRIATIONS

1.33 Section 1. APPROPRIATIONS.

2.1 The sums shown in the column under "Appropriations" are added to the appropriations
 2.2 in Laws 2017, chapter 95, article 1, to the agencies and for the purposes specified in this
 2.3 article. The appropriations are from the general fund, or another named fund, and are
 2.4 available for the fiscal years indicated for each purpose. The figures "2018" and "2019"
 2.5 used in this article mean that the addition to the appropriation listed under them is available
 2.6 for the fiscal year ending June 30, 2018, or June 30, 2019, respectively. "The first year" is
 2.7 fiscal year 2018. "The second year" is fiscal year 2019. Appropriations for the fiscal year
 2.8 ending June 30, 2018, are effective the day following final enactment.

	<u>APPROPRIATIONS</u>		
	<u>Available for the Year</u>		
	<u>Ending June 30</u>		
		<u>2018</u>	<u>2019</u>

2.13 **Sec. 2. SUPREME COURT**

2.14	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>182,000</u>	<u>\$</u>	<u>0</u>
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2.15 **Subd. 2. Stays of Adjudication Implementation**

2.16 \$182,000 in fiscal year 2018 is for case
 2.17 management system development.

2.18 Any unencumbered balance remaining in the
 2.19 first year does not cancel and is available in
 2.20 the second year.

2.21	Sec. 3. <u>DISTRICT COURTS</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>618,000</u>
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2.22 **Ignition Interlock Implementation.**

2.23 \$618,000 in fiscal year 2019 is for one judge
 2.24 unit and two additional court administrative
 2.25 clerks. The general fund base for this
 2.26 appropriation shall be \$585,000 beginning in
 2.27 fiscal year 2020.

2.28	Sec. 4. <u>GUARDIAN AD LITEM BOARD</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>3,667,000</u>
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2.29 To hire additional guardians ad litem to
 2.30 comply with federal and state mandates and
 2.31 court orders for representing the best interests
 2.32 of children in juvenile and family court
 2.33 proceedings.

3.1 Sec. 5. **BOARD OF PUBLIC DEFENSE** \$ 0 \$ 850,000

3.2 Additional Staff. \$850,000 is for additional
3.3 staffing. The general fund base for this
3.4 appropriation shall be \$2,966,000 beginning
3.5 in fiscal year 2020.

3.6 Sec. 6. **PUBLIC SAFETY**

3.7 Subdivision 1. **Total Appropriation** \$ 0 \$ 253,000

3.8 Appropriations by Fund

3.9		<u>2018</u>	<u>2019</u>
3.10	<u>General</u>	<u>0</u>	<u>118,000</u>
3.11	<u>Driver Services Fund</u>	<u>0</u>	<u>135,000</u>

3.12 Subd. 2. **Vulnerable Adults Working Group**

3.13 \$39,000 in fiscal year 2019 is appropriated
3.14 from the general fund to the commissioner of
3.15 public safety for purposes of the working
3.16 group examining crimes against vulnerable
3.17 adults. This is a onetime appropriation.

3.18 Subd. 3. **Funding for the Task Force on Missing**
3.19 **and Murdered Indigenous Women**

3.20 \$79,000 in fiscal year 2019 is appropriated
3.21 from the general fund to the commissioner of
3.22 public safety to implement Minnesota Statutes,
3.23 section 299A.90, relating to the Task Force
3.24 on Missing and Murdered Indigenous Women.
3.25 The general fund base for this appropriation
3.26 shall be \$70,000 in fiscal year 2020 and \$0 in
3.27 fiscal year 2021.

3.28 Subd. 4. **Ignition Interlock**

3.29 \$135,000 in fiscal year 2019 is appropriated
3.30 from the driver services fund for increased use
3.31 of ignition interlock. The base for this
3.32 appropriation shall be \$125,000 beginning in
3.33 fiscal year 2020.

4.1 **Sec. 7. CORRECTIONS**

4.2 **Subdivision 1. Total Appropriation** **\$** **0** **\$** **1,500,000**

4.3 **Subd. 2. Department of Corrections Intensive**
4.4 **Supervision**

4.5 \$500,000 in fiscal year 2019 is to fund the
4.6 Department of Corrections intensive
4.7 supervised release agents needed to supervise
4.8 offenders placed on intensive probation
4.9 pursuant to Minnesota Statutes, section
4.10 609.3455, subdivision 8a.

4.11 **Subd. 3. Community Corrections Act Intensive**
4.12 **Probation**

4.13 \$1,000,000 in fiscal year 2019 is for county
4.14 probation officer reimbursement, as described
4.15 in Minnesota Statutes, section 401.10, to
4.16 provide supervision to offenders placed on
4.17 intensive probation pursuant to Minnesota
4.18 Statutes, section 609.3455, subdivision 8a.

4.19 The general fund base for this program shall
4.20 be increased by \$915,000 in fiscal year 2020
4.21 and \$2,885,000 in fiscal year 2021 for ongoing
4.22 intensive probation costs.

4.23 **Sec. 8. DEPARTMENT OF HUMAN**
4.24 **SERVICES**

\$ **0** **\$** **12,000**

4.25 **Nonpaternity Action.** \$12,000 in fiscal year
4.26 2019 is appropriated to the commissioner for
4.27 state costs to update a paternity training video.
4.28 This is a onetime appropriation.

4.29 **ARTICLE 2**

4.30 **COURTS**

4.31 Section 1. Minnesota Statutes 2016, section 257.57, subdivision 1, is amended to read:

5.1 Subdivision 1. **Actions under section 257.55, subdivision 1, paragraph (a), (b), or**
5.2 **(c).** A child, the child's biological mother, or a man presumed to be the child's father under
5.3 section 257.55, subdivision 1, paragraph (a), (b), or (c) may bring an action:

5.4 (1) at any time for the purpose of declaring the existence of the father and child
5.5 relationship presumed under section 257.55, subdivision 1, paragraph (a), (b), or (c); or

5.6 (2) for the purpose of declaring the nonexistence of the father and child relationship
5.7 presumed under section 257.55, subdivision 1, paragraph (a), (b), or (c), only if the action
5.8 is brought within ~~two~~ three years after the person bringing the action has reason to believe
5.9 that the presumed father is not the father of the child, ~~but in no event later than three years~~
5.10 ~~after the child's birth.~~ However, if the presumed father was divorced from the child's mother
5.11 and if, on or before the 280th day after the judgment and decree of divorce or dissolution
5.12 became final, he did not know that the child was born during the marriage or within 280
5.13 days after the marriage was terminated, the action is not barred until ~~one year after the child~~
5.14 ~~reaches the age of majority or one year~~ three years after the presumed father knows or
5.15 reasonably should have known of the birth of the child, ~~whichever is earlier.~~ After the
5.16 presumption has been rebutted, paternity of the child by another man may be determined
5.17 in the same action, if he has been made a party.

5.18 Sec. 2. Minnesota Statutes 2016, section 257.57, subdivision 2, is amended to read:

5.19 Subd. 2. **Actions under other paragraphs of section 257.55, subdivision 1.** The child,
5.20 the mother, or personal representative of the child, the public authority chargeable by law
5.21 with the support of the child, the personal representative or a parent of the mother if the
5.22 mother has died or is a minor, a man alleged or alleging himself to be the father, or the
5.23 personal representative or a parent of the alleged father if the alleged father has died or is
5.24 a minor may bring an action:

5.25 (1) at any time for the purpose of declaring the existence of the father and child
5.26 relationship presumed under sections 257.55, subdivision 1, paragraph (d), (e), (g), or (h),
5.27 and 257.62, subdivision 5, paragraph (b), ~~or the nonexistence of the father and child~~
5.28 ~~relationship presumed under section 257.55, subdivision 1, clause (d);~~

5.29 (2) for the purpose of declaring the nonexistence of the father and child relationship
5.30 presumed under section 257.55, subdivision 1, paragraph (d), only if the action is brought
5.31 within three years from when the presumed father began holding the child out as his own;

5.32 (3) for the purpose of declaring the nonexistence of the father and child relationship
5.33 presumed under section 257.55, subdivision 1, paragraph (e) or (g), only if the action is

6.1 brought within ~~six months~~ three years after the person bringing the action ~~obtains the results~~
6.2 ~~of blood or genetic tests that indicate that the presumed father is not the father of the child~~
6.3 has reason to believe that the presumed father is not the biological father;

6.4 ~~(3)~~ (4) for the purpose of declaring the nonexistence of the father and child relationship
6.5 presumed under section 257.62, subdivision 5, paragraph (b), only if the action is brought
6.6 within three years after the party bringing the action, or the party's attorney of record, has
6.7 been provided ~~the blood or genetic test results~~; or

6.8 ~~(4)~~ (5) for the purpose of declaring the nonexistence of the father and child relationship
6.9 presumed under section 257.75, subdivision 9, only if the action is brought by the minor
6.10 signatory within ~~six months~~ three years after the youngest minor signatory reaches the age
6.11 of 18 or three years after the person bringing the action has reason to believe that the father
6.12 is not the biological father of the child, whichever is later. ~~In the case of a recognition of~~
6.13 ~~parentage executed by two minor signatories, the action to declare the nonexistence of the~~
6.14 ~~father and child relationship must be brought within six months after the youngest signatory~~
6.15 ~~reaches the age of 18.~~

6.16 Sec. 3. Minnesota Statutes 2016, section 257.57, is amended by adding a subdivision to
6.17 read:

6.18 Subd. 7. **Nonexistence of father-child relationship.** (a) An action to declare the
6.19 nonexistence of the father-child relationship must be personally served on all parties and
6.20 meet the requirements of either subdivision 1 or 2. An action must be brought by a petition,
6.21 except that a motion may be filed in an underlying action regarding parentage, custody, or
6.22 parenting time.

6.23 (b) An action to declare the nonexistence of the father-child relationship cannot proceed
6.24 if the court finds that in a previous proceeding:

6.25 (1) the father-child relationship was contested and a court order determined the existence
6.26 of the father-child relationship; or

6.27 (2) the father-child relationship was determined based upon a court order as a result of
6.28 a stipulation or joint petition of the parties.

6.29 (c) Nothing in this subdivision precludes a party from relief under section 518.145,
6.30 subdivision 2, clauses (1) to (3), if applicable, or the Minnesota Rules of Civil Procedure.

6.31 (d) In evaluating whether or not to declare the nonexistence of the father-child
6.32 relationship, the court must consider, evaluate, and make written findings on the following
6.33 factors:

7.1 (1) the length of time between the paternity adjudication or presumption of paternity
7.2 and the time that the moving party knew or should have known that the presumed or
7.3 adjudicated father might not be the biological father;

7.4 (2) the length of time during which the presumed or adjudicated father has assumed the
7.5 role of father of the child;

7.6 (3) the facts surrounding the moving party's discovery of the presumed or adjudicated
7.7 father's possible nonpaternity;

7.8 (4) the nature of the relationship between the child and the presumed or adjudicated
7.9 father;

7.10 (5) the current age of the child;

7.11 (6) the harm or benefit that may result to the child if the court ends the father-child
7.12 relationship of the current presumed or adjudicated father;

7.13 (7) the nature of the relationship between the child and any presumed or adjudicated
7.14 father;

7.15 (8) the parties' agreement to the nonexistence of the father-child relationship and
7.16 adjudication of paternity in the same action;

7.17 (9) the extent to which the passage of time reduces the chances of establishing paternity
7.18 of another man and a child support order for that parent;

7.19 (10) the likelihood of adjudication of the biological father if not already joined in this
7.20 action; and

7.21 (11) any additional factors deemed to be relevant by the court.

7.22 (e) The burden of proof shall be on the petitioner to show by clear and convincing
7.23 evidence that, after consideration of the factors in paragraph (d), declaring the nonexistence
7.24 of the father-child relationship is in the child's best interests.

7.25 (f) The court may grant the relief in the petition or motion upon finding that:

7.26 (1) the moving party has met the requirements of this section;

7.27 (2) the genetic testing results were properly conducted in accordance with section 257.62;

7.28 (3) the presumed or adjudicated father has not adopted the child;

7.29 (4) the child was not conceived by artificial insemination that meets the requirements
7.30 under section 257.56 or that the presumed or adjudicated father voluntarily agreed to the
7.31 artificial insemination; and

8.1 (5) the presumed or adjudicated father did not act to prevent the biological father of the
8.2 child from asserting his parental rights with respect to the child.

8.3 (g) Upon granting the relief sought in the petition or motion, the court shall order the
8.4 following:

8.5 (1) the father-child relationship has ended and the presumed or adjudicated father's
8.6 parental rights and responsibilities end upon the granting of the petition;

8.7 (2) the presumed or adjudicated father's name shall be removed from the minor child's
8.8 birth record and a new birth certificate shall be issued upon the payment of any fees;

8.9 (3) the presumed or adjudicated father's obligation to pay ongoing child support shall
8.10 be terminated, effective on the first of the month after the petition or motion was served;

8.11 (4) any unpaid child support due prior to service of the petition or motion remains due
8.12 and owing absent an agreement of all parties including the public authority, or the court
8.13 determines other relief is appropriate under the Rules of Civil Procedure; and

8.14 (5) the presumed or adjudicated father has no right to reimbursement of past child support
8.15 paid to the mother, the public authority, or any other assignee of child support.

8.16 The order must include the provisions of section 257.66 if another party to the action is
8.17 adjudicated as the father of the child.

8.18 Sec. 4. Minnesota Statutes 2016, section 257.75, subdivision 4, is amended to read:

8.19 Subd. 4. **Action to vacate recognition.** (a) An action to vacate a recognition of paternity
8.20 may be brought by the mother, father, husband or former husband who executed a joinder,
8.21 or the child. An action to vacate a recognition of parentage may be brought by the public
8.22 authority. A mother, father, or husband or former husband who executed a joinder must
8.23 bring the action within ~~one year of the execution of the recognition or within six months~~
8.24 ~~after the person bringing the action obtains the results of blood or genetic tests that indicate~~
8.25 ~~that the man who executed the recognition is not the father of the child~~ three years after the
8.26 person bringing the action has reason to believe that the father is not the biological father
8.27 of the child. A child must bring an action to vacate within ~~six months~~ three years after the
8.28 ~~child obtains the result of blood or genetic tests that indicate that~~ has reason to believe the
8.29 ~~man who executed the recognition is not the~~ biological father of the child, or within one
8.30 year of reaching the age of majority, whichever is later. If the court finds a prima facie basis
8.31 for vacating the recognition, the court shall order the child, mother, father, and husband or
8.32 former husband who executed a joinder to submit to ~~blood~~ genetic tests. If the court issues
8.33 an order for the taking of ~~blood~~ genetic tests, the court shall require the party seeking to

9.1 vacate the recognition to make advance payment for the costs of the ~~blood~~ genetic tests,
9.2 unless the parties agree and the court finds that the previous genetic test results exclude the
9.3 man who executed the recognition as the biological father of the child. If the party fails to
9.4 pay for the costs of the ~~blood~~ genetic tests, the court shall dismiss the action to vacate with
9.5 prejudice. The court may also order the party seeking to vacate the recognition to pay the
9.6 other party's reasonable attorney fees, costs, and disbursements. If the results of the ~~blood~~
9.7 genetic tests establish that the man who executed the recognition is not the father, the court
9.8 shall vacate the recognition. Notwithstanding the vacation of the recognition, the court may
9.9 adjudicate the man who executed the recognition under any other applicable paternity
9.10 presumption under section 257.55. If a recognition is vacated, any joinder in the recognition
9.11 under subdivision 1a is also vacated. The court shall terminate the obligation of a party to
9.12 pay ongoing child support based on the recognition. A modification of child support based
9.13 on a recognition may be made retroactive with respect to any period during which the
9.14 moving party has pending a motion to vacate the recognition but only from the date of
9.15 service of notice of the motion on the responding party.

9.16 (b) The burden of proof in an action to vacate the recognition is on the moving party.
9.17 The moving party must request the vacation on the basis of fraud, duress, or material mistake
9.18 of fact. The legal responsibilities in existence at the time of an action to vacate, including
9.19 child support obligations, may not be suspended during the proceeding, except for good
9.20 cause shown.

9.21 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to recognition
9.22 of parentage signed on or after that date.

9.23 Sec. 5. Minnesota Statutes 2017 Supplement, section 260C.163, subdivision 3, is amended
9.24 to read:

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

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

9.32 (c) Except in proceedings where the sole basis for the petition is habitual truancy, if the
9.33 parent, guardian, or custodian desires counsel but is unable to employ it, the court shall
9.34 appoint counsel to represent the parent, guardian, or custodian in any case in which it feels

10.1 that such an appointment is appropriate if the person would be financially unable to obtain
10.2 counsel under the guidelines set forth in section 611.17. Court appointed counsel shall be
10.3 at county expense as outlined in paragraph (h).

10.4 (d) In any proceeding where the subject of a petition for a child in need of protection or
10.5 services is ten years of age or older, the responsible social services agency shall, ~~within 14~~
10.6 ~~days after filing the petition~~ or at the emergency removal hearing under section 260C.178,
10.7 subdivision 1, ~~if the child is present, fully and effectively~~ or no later than the admit-deny
10.8 hearing pursuant to Rule 34 of the Minnesota Rules of Juvenile Protection Procedure,
10.9 inform the child of the child's right to be represented by appointed counsel ~~upon request~~
10.10 and shall notify the court as to whether the child ~~desired~~ does or does not desire counsel.
10.11 The agency is not required to inform the child of the right to be represented by appointed
10.12 counsel if the court has already appointed counsel to represent the child. Information provided
10.13 to the child shall include, at a minimum, the fact that counsel will be provided without
10.14 charge to the child, that the child's communications with counsel are confidential, and that
10.15 the child has the right to participate in all proceedings on a petition, including the opportunity
10.16 to personally attend all hearings. The responsible social services agency shall also, ~~within~~
10.17 ~~14 days of the child's tenth birthday, fully and effectively~~ inform the child of the child's
10.18 right to be represented by counsel no later than the first court hearing after the child's tenth
10.19 birthday, if the child reaches the age of ten years while the child is the subject of a petition
10.20 for a child in need of protection or services or is a child under the guardianship of the
10.21 commissioner.

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

10.27 (f) Counsel for the child shall not also act as the child's guardian ad litem.

10.28 (g) In any proceeding where the subject of a petition for a child in need of protection or
10.29 services is not represented by an attorney, the court shall determine the child's preferences
10.30 regarding the proceedings, including informing the child of the right to appointed counsel
10.31 and asking whether the child desires counsel, if the child is of suitable age to express a
10.32 preference.

10.33 (h) Court-appointed counsel for the parent, guardian, or custodian under this subdivision
10.34 is at county expense. If the county has contracted with counsel meeting qualifications under

11.1 paragraph (i), the court shall appoint the counsel retained by the county, unless a conflict
11.2 of interest exists. If a conflict exists, after consulting with the chief judge of the judicial
11.3 district or the judge's designee, the county shall contract with competent counsel to provide
11.4 the necessary representation. The court may appoint only one counsel at public expense for
11.5 the first court hearing to represent the interests of the parents, guardians, and custodians,
11.6 unless, at any time during the proceedings upon petition of a party, the court determines
11.7 and makes written findings on the record that extraordinary circumstances exist that require
11.8 counsel to be appointed to represent a separate interest of other parents, guardians, or
11.9 custodians subject to the jurisdiction of the juvenile court.

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

11.15 Sec. 6. Minnesota Statutes 2017 Supplement, section 260C.163, subdivision 10, is amended
11.16 to read:

11.17 Subd. 10. **Waiver.** (a) Waiver of any right which a child has under this chapter must be
11.18 an express waiver made voluntarily, intelligently, and in writing by the child after the child
11.19 has been fully and effectively informed of the right to counsel and after consulting with an
11.20 appointed attorney.

11.21 (b) Waiver of a child's right to be represented by counsel provided ~~under the juvenile~~
11.22 ~~court rules~~ in subdivision 3, paragraph (b), must be an express waiver made voluntarily,
11.23 intelligently, and on the record or in writing by the child after the child has been ~~fully and~~
11.24 ~~effectively~~ informed of the right being waived by the responsible social services agency
11.25 ~~and in accordance with subdivision 3, paragraph (d)~~, or after consultation with an appointed
11.26 attorney. In determining whether a child has voluntarily and intelligently waived the right
11.27 to counsel, the court shall look to the totality of the circumstances which includes but is not
11.28 limited to the child's age, maturity, intelligence, education, experience, and ability to
11.29 comprehend, and the presence and competence of the child's parents, guardian, or guardian
11.30 ad litem. The court shall not permit the child's parent, other person legally responsible for
11.31 the child's care, or the child's guardian ad litem to waive the child's right to be represented
11.32 by counsel. If the court accepts the child's waiver, it shall state on the record the findings
11.33 and conclusions that form the basis for its decision to accept the waiver.

12.1 (c) A child may revoke a waiver under this section at any time in any juvenile protection
12.2 proceeding listed in section 260C.001, subdivision 1, paragraph (b).

12.3 Sec. 7. Minnesota Statutes 2016, section 363A.03, subdivision 43, is amended to read:

12.4 Subd. 43. **Sexual harassment.** (a) "Sexual harassment" includes unwelcome sexual
12.5 advances, requests for sexual favors, sexually motivated physical contact or other verbal or
12.6 physical conduct or communication of a sexual nature when:

12.7 (1) submission to that conduct or communication is made a term or condition, either
12.8 explicitly or implicitly, of obtaining employment, public accommodations or public services,
12.9 education, or housing;

12.10 (2) submission to or rejection of that conduct or communication by an individual is used
12.11 as a factor in decisions affecting that individual's employment, public accommodations or
12.12 public services, education, or housing; or

12.13 (3) that conduct or communication has the purpose or effect of substantially interfering
12.14 with an individual's employment, public accommodations or public services, education, or
12.15 housing, or creating an intimidating, hostile, or offensive employment, public
12.16 accommodations, public services, educational, or housing environment.

12.17 (b) An intimidating, hostile, or offensive environment under paragraph (a), clause (3),
12.18 does not require the harassing conduct or communication to be severe or pervasive.

12.19 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to causes
12.20 of action arising on or after that date.

12.21 Sec. 8. Minnesota Statutes 2016, section 518.145, subdivision 2, is amended to read:

12.22 Subd. 2. **Reopening.** On motion and upon terms as are just, the court may relieve a party
12.23 from a judgment and decree, order, or proceeding under this chapter, except for provisions
12.24 dissolving the bonds of marriage, annulling the marriage, or directing that the parties are
12.25 legally separated, and may order a new trial or grant other relief as may be just for the
12.26 following reasons:

12.27 (1) mistake, inadvertence, surprise, or excusable neglect;

12.28 (2) newly discovered evidence which by due diligence could not have been discovered
12.29 in time to move for a new trial under the Rules of Civil Procedure, rule 59.03;

12.30 (3) fraud, whether denominated intrinsic or extrinsic, misrepresentation, or other
12.31 misconduct of an adverse party;

13.1 (4) the judgment and decree or order is void; or

13.2 (5) the judgment has been satisfied, released, or discharged, or a prior judgment and
13.3 decree or order upon which it is based has been reversed or otherwise vacated, or it is no
13.4 longer equitable that the judgment and decree or order should have prospective application.

13.5 The motion must be made within a reasonable time, and for a reason under clause (1),
13.6 (2), or (3), other than a motion to declare the nonexistence of the father-child relationship,
13.7 not more than one year after the judgment and decree, order, or proceeding was entered or
13.8 taken. An action to declare the nonexistence of the father-child relationship must be made
13.9 within a reasonable time under clause (1), (2), or (3), and not more than three years after
13.10 the person bringing the action has reason to believe that the father is not the father of the
13.11 child. A motion under this subdivision does not affect the finality of a judgment and decree
13.12 or order or suspend its operation. This subdivision does not limit the power of a court to
13.13 entertain an independent action to relieve a party from a judgment and decree, order, or
13.14 proceeding or to grant relief to a party not actually personally notified as provided in the
13.15 Rules of Civil Procedure, or to set aside a judgment for fraud upon the court.

13.16 Sec. 9. Minnesota Statutes 2016, section 549.09, subdivision 1, is amended to read:

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

13.22 (b) Except as otherwise provided by contract or allowed by law, preverdict, preaward,
13.23 or prereport interest on pecuniary damages shall be computed as provided in paragraph (c),
13.24 clause (1), regardless of the amount from the time of the commencement of the action or a
13.25 demand for arbitration, or the time of a written notice of claim, whichever occurs first,
13.26 except as provided herein. The action must be commenced within two years of a written
13.27 notice of claim for interest to begin to accrue from the time of the notice of claim. If either
13.28 party serves a written offer of settlement, the other party may serve a written acceptance or
13.29 a written counteroffer within 30 days. After that time, interest on the judgment or award
13.30 shall be calculated by the judge or arbitrator in the following manner. The prevailing party
13.31 shall receive interest on any judgment or award from the time of commencement of the
13.32 action or a demand for arbitration, or the time of a written notice of claim, or as to special
13.33 damages from the time when special damages were incurred, if later, until the time of verdict,
13.34 award, or report only if the amount of its offer is closer to the judgment or award than the

14.1 amount of the opposing party's offer. If the amount of the losing party's offer was closer to
14.2 the judgment or award than the prevailing party's offer, the prevailing party shall receive
14.3 interest only on the amount of the settlement offer or the judgment or award, whichever is
14.4 less, and only from the time of commencement of the action or a demand for arbitration, or
14.5 the time of a written notice of claim, or as to special damages from when the special damages
14.6 were incurred, if later, until the time the settlement offer was made. Subsequent offers and
14.7 counteroffers supersede the legal effect of earlier offers and counteroffers. For the purposes
14.8 of clause (2), the amount of settlement offer must be allocated between past and future
14.9 damages in the same proportion as determined by the trier of fact. Except as otherwise
14.10 provided by contract or allowed by law, preverdict, preaward, or prereport interest shall not
14.11 be awarded on the following:

14.12 (1) judgments, awards, or benefits in workers' compensation cases, but not including
14.13 third-party actions;

14.14 (2) judgments or awards for future damages;

14.15 (3) punitive damages, fines, or other damages that are noncompensatory in nature;

14.16 (4) judgments or awards not in excess of the amount specified in section 491A.01; and

14.17 (5) that portion of any verdict, award, or report which is founded upon interest, or costs,
14.18 disbursements, attorney fees, or other similar items added by the court or arbitrator.

14.19 (c)(1)(i) For interest that accrues before a judgment is final, a judgment or award of
14.20 \$50,000 or less, or a judgment or award for or against the state or a political subdivision of
14.21 the state, regardless of the amount, or a judgment or award in a family court action, regardless
14.22 of the amount, the interest shall be computed as simple interest per annum. The rate of
14.23 interest shall be based on the secondary market yield of one year United States Treasury
14.24 bills, calculated on a bank discount basis as provided in this section.

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

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

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

15.9 (2) For a judgment or award over \$50,000, other than a judgment or award for or against
15.10 the state or a political subdivision of the state or a judgment or award in a family court
15.11 action, the interest rate shall be ten percent per year until paid.

15.12 (3) When a judgment creditor, or the judgment creditor's attorney or agent, has received
15.13 a payment after entry of judgment, whether the payment is made voluntarily by or on behalf
15.14 of the judgment debtor, or is collected by legal process other than execution levy where a
15.15 proper return has been filed with the court administrator, the judgment creditor, or the
15.16 judgment creditor's attorney, before applying to the court administrator for an execution
15.17 shall file with the court administrator an affidavit of partial satisfaction. The affidavit must
15.18 state the dates and amounts of payments made upon the judgment after the most recent
15.19 affidavit of partial satisfaction filed, if any; the part of each payment that is applied to taxable
15.20 disbursements and to accrued interest and to the unpaid principal balance of the judgment;
15.21 and the accrued, but the unpaid interest owing, if any, after application of each payment.

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

15.25 (e) For purposes of this subdivision:

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

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

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

15.32 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to judgments
15.33 and awards entered on or after that date.

16.1 Sec. 10. Minnesota Statutes 2016, section 590.11, subdivision 1, is amended to read:

16.2 Subdivision 1. ~~Definition~~ **Definitions.** (a) For purposes of this section, the following
16.3 terms have the meanings given.

16.4 (b) "Exonerated" means that:

16.5 (1) a court ~~of this state:~~

16.6 (i) ~~vacated or~~ reversed, or set aside a judgment of conviction on grounds consistent with
16.7 innocence and there are no remaining felony charges in effect against the petitioner from
16.8 the same behavioral incident, or if there are remaining felony charges against the petitioner
16.9 from the same behavioral incident, the prosecutor ~~dismissed the~~ dismisses those remaining
16.10 felony charges; or

16.11 (ii) ordered a new trial on grounds consistent with innocence and the prosecutor dismissed
16.12 ~~the charges or the petitioner was found not guilty at the new trial~~ all felony charges against
16.13 the petitioner arising from the same behavioral incident or the petitioner was found not
16.14 guilty of all felony charges arising from the same behavioral incident at the new trial; and

16.15 (2) the time for appeal of the order resulting in exoneration has expired or the order has
16.16 been affirmed and is final; and

16.17 (3) 60 days has passed since the judgment of conviction was reversed or vacated, and
16.18 the prosecutor has not filed any felony charges against the petitioner from the same behavioral
16.19 incident, or if the prosecutor did file felony charges against the petitioner from the same
16.20 behavioral incident, those felony charges were dismissed or the defendant was found not
16.21 guilty of those charges at the new trial.

16.22 (c) "On grounds consistent with innocence" means either:

16.23 (1) exonerated, through a pardon or sentence commutation, based on factual innocence;
16.24 or

16.25 (2) exonerated because the judgment of conviction was vacated or reversed, or a new
16.26 trial was ordered, and there is any evidence of factual innocence whether it was available
16.27 at the time of investigation or trial or is newly discovered evidence.

16.28 **EFFECTIVE DATE.** This section is effective July 1, 2018.

16.29 Sec. 11. Minnesota Statutes 2016, section 590.11, subdivision 2, is amended to read:

16.30 Subd. 2. **Procedure.** A petition for an order declaring eligibility for compensation based
16.31 on exoneration under sections 611.362 to 611.368 must be brought before the district court

17.1 where the original conviction was obtained. The state must be represented by the office of
17.2 the prosecutor that obtained the conviction or the prosecutor's successor. Within 60 days
17.3 after the filing of the petition, the prosecutor must respond to the petition. A petition must
17.4 be brought within two years, but no less than 60 days after the petitioner is exonerated.

17.5 ~~Persons released from custody after being exonerated before July 1, 2014, must commence~~
17.6 ~~an action under this section within two years of July 1, 2014.~~ If, before July 1, 2018, a person
17.7 did not meet both requirements of Minnesota Statutes 2016, section 590.11, subdivision 1,
17.8 paragraph (b), clause (1), item (i), and did not file a petition or the petition was denied, that
17.9 person may commence an action meeting the requirements under section 10, subdivision
17.10 1, paragraph (b), clause (1), item (i), on or after July 1, 2018, and before July 1, 2020.

17.11 **EFFECTIVE DATE.** This section is effective July 1, 2018.

17.12 Sec. 12. Minnesota Statutes 2016, section 590.11, subdivision 5, is amended to read:

17.13 Subd. 5. **Elements.** (a) A claim for compensation arises if a person is eligible for
17.14 compensation under subdivision 3 and:

17.15 (1) the person was convicted of a felony and served any part of the imposed sentence
17.16 ~~in prison;~~

17.17 (2) in cases where the person was convicted of multiple charges arising out of the same
17.18 behavioral incident, the person was exonerated for all of those charges;

17.19 (3) the person did not commit or induce another person to commit perjury or fabricate
17.20 evidence to cause or bring about the conviction; and

17.21 (4) the person was not serving a term of ~~imprisonment~~ incarceration for another crime
17.22 at the same time, ~~provided that~~ except:

17.23 (i) if the person served additional time in prison due to the conviction that is the basis
17.24 of the claim, the person may make a claim for that portion of time served in prison during
17.25 which the person was serving no other sentence; or

17.26 (ii) if the person served additional executed sentences that had been previously stayed,
17.27 and the reason the additional stayed sentences were executed was due to the conviction that
17.28 is the basis for the claim.

17.29 (b) A claimant may make a claim only for that portion of time served in prison during
17.30 which the claimant was serving no other sentence unless the other sentence arose from the
17.31 circumstances described in paragraph (a), clause (4), item (ii).

18.1 (c) A confession or admission later found to be false or a guilty plea to a crime the
18.2 claimant did not commit does not constitute bringing about the claimant's conviction for
18.3 purposes of paragraph (a), clause (3).

18.4 **EFFECTIVE DATE.** This section is effective July 1, 2018.

18.5 Sec. 13. Minnesota Statutes 2016, section 590.11, subdivision 7, is amended to read:

18.6 Subd. 7. **Order.** If, after considering all the files and records admitted and any evidence
18.7 admitted at a hearing held pursuant to subdivision 4, the court determines that the petitioner
18.8 is eligible for compensation, the court shall issue an order containing its findings and, if
18.9 applicable, indicate the portion of the term of ~~imprisonment~~ incarceration for which the
18.10 petitioner is entitled to make a claim. The court shall notify the petitioner of the right to file
18.11 a claim for compensation under sections 611.362 to 611.368 and provide the petitioner with
18.12 a copy of those sections. The petitioner must acknowledge receipt of the notice and a copy
18.13 of those sections in writing or on the record before the court.

18.14 **EFFECTIVE DATE.** This section is effective July 1, 2018.

18.15 Sec. 14. Minnesota Statutes 2016, section 609.015, subdivision 1, is amended to read:

18.16 Subdivision 1. **Common law crimes abolished.** Common law crimes are abolished and
18.17 no act or omission is a crime unless made so by this chapter or by other applicable statute;
18.18 ~~but~~. This does not prevent the use of common law rules in the construction or interpretation
18.19 of the provisions of this chapter or other statute except that a law reducing a sentence does
18.20 not apply to crimes committed prior to the date on which the change takes effect unless the
18.21 statute specifically states otherwise. Crimes committed prior to September 1, 1963, are not
18.22 affected thereby.

18.23 **EFFECTIVE DATE.** This act is effective the day following final enactment.

18.24 Sec. 15. **[611.065] LIMITATIONS ON RECORDING OR BROADCASTING**
18.25 **CRIMINAL PROCEEDINGS.**

18.26 Except as otherwise provided in this section, no person may record or broadcast any
18.27 criminal matter, including a trial, hearing, motion, or argument, absent the express consent
18.28 of the defendant and the victim. This prohibition applies to the use of television, radio,
18.29 audio, photographic, or other recording equipment. This prohibition does not apply to the
18.30 use of electronic, photographic, or other recording equipment approved by the court for
18.31 purposes of making the court record, including closed-circuit interactive television.

19.1 Sec. 16. Minnesota Statutes 2016, section 611.365, subdivision 2, is amended to read:

19.2 Subd. 2. **Reimbursement; monetary damages; attorney fees.** (a) The claimant is
19.3 entitled to reimbursement for all restitution, assessments, fees, court costs, and other sums
19.4 paid by the claimant as required by the judgment and sentence. In addition, the claimant is
19.5 entitled to monetary damages of not less than \$50,000 for each year of ~~imprisonment~~
19.6 incarceration, and not less than \$25,000 for each year served on supervised release or as a
19.7 registered predatory offender, to be prorated for partial years served. In calculating additional
19.8 monetary damages, the panel shall consider:

19.9 (1) economic damages, including reasonable attorney fees, lost wages, reimbursement
19.10 for costs associated with the claimant's criminal defense;

19.11 (2) reimbursement for medical and dental expenses that the claimant already incurred
19.12 and future unpaid expenses expected to be incurred as a result of the claimant's ~~imprisonment~~
19.13 incarceration;

19.14 (3) noneconomic damages for personal physical injuries or sickness and any nonphysical
19.15 injuries or sickness incurred as a result of ~~imprisonment~~ incarceration;

19.16 (4) reimbursement for any tuition and fees paid for each semester successfully completed
19.17 by the claimant in an educational program or for employment skills and development training,
19.18 up to the equivalent value of a four-year degree at a public university, and reasonable
19.19 payment for future unpaid costs for education and training, not to exceed the anticipated
19.20 cost of a four-year degree at a public university;

19.21 (5) reimbursement for paid or unpaid child support payments owed by the claimant that
19.22 became due, and interest on child support arrearages that accrued, during the time served
19.23 in prison provided that there shall be no reimbursement for any child support payments
19.24 already owed before the claimant's incarceration; and

19.25 (6) reimbursement for reasonable costs of paid or unpaid reintegrative expenses for
19.26 immediate services secured by the claimant upon exoneration and release, including housing,
19.27 transportation and subsistence, reintegrative services, and medical and dental health care
19.28 costs.

19.29 (b) The panel shall award the claimant reasonable attorney fees incurred in bringing a
19.30 claim under sections 611.362 to 611.368 and in obtaining an order of eligibility for
19.31 compensation based on exoneration under chapter 590.

19.32 **EFFECTIVE DATE.** This section is effective July 1, 2018.

20.1 Sec. 17. Minnesota Statutes 2016, section 611.365, subdivision 3, is amended to read:

20.2 Subd. 3. **Limits on damages.** There is no limit on the aggregate amount of damages
20.3 that may be awarded under this section. Damages that may be awarded under subdivision
20.4 2, paragraph (a), clauses (1) and (4) to (6), are limited to \$100,000 per year of ~~imprisonment~~
20.5 incarceration and \$50,000 per year served on supervised release or as a registered predatory
20.6 offender.

20.7 **EFFECTIVE DATE.** This section is effective July 1, 2018.

20.8 Sec. 18. Minnesota Statutes 2016, section 611.367, is amended to read:

20.9 **611.367 COMPENSATING EXONERATED PERSONS; APPROPRIATIONS**
20.10 **PROCESS.**

20.11 The compensation panel established in section 611.363 shall forward an award of damages
20.12 under section 611.365 to the commissioner of management and budget. The commissioner
20.13 shall submit the amount of the award to the legislature for consideration as an appropriation
20.14 ~~during the next session of the legislature.~~

20.15 **EFFECTIVE DATE.** This section is effective July 1, 2018.

20.16 Sec. 19. Minnesota Statutes 2016, section 611.368, is amended to read:

20.17 **611.368 SHORT TITLE.**

20.18 Sections 611.362 to 611.368 shall be cited as the "~~Imprisonment~~ Incarceration and
20.19 Exoneration Remedies Act."

20.20 **EFFECTIVE DATE.** This section is effective July 1, 2018.

20.21 Sec. 20. Minnesota Statutes 2016, section 626A.08, subdivision 2, is amended to read:

20.22 Subd. 2. **Application and orders.** (a) Applications made and warrants issued under this
20.23 chapter shall be sealed by the judge. Custody of the applications and orders shall be wherever
20.24 the judge directs. Such applications and orders shall be disclosed only upon a showing of
20.25 good cause before a judge of the district court and shall not be destroyed except on order
20.26 of the issuing or denying judge, and in any event shall be kept for ten years.

20.27 (b) Notwithstanding paragraph (a), the filing, sealing, and reporting requirements for
20.28 applications made and warrants issued under this chapter that involve location information
20.29 of electronic devices, as defined in section 626A.42, are governed by section 626A.42,
20.30 subdivision 4. However, applications and warrants, or portions of applications and warrants,

21.1 that do not involve location information of electronic devices continue to be governed by
21.2 paragraph (a).

21.3 Sec. 21. Minnesota Statutes 2016, section 626A.37, subdivision 4, is amended to read:

21.4 Subd. 4. **Nondisclosure of existence of pen register, trap and trace device, or mobile**
21.5 **tracking device.** (a) An order authorizing or approving the installation and use of a pen
21.6 register, trap and trace device, or a mobile tracking device must direct that:

21.7 (1) the order be sealed until otherwise ordered by the court; and

21.8 (2) the person owning or leasing the line to which the pen register or a trap and trace
21.9 device is attached, or who has been ordered by the court to provide assistance to the applicant,
21.10 not disclose the existence of the pen register, trap and trace device, mobile tracking device,
21.11 or the existence of the investigation to the listed subscriber, or to any other person, unless
21.12 or until otherwise ordered by the court.

21.13 (b) Paragraph (a) does not apply to an order that involves location information of
21.14 electronic devices, as defined in section 626A.42. Instead, the filing, sealing, and reporting
21.15 requirements for those orders are governed by section 626A.42, subdivision 4. However,
21.16 any portion of an order that does not involve location information of electronic devices
21.17 continues to be governed by paragraph (a).

21.18 ARTICLE 3

21.19 PUBLIC SAFETY AND CORRECTIONS

21.20 Section 1. Minnesota Statutes 2016, section 168B.16, is amended to read:

21.21 168B.16 FLASHING LIGHT ON TOW TRUCK.

21.22 (a) A tow truck or towing vehicle must be equipped with flashing or intermittent red
21.23 and amber lights of a type approved by the commissioner of public safety. A tow truck or
21.24 towing vehicle may be equipped with a blue light, subject to the limitations under section
21.25 169.64, subdivision 4, paragraphs (a) and (b). The lights must be placed on the dome of the
21.26 vehicle at the highest practicable point visible from a distance of 500 feet.

21.27 (b) The flashing red light, blue light, or both must be displayed only when the tow truck
21.28 or towing vehicle is stopped and engaged in emergency service on or near the traveled
21.29 portion of a highway. The flashing amber light may be displayed when the tow truck or
21.30 towing vehicle is moving a disabled vehicle.

22.1 Sec. 2. Minnesota Statutes 2016, section 169.64, subdivision 4, is amended to read:

22.2 Subd. 4. **Blue light.** (a) Except as provided in paragraphs (b) to (d), blue lights are
22.3 prohibited on all vehicles except road maintenance equipment ~~and~~₂ snow removal equipment,
22.4 or a tow truck or towing vehicle operated by or under contract to the state or a political
22.5 subdivision thereof.

22.6 (b) Authorized emergency vehicles may display flashing blue lights to the rear of the
22.7 vehicle as a warning signal in combination with other lights permitted or required by this
22.8 chapter. In addition, authorized emergency vehicles may display, mounted on the passenger
22.9 side only, flashing blue lights to the front of the vehicle as a warning signal in combination
22.10 with other lights permitted or required by this chapter.

22.11 (c) A motorcycle may display a blue light of up to one-inch diameter as part of the
22.12 motorcycle's rear brake light.

22.13 (d) A motor vehicle may display a blue light of up to one-inch diameter as part of the
22.14 vehicle's rear brake light if:

22.15 (1) the vehicle is a collector vehicle, as described in section 168.10; or

22.16 (2) the vehicle is eligible to display a collector plate under section 168.10.

22.17 Sec. 3. Minnesota Statutes 2016, section 169.92, subdivision 4, is amended to read:

22.18 Subd. 4. **Suspension of driver's license.** (a) Upon receiving a report from the court, or
22.19 from the driver licensing authority of a state, district, territory, or possession of the United
22.20 States or a province of a foreign country which has an agreement in effect with this state
22.21 pursuant to section 169.91, that a resident of this state or a person licensed as a driver in
22.22 this state did not appear in court in compliance with the terms of a citation, the commissioner
22.23 of public safety shall notify the driver that the driver's license will be suspended unless the
22.24 commissioner receives notice within 30 days that the driver has appeared in the appropriate
22.25 court ~~or, if the offense is a petty misdemeanor for which a guilty plea was entered under~~
22.26 ~~section 609.491, that the person has paid any fine imposed by the court.~~ If the commissioner
22.27 does not receive notice of the appearance in the appropriate court ~~or payment of the fine~~
22.28 within 30 days of the date of the commissioner's notice to the driver, the commissioner may
22.29 suspend the driver's license, subject to the notice requirements of section 171.18, subdivision
22.30 2. Notwithstanding the requirements in this section, the commissioner is prohibited from
22.31 suspending the driver's license of a person based solely on the fact that the person did not
22.32 appear in court in compliance with the terms of a citation for a petty misdemeanor or for a
22.33 violation of section 171.24, subdivision 1.

23.1 (b) The order of suspension shall indicate the reason for the order and shall notify the
23.2 driver that the driver's license shall remain suspended until the driver has furnished evidence,
23.3 satisfactory to the commissioner, of compliance with any order entered by the court.

23.4 (c) Suspension shall be ordered under this subdivision only when the report clearly
23.5 identifies the person arrested; describes the violation, specifying the section of the traffic
23.6 law, ordinance or rule violated; indicates the location and date of the offense; and describes
23.7 the vehicle involved and its registration number.

23.8 Sec. 4. Minnesota Statutes 2016, section 171.16, subdivision 2, is amended to read:

23.9 Subd. 2. **Commissioner shall suspend.** (a) The court may recommend the suspension
23.10 of the driver's license of the person so convicted, and the commissioner shall suspend such
23.11 license as recommended by the court, without a hearing ~~as provided herein.~~

23.12 (b) The commissioner is prohibited from suspending a person's driver's license if the
23.13 person was convicted only under section 171.24, subdivision 1 or 2.

23.14 Sec. 5. Minnesota Statutes 2016, section 171.16, subdivision 3, is amended to read:

23.15 Subd. 3. ~~**Suspension for Failure to pay fine.** When any court reports to~~ The
23.16 commissioner must not suspend a person's driver's license based solely on the fact that a
23.17 person: (1) has been convicted of violating a law of this state or an ordinance of a political
23.18 subdivision which regulates the operation or parking of motor vehicles, (2) has been
23.19 sentenced to the payment of a fine or had a surcharge levied against that person, or sentenced
23.20 to a fine upon which a surcharge was levied, and (3) has refused or failed to comply with
23.21 that sentence or to pay the surcharge, ~~notwithstanding the fact that the court has determined~~
23.22 ~~that the person has the ability to pay the fine or surcharge, the commissioner shall suspend~~
23.23 ~~the driver's license of such person for 30 days for a refusal or failure to pay or until notified~~
23.24 ~~by the court that the fine or surcharge, or both if a fine and surcharge were not paid, has~~
23.25 ~~been paid.~~

23.26 Sec. 6. Minnesota Statutes 2016, section 171.18, subdivision 1, is amended to read:

23.27 Subdivision 1. **Offenses.** (a) The commissioner may suspend the license of a driver
23.28 without preliminary hearing upon a showing by department records or other sufficient
23.29 evidence that the licensee:

23.30 (1) has committed an offense for which mandatory revocation of license is required upon
23.31 conviction;

24.1 (2) has been convicted by a court for violating a provision of chapter 169 or an ordinance
24.2 regulating traffic, other than a conviction for a petty misdemeanor, and department records
24.3 show that the violation contributed in causing an accident resulting in the death or personal
24.4 injury of another, or serious property damage;

24.5 (3) is an habitually reckless or negligent driver of a motor vehicle;

24.6 (4) is an habitual violator of the traffic laws;

24.7 (5) is incompetent to drive a motor vehicle as determined in a judicial proceeding;

24.8 (6) has permitted an unlawful or fraudulent use of the license;

24.9 (7) has committed an offense in another state that, if committed in this state, would be
24.10 grounds for suspension;

24.11 (8) has committed a violation of section 169.444, subdivision 2, paragraph (a), within
24.12 five years of a prior conviction under that section;

24.13 (9) has committed a violation of section 171.22, except that the commissioner may not
24.14 suspend a person's driver's license based solely on the fact that the person possessed a
24.15 fictitious or fraudulently altered Minnesota identification card;

24.16 (10) has failed to appear in court as provided in section 169.92, subdivision 4;

24.17 (11) has failed to report a medical condition that, if reported, would have resulted in
24.18 cancellation of driving privileges;

24.19 (12) has been found to have committed an offense under section 169A.33; or

24.20 (13) has paid or attempted to pay a fee required under this chapter for a license or permit
24.21 by means of a dishonored check issued to the state or a driver's license agent, which must
24.22 be continued until the registrar determines or is informed by the agent that the dishonored
24.23 check has been paid in full.

24.24 However, an action taken by the commissioner under clause (2) or (5) must conform to the
24.25 recommendation of the court when made in connection with the prosecution of the licensee.

24.26 (b) The commissioner ~~may not suspend~~ is prohibited from suspending the driver's license
24.27 of an individual under paragraph (a) who was convicted of a violation of section 171.24,
24.28 subdivision 1, ~~whose license was under suspension at the time solely because of the~~
24.29 ~~individual's failure to appear in court or failure to pay a fine~~ or 2.

25.1 Sec. 7. Minnesota Statutes 2017 Supplement, section 171.3215, subdivision 2, is amended
25.2 to read:

25.3 Subd. 2. **Cancellation for disqualifying and other offenses.** Within ten days of receiving
25.4 notice under section 631.40, subdivision 1a, or otherwise receiving notice for a nonresident
25.5 driver, that a school bus driver has been convicted of, or received a stay of adjudication for,
25.6 a disqualifying offense, the commissioner shall permanently cancel the school bus driver's
25.7 endorsement on the offender's driver's license and in the case of a nonresident, the driver's
25.8 privilege to operate a school bus in Minnesota. A school bus driver whose endorsement or
25.9 privilege to operate a school bus in Minnesota has been permanently canceled may not
25.10 apply for reinstatement. Within ten days of receiving notice under section 631.40, subdivision
25.11 1a, or otherwise receiving notice for a nonresident driver, that a school bus driver has been
25.12 convicted of a violation of section 169A.20, or a similar statute or ordinance from another
25.13 state, and within ten days of revoking a school bus driver's license under section 169A.52
25.14 or 171.177, the commissioner shall cancel the school bus driver's endorsement on the
25.15 offender's driver's license or the nonresident's privilege to operate a school bus in Minnesota
25.16 for five years. After five years, a school bus driver may apply to the commissioner for
25.17 reinstatement. Even after five years, cancellation of a school bus driver's endorsement or a
25.18 nonresident's privilege to operate a school bus in Minnesota for a violation under section
25.19 169A.20, sections 169A.50 to 169A.53, section 171.177, or a similar statute or ordinance
25.20 from another state, shall remain in effect until the driver provides proof of successful
25.21 completion of an alcohol or controlled substance treatment program. For a first offense,
25.22 proof of completion is required only if treatment was ordered as part of a chemical use
25.23 assessment. Within ten days of receiving notice under section 631.40, subdivision 1a, or
25.24 otherwise receiving notice for a nonresident driver, that a school bus driver has been
25.25 convicted of a fourth moving violation in the last three years, the commissioner shall cancel
25.26 the school bus driver's endorsement on the offender's driver's license or the nonresident's
25.27 privilege to operate a school bus in Minnesota until one year has elapsed since the last
25.28 conviction. A school bus driver who has no new convictions after one year may apply for
25.29 reinstatement. Upon canceling the offender's school bus driver's endorsement, the
25.30 commissioner shall immediately notify the licensed offender of the cancellation in writing,
25.31 by depositing in the United States post office a notice addressed to the licensed offender at
25.32 the licensed offender's last known address, with postage prepaid thereon.

26.1 Sec. 8. Minnesota Statutes 2017 Supplement, section 171.3215, subdivision 3, is amended
26.2 to read:

26.3 Subd. 3. **Background check.** Before issuing or renewing a driver's license with a school
26.4 bus driver's endorsement, the commissioner shall conduct an investigation to determine if
26.5 the applicant has been convicted of, or received a stay of adjudication for, committing a
26.6 disqualifying offense, four moving violations in the previous three years, a violation of
26.7 section 169A.20 or a similar statute or ordinance from another state, a gross misdemeanor,
26.8 or if the applicant's driver's license has been revoked under section 169A.52 or 171.177.
26.9 The commissioner shall not issue a new bus driver's endorsement and shall not renew an
26.10 existing bus driver's endorsement if the applicant has been convicted of committing a
26.11 disqualifying offense. The commissioner shall not issue a new bus driver's endorsement
26.12 and shall not renew an existing bus driver's endorsement if, within the previous five years,
26.13 the applicant has been convicted of committing a violation of section 169A.20, or a similar
26.14 statute or ordinance from another state, a gross misdemeanor, or if the applicant's driver's
26.15 license has been revoked under section 169A.52 or 171.177, or if, within the previous three
26.16 years, the applicant has been convicted of four moving violations. An applicant who has
26.17 been convicted of violating section 169A.20, or a similar statute or ordinance from another
26.18 state, or who has had a license revocation under section 169A.52 or 171.177 within the
26.19 previous ten years must show proof of successful completion of an alcohol or controlled
26.20 substance treatment program in order to receive a bus driver's endorsement. For a first
26.21 offense, proof of completion is required only if treatment was ordered as part of a chemical
26.22 use assessment. A school district or contractor that employs a nonresident school bus driver
26.23 must conduct a background check of the employee's driving record and criminal history in
26.24 both Minnesota and the driver's state of residence. Convictions for disqualifying offenses,
26.25 gross misdemeanors, a fourth moving violation within the previous three years, or violations
26.26 of section 169A.20, or a similar statute or ordinance in another state, must be reported to
26.27 the Department of Public Safety.

26.28 Sec. 9. Minnesota Statutes 2016, section 242.192, is amended to read:

26.29 **242.192 CHARGES TO COUNTIES.**

26.30 The commissioner shall charge counties or other appropriate jurisdictions 65 percent of
26.31 the per diem cost of confinement, excluding educational costs and nonbillable service, of
26.32 juveniles at the Minnesota Correctional Facility-Red Wing and of juvenile females committed
26.33 to the commissioner of corrections. This charge applies to juveniles committed to the
26.34 commissioner of corrections and juveniles admitted to the Minnesota Correctional

27.1 Facility-Red Wing under established admissions criteria. This charge applies to both counties
27.2 that participate in the Community Corrections Act and those that do not. The commissioner
27.3 shall determine the per diem cost of confinement based on projected population, pricing
27.4 incentives, and market conditions, ~~and the requirement that expense and revenue balance~~
27.5 ~~out over a period of two years.~~ All money received under this section must be deposited in
27.6 the state treasury and credited to the general fund.

27.7 Sec. 10. **[243.521] ADMINISTRATIVE AND DISCIPLINARY SEGREGATION**
27.8 **REPORT.**

27.9 By January 15, 2019, and by January 15 each year thereafter, the commissioner of
27.10 corrections shall report to the chairs and ranking minority members of the house of
27.11 representatives and senate committees with jurisdiction over public safety and judiciary on
27.12 administrative and disciplinary segregation. This report shall include, but not be limited to,
27.13 data regarding:

27.14 (1) the number of inmates in each institution placed in segregation during the past year;

27.15 (2) the ages of inmates placed in segregation during the past year;

27.16 (3) the number of inmates transferred from segregation to the mental health treatment
27.17 unit;

27.18 (4) the nature of the infractions leading to the use of segregation;

27.19 (5) the lengths of terms served in segregation, including terms served consecutively;

27.20 (6) any incidents of inmates not receiving at least five hours a week out of cell; and

27.21 (7) the number of inmates convicted of assault while confined and the number of this
27.22 group of inmates who receive consecutive sentences, as required under section 609.2232.

27.23 Sec. 11. **[299A.90] TASK FORCE ON MISSING AND MURDERED INDIGENOUS**
27.24 **WOMEN.**

27.25 Subdivision 1. **Creation and duties.** (a) By September 1, 2018, the commissioner, in
27.26 consultation with the Minnesota Indian Affairs Council, shall appoint members to the Task
27.27 Force on Missing and Murdered Indigenous Women to advise the commissioner and report
27.28 to the legislature on recommendations to reduce and end violence against indigenous women
27.29 and girls in Minnesota. The task force shall also serve as a liaison between the commissioner
27.30 and agencies and nongovernmental organizations that provide services to victims, victims'

28.1 families, and victims' communities. The members must receive expense reimbursement as
28.2 specified in section 15.059, subdivision 6.

28.3 (b) The Task Force on Missing and Murdered Indigenous Women must examine and
28.4 report on the following:

28.5 (1) the systemic causes behind violence that indigenous women and girls experience,
28.6 including patterns and underlying factors that explain why higher levels of violence occur
28.7 against indigenous women and girls, including underlying historical, social, economic,
28.8 institutional, and cultural factors which may contribute to the violence;

28.9 (2) appropriate methods for tracking and collecting data on violence against indigenous
28.10 women and girls, including data on missing and murdered indigenous women and girls;

28.11 (3) policies and institutions such as policing, child welfare, coroner practices, and other
28.12 governmental practices that impact violence against indigenous women and girls and the
28.13 investigation and prosecution of crimes of gender violence against indigenous people;

28.14 (4) measures necessary to address and reduce violence against indigenous women and
28.15 girls; and

28.16 (5) measures to help victims, victims' families, and victims' communities to prevent and
28.17 heal from violence that occurs against indigenous women and girls.

28.18 (c) For the purposes of this section, "commissioner" means the commissioner of public
28.19 safety and "nongovernmental organizations" means nonprofit, nongovernmental organizations
28.20 that provide legal, social, or other community services.

28.21 Subd. 2. **Membership.** (a) To the extent practicable, the Task Force on Missing and
28.22 Murdered Indigenous Women shall consist of the following individuals, or their designees,
28.23 who are knowledgeable in crime victims' rights or violence protection:

28.24 (1) two members of the senate, one appointed by the majority leader and one appointed
28.25 by the minority leader;

28.26 (2) two members of the house of representatives, one appointed by the speaker of the
28.27 house and one appointed by the minority leader;

28.28 (3) a representative from the Minnesota Chiefs of Police Association;

28.29 (4) a representative of the Bureau of Criminal Apprehension;

28.30 (5) a representative of the United States Attorney's Office;

- 29.1 (6) a peace officer who works and resides in the seven-county metropolitan area,
29.2 composed of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties;
- 29.3 (7) a peace officer who works and resides in the nonmetropolitan area;
- 29.4 (8) two peace officers who work for and reside on a federally recognized American
29.5 Indian reservation in Minnesota;
- 29.6 (9) a county attorney or representative from the Minnesota County Attorneys Association;
- 29.7 (10) a judge or attorney working in juvenile court;
- 29.8 (11) a representative from an Indian health organization or agency;
- 29.9 (12) a county coroner or a representative from a statewide coroner's association;
- 29.10 (13) a representative of the Department of Health;
- 29.11 (14) four or more representatives for tribal governments, with a focus on individuals
29.12 who work with victims of violence or their families;
- 29.13 (15) two or more representatives from nongovernmental organizations, community
29.14 volunteers, or advocacy organizations, who should include representatives from organizations
29.15 working inside the seven-county metropolitan area, outside the seven-county metropolitan
29.16 area, and on reservations, and may include:
- 29.17 (i) a tribal, statewide, or local organization that provides legal services to indigenous
29.18 women and girls;
- 29.19 (ii) a tribal, statewide, or local organization that provides advocacy or counseling for
29.20 indigenous women and girls who have been victims of violence; and
- 29.21 (iii) a tribal, statewide, or local organization that provides services to indigenous women
29.22 and girls;
- 29.23 (16) a representative from the Minnesota Indian Women's Sexual Assault Coalition;
- 29.24 (17) a representative from Mending the Sacred Hoop;
- 29.25 (18) two indigenous women who are survivors of gender violence; and
- 29.26 (19) a representative from the Minnesota Sheriffs' Association.
- 29.27 (b) Members of the task force serve at the pleasure of the appointing authority or until
29.28 the task force expires. Vacancies shall be filled by the commissioner of public safety
29.29 consistent with the qualifications of the vacating member required by this subdivision.

30.1 Subd. 3. **Officers; meetings.** (a) The task force shall annually elect a chair and vice-chair
30.2 from among its members, and may elect other officers as necessary. The task force shall
30.3 meet at least quarterly, or upon the call of its chair. The task force shall meet sufficiently
30.4 enough to accomplish the tasks identified in this section. Meetings of the task force are
30.5 subject to chapter 13D. The task force shall seek out and enlist the cooperation and assistance
30.6 of nongovernmental organizations, community and advocacy organizations working with
30.7 the American Indian community, and academic researchers and experts, specifically those
30.8 specializing in violence against indigenous women and girls, representing diverse
30.9 communities disproportionately affected by violence against women and girls, or focusing
30.10 on issues related to gender violence and violence against indigenous women and girls.

30.11 (b) The commissioner of public safety shall convene the first meeting of the task force
30.12 no later than October 1, 2018, and shall provide meeting space and administrative assistance
30.13 as necessary for the task force to conduct its work.

30.14 Subd. 4. **Report.** The task force shall annually report to the chairs and ranking members
30.15 of the legislative committees with jurisdiction over public safety, human services, and state
30.16 government on the work of the task force, including but not limited to the issues to be
30.17 examined in subdivision 1, and shall include in the annual report institutional policies and
30.18 practices or proposed institutional policies and practices that are effective in reducing gender
30.19 violence and increasing the safety of indigenous women and girls. The report shall include
30.20 recommendations to reduce and end violence against indigenous women and girls and help
30.21 victims and communities heal from gender violence and violence against indigenous women
30.22 and girls. The first annual report shall be submitted to the legislative committees on February
30.23 15, 2019, and on February 15 each year after.

30.24 Subd. 5. **Expiration.** Notwithstanding section 15.059, the task force expires June 30,
30.25 2020.

30.26 **EFFECTIVE DATE.** This section is effective July 1, 2018.

30.27 Sec. 12. Minnesota Statutes 2016, section 299C.091, subdivision 5, is amended to read:

30.28 Subd. 5. **Removal of data from system.** Notwithstanding section 138.17, the bureau
30.29 shall destroy data entered into the system when three years have elapsed since the data were
30.30 entered into the system, except as otherwise provided in this subdivision. If the bureau has
30.31 information that the individual has been convicted as an adult, or has been adjudicated or
30.32 has a stayed adjudication as a juvenile for an offense that would be a crime if committed
30.33 by an adult, since entry of the data into the system, the data must be maintained until three
30.34 years have elapsed since the last record of a conviction or adjudication or stayed adjudication

31.1 of the individual, except that if the individual is committed to the custody of the commissioner
31.2 of corrections and the commissioner documents activities meeting the criminal gang
31.3 identification criteria that take place while the individual is confined in a state correctional
31.4 facility, the three-year period begins after release from incarceration. Upon request of the
31.5 law enforcement agency that submitted data to the system, the bureau shall destroy the data
31.6 regardless of whether three years have elapsed since the data were entered into the system.

31.7 Sec. 13. Minnesota Statutes 2016, section 299C.17, is amended to read:

31.8 **299C.17 REPORT BY COURT ADMINISTRATOR.**

31.9 The superintendent shall require the court administrator of every court ~~which~~ that (1)
31.10 sentences a defendant for a felony, gross misdemeanor, or targeted misdemeanor, or (2)
31.11 grants a stay of adjudication pursuant to section 609.095, paragraph (b), clause (2), for an
31.12 offense that, if convicted of, would require predatory offender registration under section
31.13 243.166, to electronically transmit within 24 hours of the disposition of the case a report,
31.14 in a form prescribed by the superintendent providing information required by the
31.15 superintendent with regard to the prosecution and disposition of criminal cases. A copy of
31.16 the report shall be kept on file in the office of the court administrator.

31.17 Sec. 14. **299C.77] BACKGROUND CHECKS; ADDITIONAL DISCLOSURE.**

31.18 The superintendent shall disclose to each applicant for a statutorily mandated or
31.19 authorized background check or background study all records of stays of adjudication
31.20 granted to the subject of the background check or background study that the superintendent
31.21 receives pursuant to section 299C.17, clause (2). The data required to be disclosed under
31.22 this section is in addition to other data on the subject of the background check or background
31.23 study that the superintendent is mandated to disclose.

31.24 Sec. 15. Minnesota Statutes 2016, section 357.021, subdivision 7, is amended to read:

31.25 Subd. 7. **Disbursement of surcharges by commissioner of management and budget.**

31.26 (a) Except as provided in paragraphs (b), (c), and (d), the commissioner of management
31.27 and budget shall disburse surcharges received under subdivision 6 and section 97A.065,
31.28 subdivision 2, as follows:

31.29 (1) one percent shall be credited to the peace officer training account in the game and
31.30 fish fund to provide peace officer training for employees of the Department of Natural
31.31 Resources who are licensed under sections 626.84 to 626.863, and who possess peace officer
31.32 authority for the purpose of enforcing game and fish laws;

32.1 (2) ~~39~~ 41 percent shall be credited to the peace officers training account in the special
32.2 revenue fund; and

32.3 (3) ~~60~~ 58 percent shall be credited to the general fund.

32.4 (b) The commissioner of management and budget shall credit \$3 of each surcharge
32.5 received under subdivision 6 and section 97A.065, subdivision 2, to the general fund.

32.6 (c) In addition to any amounts credited under paragraph (a), the commissioner of
32.7 management and budget shall credit \$47 of each surcharge received under subdivision 6
32.8 and section 97A.065, subdivision 2, and the \$12 parking surcharge, to the general fund.

32.9 (d) If the Ramsey County Board of Commissioners authorizes imposition of the additional
32.10 \$1 surcharge provided for in subdivision 6, paragraph (a), the court administrator in the
32.11 Second Judicial District shall transmit the surcharge to the commissioner of management
32.12 and budget. The \$1 special surcharge is deposited in a Ramsey County surcharge account
32.13 in the special revenue fund and amounts in the account are appropriated to the trial courts
32.14 for the administration of the petty misdemeanor diversion program operated by the Second
32.15 Judicial District Ramsey County Violations Bureau.

32.16 **EFFECTIVE DATE.** This section is effective July 1, 2018, and applies to surcharges
32.17 collected on or after July 1, 2018.

32.18 Sec. 16. Minnesota Statutes 2016, section 388.23, subdivision 1, is amended to read:

32.19 Subdivision 1. **Authority.** (a) The county attorney, or any deputy or assistant county
32.20 attorney whom the county attorney authorizes in writing, has the authority to subpoena and
32.21 require the production of any records of:

32.22 (1) telephone companies, cellular phone companies, and paging companies;

32.23 (2) subscribers of private computer networks including but not limited to Internet service
32.24 providers or computer bulletin board systems;

32.25 (3) subscribers of electronic communication services, private computer networks, online
32.26 social media, e-mail domain hosts, Voice over Internet Protocol services, Internet messaging
32.27 systems, and remote computing services as defined in United States Code Title 18, section
32.28 2711 as amended through April 1, 2018;

32.29 (4) electric companies, gas companies, and water utilities;

32.30 (5) chemical suppliers;

32.31 (6) hotels and motels;

33.1 (7) pawn shops;²

33.2 (8) airlines, buses, taxis, and other entities engaged in the business of transporting people;
33.3 ~~and;~~²

33.4 (9) freight companies, warehousing companies, self-service storage facilities, package
33.5 delivery companies, and other entities engaged in the businesses of transport, storage, or
33.6 delivery, ~~and records of;~~²

33.7 (10) the existence of safe deposit box account numbers and customer savings and
33.8 checking account numbers maintained by financial institutions and safe deposit companies;²

33.9 (11) insurance records relating to the monetary payment or settlement of claims;²

33.10 (12) the banking, credit card, and financial records of a subject of an identity theft
33.11 investigation or a vulnerable adult, whether held in the name of the vulnerable adult or a
33.12 third party, including but not limited to safe deposit, loan and account applications and
33.13 agreements, signature cards, statements, checks, transfers, account authorizations, safe
33.14 deposit access records and documentation of fraud;² and

33.15 (13) wage and employment records of an applicant or recipient of public assistance who
33.16 is the subject of a welfare fraud investigation relating to eligibility information for public
33.17 assistance programs.

33.18 (b) Subpoenas may only be issued for records that are relevant to an ongoing legitimate
33.19 law enforcement investigation.

33.20 (c) Administrative subpoenas may only be issued in welfare fraud and identity theft
33.21 cases if there is probable cause to believe a crime has been committed. This provision applies
33.22 only to the records of business entities and does not extend to private individuals or their
33.23 dwellings.

33.24 Sec. 17. Minnesota Statutes 2016, section 609.095, is amended to read:

33.25 **609.095 LIMITS OF SENTENCES.**

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

33.30 (b) Except as provided in: (1) section 152.18 or 609.375;² or (2) upon agreement of the
33.31 parties, a court may not refuse to adjudicate the guilt of a defendant who tenders a guilty

34.1 plea in accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been
34.2 found guilty by a court or jury following a trial.

34.3 A stay of adjudication granted under clause (2) must be reported to the superintendent of
34.4 the Bureau of Criminal Apprehension pursuant to section 299C.17.

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

34.6 Sec. 18. Minnesota Statutes 2016, section 626.8452, is amended by adding a subdivision
34.7 to read:

34.8 Subd. 6. **Prohibition on disarming local law enforcement officers.** Unless expressly
34.9 authorized under another section of law, a mayor, city council, county board, or chief law
34.10 enforcement officer may not disarm a peace officer who is in good standing and not currently
34.11 under investigation or subject to disciplinary action.

34.12 Sec. 19. Minnesota Statutes 2016, section 631.40, subdivision 1a, is amended to read:

34.13 Subd. 1a. **Certified copy of disqualifying offense convictions sent to public safety**
34.14 **and school districts.** When a person is convicted of, or receives a stay of adjudication for,
34.15 committing a disqualifying offense, as defined in section 171.3215, subdivision 1, a gross
34.16 misdemeanor, a fourth moving violation within the previous three years, or a violation of
34.17 section 169A.20, or a similar statute or ordinance from another state, the court shall determine
34.18 whether the offender is a school bus driver as defined in section 171.3215, subdivision 1,
34.19 whether the offender possesses a school bus driver's endorsement on the offender's driver's
34.20 license and in what school districts the offender drives a school bus. If the offender is a
34.21 school bus driver or possesses a school bus driver's endorsement, the court administrator
34.22 shall send a certified copy of the conviction to the Department of Public Safety and to the
34.23 school districts in which the offender drives a school bus within ten days after the conviction.

34.24 Sec. 20. **WORKING GROUP EXAMINING CRIMES AGAINST VULNERABLE**
34.25 **ADULTS.**

34.26 Subdivision 1. **Establishment; membership.** (a) A working group examining crimes
34.27 against vulnerable adults is established.

34.28 (b) The commissioner of public safety shall appoint the following members of the
34.29 working group:

35.1 (1) two attorneys practicing elder law, one who practices primarily in the seven-county
35.2 metropolitan area and one who practices primarily outside the seven-county metropolitan
35.3 area;

35.4 (2) two county attorneys, one from a county in the seven-county metropolitan area and
35.5 one from a county outside the seven-county metropolitan area;

35.6 (3) two city attorneys, one from a city in the seven-county metropolitan area and one
35.7 from a city outside the seven-county metropolitan area;

35.8 (4) one representative from the Office of the Public Defender;

35.9 (5) one representative from the Minnesota Elder Justice Center;

35.10 (6) one representative from the Minnesota Home Care Association;

35.11 (7) one representative from Care Providers of Minnesota;

35.12 (8) one representative from LeadingAge Minnesota;

35.13 (9) one representative from AARP Minnesota;

35.14 (10) one caregiver of a person who has been diagnosed with Alzheimer's disease;

35.15 (11) one peace officer, as defined in Minnesota Statutes, section 626.84; and

35.16 (12) any additional representatives from groups or organizations that the commissioner
35.17 of public safety determines would help the working group perform its duties.

35.18 (c) The following individuals shall also be members of the working group:

35.19 (1) two members of the senate, one appointed by the majority leader and one appointed
35.20 by the minority leader;

35.21 (2) two members of the house of representatives, one appointed by the speaker of the
35.22 house and one appointed by the minority leader;

35.23 (3) the commissioner of public safety or a designee;

35.24 (4) the commissioner of human services or a designee;

35.25 (5) the commissioner of health or a designee;

35.26 (6) the attorney general or a designee;

35.27 (7) a representative of the judicial branch, appointed by the chief justice of the Supreme
35.28 Court;

35.29 (8) the ombudsman for mental health and developmental disabilities;

36.1 (9) one member of the Minnesota Board on Aging, selected by the board; and

36.2 (10) one member of the Minnesota Council on Disability or a designee, selected by the
36.3 council.

36.4 (d) The appointing authorities under this subdivision must complete their appointments
36.5 no later than July 1, 2018.

36.6 Subd. 2. **Duties; recommendations.** The working group shall review existing laws
36.7 establishing crimes against vulnerable adults, review whether these laws appropriately
36.8 identify these crimes and apply appropriate penalties, and recommend any changes necessary
36.9 to better protect vulnerable adults. The working group shall also examine and make
36.10 recommendations regarding whether, in the interest of protecting vulnerable adults from
36.11 maltreatment and crime, adequate laws, rules, procedures, and protections are in place to
36.12 determine whether current or prospective long-term care employees are or have been subject
36.13 to investigation for maltreatment of a vulnerable adult or a crime against a vulnerable adult.

36.14 Subd. 3. **Meetings.** The commissioner of public safety or a designee shall convene the
36.15 first meeting of the working group no later than August 1, 2018. Members of the working
36.16 group shall elect a chair from among the group's members at the first meeting, and the
36.17 commissioner of public safety or a designee shall serve as the working group's chair until
36.18 a chair is elected. Meetings of the working group are open to the public.

36.19 Subd. 4. **Compensation.** Members of the working group shall serve without compensation
36.20 or reimbursement for expenses.

36.21 Subd. 5. **Administrative support.** The commissioner of public safety shall provide
36.22 administrative support for the working group and arrange meeting space.

36.23 Subd. 6. **Report.** By January 15, 2019, the working group must submit a report with
36.24 findings, recommendations, and draft legislation to the chairs and ranking minority members
36.25 of the legislative committees with jurisdiction over health and human services policy and
36.26 criminal justice policy. The report must include a discussion of the benefits, problems, and
36.27 costs associated with any proposed changes to laws.

36.28 Subd. 7. **Expiration.** The working group expires January 16, 2019, or the day after the
36.29 working group submits the report required under subdivision 6, whichever is later.

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

37.1 Sec. 21. **RETROACTIVE DRIVER'S LICENSE REINSTATEMENT.**

37.2 (a) The commissioner of public safety must make an individual's driver's license eligible
37.3 for reinstatement if the license is solely suspended pursuant to:

37.4 (1) Minnesota Statutes 2016, section 171.16, subdivision 2, if the person was convicted
37.5 only under Minnesota Statutes, section 171.24, subdivision 1 or 2;

37.6 (2) Minnesota Statutes 2016, section 171.16, subdivision 3; or

37.7 (3) both clauses (1) and (2).

37.8 (b) By May 1, 2019, the commissioner must provide written notice to an individual
37.9 whose license has been made eligible for reinstatement under paragraph (a), addressed to
37.10 the licensee at the licensee's last known address.

37.11 (c) Before the license is reinstated, an individual whose driver's license is eligible for
37.12 reinstatement under paragraph (a) must pay the reinstatement fee under Minnesota Statutes,
37.13 section 171.20, subdivision 4.

37.14 (d) The following applies for an individual who is eligible for reinstatement under
37.15 paragraph (a), clause (1), (2), or (3), and whose license was suspended, revoked, or canceled
37.16 under any other provision in Minnesota Statutes:

37.17 (1) the suspension, revocation, or cancellation under any other provision in Minnesota
37.18 Statutes remains in effect;

37.19 (2) subject to clause (1), the individual may become eligible for reinstatement under
37.20 paragraph (a), clause (1), (2), or (3); and

37.21 (3) the commissioner is not required to send the notice described in paragraph (b).

37.22 (e) Paragraph (a) applies notwithstanding Minnesota Statutes 2016, sections 169.92,
37.23 subdivision 4; 171.16, subdivision 2 or 3; or any other law to the contrary.

37.24 **EFFECTIVE DATE.** This section is effective April 1, 2019.

37.25 Sec. 22. **REPEALER.**

37.26 Minnesota Statutes 2016, section 401.13, is repealed.

37.27 **ARTICLE 4**

37.28 **GENERAL CRIME**

37.29 Section 1. Minnesota Statutes 2016, section 609.2112, subdivision 1, is amended to read:

38.1 Subdivision 1. **Criminal vehicular homicide.** (a) Except as provided in paragraph (b),
38.2 a person is guilty of criminal vehicular homicide and may be sentenced to imprisonment
38.3 for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the
38.4 person causes the death of a human being not constituting murder or manslaughter as a
38.5 result of operating a motor vehicle:

38.6 (1) in a grossly negligent manner;

38.7 (2) in a negligent manner while under the influence of:

38.8 (i) alcohol;

38.9 (ii) a controlled substance; or

38.10 (iii) any combination of those elements;

38.11 (3) while having an alcohol concentration of 0.08 or more;

38.12 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
38.13 of the time of driving;

38.14 (5) in a negligent manner while knowingly under the influence of a hazardous substance;

38.15 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
38.16 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
38.17 person's body;

38.18 (7) where the driver who causes the collision leaves the scene of the collision in violation
38.19 of section 169.09, subdivision 1 or 6; ~~or~~

38.20 (8) where the driver had actual knowledge that a peace officer had previously issued a
38.21 citation or warning that the motor vehicle was defectively maintained, the driver had actual
38.22 knowledge that remedial action was not taken, the driver had reason to know that the defect
38.23 created a present danger to others, and the death was caused by the defective maintenance;
38.24 or

38.25 (9) in a reckless manner while the driver is in violation of section 169.475.

38.26 (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a),
38.27 clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory
38.28 maximum sentence of imprisonment is 15 years.

38.29 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
38.30 committed on or after that date.

39.1 Sec. 2. Minnesota Statutes 2016, section 609.2113, subdivision 1, is amended to read:

39.2 Subdivision 1. **Great bodily harm.** A person is guilty of criminal vehicular operation
39.3 resulting in great bodily harm and may be sentenced to imprisonment for not more than five
39.4 years or to payment of a fine of not more than \$10,000, or both, if the person causes great
39.5 bodily harm to another not constituting attempted murder or assault as a result of operating
39.6 a motor vehicle:

39.7 (1) in a grossly negligent manner;

39.8 (2) in a negligent manner while under the influence of:

39.9 (i) alcohol;

39.10 (ii) a controlled substance; or

39.11 (iii) any combination of those elements;

39.12 (3) while having an alcohol concentration of 0.08 or more;

39.13 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
39.14 of the time of driving;

39.15 (5) in a negligent manner while knowingly under the influence of a hazardous substance;

39.16 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
39.17 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
39.18 person's body;

39.19 (7) where the driver who causes the accident leaves the scene of the accident in violation
39.20 of section 169.09, subdivision 1 or 6; ~~or~~

39.21 (8) where the driver had actual knowledge that a peace officer had previously issued a
39.22 citation or warning that the motor vehicle was defectively maintained, the driver had actual
39.23 knowledge that remedial action was not taken, the driver had reason to know that the defect
39.24 created a present danger to others, and the injury was caused by the defective maintenance;
39.25 or

39.26 (9) in a reckless manner while the driver is in violation of section 169.475.

39.27 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
39.28 committed on or after that date.

40.1 Sec. 3. Minnesota Statutes 2016, section 609.2113, subdivision 2, is amended to read:

40.2 Subd. 2. **Substantial bodily harm.** A person is guilty of criminal vehicular operation
40.3 resulting in substantial bodily harm and may be sentenced to imprisonment for not more
40.4 than three years or to payment of a fine of not more than \$10,000, or both, if the person
40.5 causes substantial bodily harm to another as a result of operating a motor vehicle:

40.6 (1) in a grossly negligent manner;

40.7 (2) in a negligent manner while under the influence of:

40.8 (i) alcohol;

40.9 (ii) a controlled substance; or

40.10 (iii) any combination of those elements;

40.11 (3) while having an alcohol concentration of 0.08 or more;

40.12 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
40.13 of the time of driving;

40.14 (5) in a negligent manner while knowingly under the influence of a hazardous substance;

40.15 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
40.16 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
40.17 person's body;

40.18 (7) where the driver who causes the accident leaves the scene of the accident in violation
40.19 of section 169.09, subdivision 1 or 6; ~~or~~

40.20 (8) where the driver had actual knowledge that a peace officer had previously issued a
40.21 citation or warning that the motor vehicle was defectively maintained, the driver had actual
40.22 knowledge that remedial action was not taken, the driver had reason to know that the defect
40.23 created a present danger to others, and the injury was caused by the defective maintenance;
40.24 or

40.25 (9) in a reckless manner while the driver is in violation of section 169.475.

40.26 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
40.27 committed on or after that date.

40.28 Sec. 4. Minnesota Statutes 2016, section 609.2113, subdivision 3, is amended to read:

40.29 Subd. 3. **Bodily harm.** A person is guilty of criminal vehicular operation resulting in
40.30 bodily harm and may be sentenced to imprisonment for not more than one year or to payment

41.1 of a fine of not more than \$3,000, or both, if the person causes bodily harm to another as a
41.2 result of operating a motor vehicle:

41.3 (1) in a grossly negligent manner;

41.4 (2) in a negligent manner while under the influence of:

41.5 (i) alcohol;

41.6 (ii) a controlled substance; or

41.7 (iii) any combination of those elements;

41.8 (3) while having an alcohol concentration of 0.08 or more;

41.9 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
41.10 of the time of driving;

41.11 (5) in a negligent manner while knowingly under the influence of a hazardous substance;

41.12 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
41.13 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
41.14 person's body;

41.15 (7) where the driver who causes the accident leaves the scene of the accident in violation
41.16 of section 169.09, subdivision 1 or 6; ~~or~~

41.17 (8) where the driver had actual knowledge that a peace officer had previously issued a
41.18 citation or warning that the motor vehicle was defectively maintained, the driver had actual
41.19 knowledge that remedial action was not taken, the driver had reason to know that the defect
41.20 created a present danger to others, and the injury was caused by the defective maintenance;

41.21 or

41.22 (9) in a reckless manner while the driver is in violation of section 169.475.

41.23 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
41.24 committed on or after that date.

41.25 Sec. 5. Minnesota Statutes 2016, section 609.2114, subdivision 1, is amended to read:

41.26 Subdivision 1. **Death to an unborn child.** (a) Except as provided in paragraph (b), a
41.27 person is guilty of criminal vehicular operation resulting in death to an unborn child and
41.28 may be sentenced to imprisonment for not more than ten years or to payment of a fine of
41.29 not more than \$20,000, or both, if the person causes the death of an unborn child as a result
41.30 of operating a motor vehicle:

- 42.1 (1) in a grossly negligent manner;
- 42.2 (2) in a negligent manner while under the influence of:
- 42.3 (i) alcohol;
- 42.4 (ii) a controlled substance; or
- 42.5 (iii) any combination of those elements;
- 42.6 (3) while having an alcohol concentration of 0.08 or more;
- 42.7 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
- 42.8 of the time of driving;
- 42.9 (5) in a negligent manner while knowingly under the influence of a hazardous substance;
- 42.10 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
- 42.11 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
- 42.12 person's body;
- 42.13 (7) where the driver who causes the accident leaves the scene of the accident in violation
- 42.14 of section 169.09, subdivision 1 or 6; ~~or~~
- 42.15 (8) where the driver had actual knowledge that a peace officer had previously issued a
- 42.16 citation or warning that the motor vehicle was defectively maintained, the driver had actual
- 42.17 knowledge that remedial action was not taken, the driver had reason to know that the defect
- 42.18 created a present danger to others, and the injury was caused by the defective maintenance;₂
- 42.19 or
- 42.20 (9) in a reckless manner while the driver is in violation of section 169.475.
- 42.21 (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a),
- 42.22 clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory
- 42.23 maximum sentence of imprisonment is 15 years.
- 42.24 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
- 42.25 committed on or after that date.

42.26 Sec. 6. Minnesota Statutes 2016, section 609.2114, subdivision 2, is amended to read:

42.27 Subd. 2. **Injury to an unborn child.** A person is guilty of criminal vehicular operation

42.28 resulting in injury to an unborn child and may be sentenced to imprisonment for not more

42.29 than five years or to payment of a fine of not more than \$10,000, or both, if the person

42.30 causes the great bodily harm to an unborn child subsequently born alive as a result of

42.31 operating a motor vehicle:

- 43.1 (1) in a grossly negligent manner;
- 43.2 (2) in a negligent manner while under the influence of:
- 43.3 (i) alcohol;
- 43.4 (ii) a controlled substance; or
- 43.5 (iii) any combination of those elements;
- 43.6 (3) while having an alcohol concentration of 0.08 or more;
- 43.7 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
- 43.8 of the time of driving;
- 43.9 (5) in a negligent manner while knowingly under the influence of a hazardous substance;
- 43.10 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
- 43.11 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
- 43.12 person's body;
- 43.13 (7) where the driver who causes the accident leaves the scene of the accident in violation
- 43.14 of section 169.09, subdivision 1 or 6; ~~or~~
- 43.15 (8) where the driver had actual knowledge that a peace officer had previously issued a
- 43.16 citation or warning that the motor vehicle was defectively maintained, the driver had actual
- 43.17 knowledge that remedial action was not taken, the driver had reason to know that the defect
- 43.18 created a present danger to others, and the injury was caused by the defective maintenance;₂
- 43.19 or
- 43.20 (9) in a reckless manner while the driver is in violation of section 169.475.

43.21 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses

43.22 committed on or after that date.

43.23 Sec. 7. Minnesota Statutes 2016, section 609.2231, subdivision 1, is amended to read:

43.24 Subdivision 1. **Peace officers.** (a) As used in this subdivision, "peace officer" means a

43.25 person who is licensed under section 626.845, subdivision 1, and effecting a lawful arrest

43.26 or executing any other duty imposed by law.

43.27 (b) Whoever physically assaults a peace officer is guilty of a ~~gross misdemeanor~~ felony

43.28 and may be sentenced to imprisonment for not more than two years or to payment of a fine

43.29 of not more than \$4,000, or both.

44.1 (c) Whoever commits either of the following acts against a peace officer is guilty of a
44.2 felony and may be sentenced to imprisonment for not more than three years or to payment
44.3 of a fine of not more than \$6,000, or both: (1) physically assaults the officer if the assault
44.4 inflicts demonstrable bodily harm; or (2) intentionally throws or otherwise transfers bodily
44.5 fluids or feces at or onto the officer.

44.6 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
44.7 committed on or after that date.

44.8 Sec. 8. Minnesota Statutes 2016, section 609.2231, subdivision 2, is amended to read:

44.9 Subd. 2. **Firefighters and emergency medical personnel.** (a) Whoever physically
44.10 assaults any of the following persons and inflicts demonstrable bodily harm is guilty of a
44.11 felony and may be sentenced to imprisonment for not more than two years or to payment
44.12 of a fine of not more than \$4,000, or both gross misdemeanor:

44.13 (1) a member of a municipal or volunteer fire department or emergency medical services
44.14 personnel unit in the performance of the member's duties; or

44.15 (2) a physician, nurse, or other person providing health care services in a hospital
44.16 emergency department.

44.17 (b) Whoever commits either of the following acts against a person identified in paragraph
44.18 (a), clause (1) or (2), is guilty of a felony and may be sentenced to imprisonment for not
44.19 more than three years or to payment of a fine of not more than \$6,000, or both:

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

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

44.22 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
44.23 committed on or after that date.

44.24 Sec. 9. Minnesota Statutes 2016, section 609.2231, subdivision 3a, is amended to read:

44.25 Subd. 3a. **Secure treatment facility personnel.** (a) As used in this subdivision, "secure
44.26 treatment facility" includes facilities listed in sections 253B.02, subdivision 18a, and
44.27 253D.02, subdivision 13.

44.28 (b) Whoever, while committed under chapter 253D, Minnesota Statutes 2012, section
44.29 253B.185, or Minnesota Statutes 1992, section 526.10, commits either of the following acts
44.30 against an employee or other individual who provides care or treatment at a secure treatment
44.31 facility while the person is engaged in the performance of a duty imposed by law, policy,

45.1 or rule is guilty of a felony and may be sentenced to imprisonment for not more than two
45.2 years or to payment of a fine of not more than \$4,000, or both:

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

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

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

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

45.12 (2) intentionally throws or otherwise transfers ~~urine, blood, semen,~~ bodily fluids or feces
45.13 at or onto the person.

45.14 (d) The court shall commit a person convicted of violating paragraph (b) to the custody
45.15 of the commissioner of corrections for not less than one year and one day. The court may
45.16 not, on its own motion or the prosecutor's motion, sentence a person without regard to this
45.17 paragraph. A person convicted and sentenced as required by this paragraph is not eligible
45.18 for probation, parole, discharge, work release, or supervised release, until that person has
45.19 served the full term of imprisonment as provided by law, notwithstanding the provisions of
45.20 sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135.

45.21 (e) Notwithstanding the statutory maximum sentence provided in paragraph (b), when
45.22 a court sentences a person to the custody of the commissioner of corrections for a violation
45.23 of paragraph (b), the court shall provide that after the person has been released from prison,
45.24 the commissioner shall place the person on conditional release for five years. The terms of
45.25 conditional release are governed by sections 244.05 and 609.3455, subdivision 6, 7, or 8;
45.26 and Minnesota Statutes 2004, section 609.109.

45.27 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
45.28 committed on or after that date.

45.29 Sec. 10. Minnesota Statutes 2016, section 609.324, subdivision 3, is amended to read:

45.30 Subd. 3. **General prostitution crimes; penalties for patrons.** (a) Whoever, while acting
45.31 as a patron, intentionally does any of the following is guilty of a misdemeanor:

45.32 (1) engages in prostitution with an individual 18 years of age or older; or

46.1 (2) hires, offers to hire, or agrees to hire an individual 18 years of age or older to engage
46.2 in sexual penetration or sexual contact. Except as otherwise provided in subdivision 4, a
46.3 person who is convicted of violating this paragraph must, at a minimum, be sentenced to
46.4 pay a fine of at least ~~\$500~~ \$750.

46.5 ~~(b) Whoever violates the provisions of this subdivision within two years of a previous~~
46.6 ~~prostitution conviction for violating this section or section 609.322 is guilty of a gross~~
46.7 ~~misdemeanor. Except as otherwise provided in subdivision 4, a person who is convicted of~~
46.8 ~~violating this paragraph must, at a minimum, be sentenced as follows:~~

46.9 ~~(1) to pay a fine of at least \$1,500; and~~

46.10 ~~(2) to serve 20 hours of community work service.~~

46.11 ~~The court may waive the mandatory community work service if it makes specific, written~~
46.12 ~~findings that the community work service is not feasible or appropriate under the~~
46.13 ~~circumstances of the case.~~

46.14 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
46.15 committed on or after that date.

46.16 Sec. 11. Minnesota Statutes 2016, section 609.324, is amended by adding a subdivision
46.17 to read:

46.18 Subd. 3a. **Penalties for patrons; repeat offenders.** Whoever violates the provisions of
46.19 subdivision 2 or 3 within ten years of a previous prostitution conviction for violating this
46.20 section or section 609.322 is guilty of a felony. Except as otherwise provided in subdivision
46.21 4, a person who is convicted of violating this paragraph must, at a minimum, be sentenced
46.22 as follows:

46.23 (1) to pay a fine of at least \$3,000; and

46.24 (2) to serve 100 hours of community work service in addition to any period of
46.25 incarceration in a local jail or workhouse imposed as an intermediate sanction.

46.26 The court may waive the mandatory community work service if it makes specific, written
46.27 findings that the community work service is not feasible or appropriate under the
46.28 circumstances of the case.

46.29 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
46.30 committed on or after that date.

47.1 Sec. 12. Minnesota Statutes 2016, section 609.324, subdivision 4, is amended to read:

47.2 Subd. 4. **Community service in lieu of minimum fine.** The court may order a person
47.3 convicted of violating subdivision 2 ~~or 3~~, or 3a to perform community work service in lieu
47.4 of all or a portion of the minimum fine required under those subdivisions if the court makes
47.5 specific, written findings that the convicted person is indigent or that payment of the fine
47.6 would create undue hardship for the convicted person or that person's immediate family.
47.7 Community work service ordered under this subdivision is in addition to any mandatory
47.8 community work service ordered under subdivision ~~3~~ 3a.

47.9 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
47.10 committed on or after that date.

47.11 Sec. 13. Minnesota Statutes 2016, section 609.52, subdivision 3, is amended to read:

47.12 Subd. 3. **Sentence.** Whoever commits theft may be sentenced as follows:

47.13 (1) to imprisonment for not more than 20 years or to payment of a fine of not more than
47.14 \$100,000, or both, if the property is a firearm, or the value of the property or services stolen
47.15 is more than \$35,000 and the conviction is for a violation of subdivision 2, clause (3), (4),
47.16 (15), or (16), or section 609.2335, subdivision 1, clause (1) or (2), item (i); or

47.17 (2) to imprisonment for not more than ten years or to payment of a fine of not more than
47.18 \$20,000, or both, if the value of the property or services stolen exceeds \$5,000, or if the
47.19 property stolen was an article representing a trade secret, an explosive or incendiary device,
47.20 or a controlled substance listed in Schedule I or II pursuant to section 152.02 with the
47.21 exception of marijuana; or

47.22 (3) to imprisonment for not more than five years or to payment of a fine of not more
47.23 than \$10,000, or both, if any of the following circumstances exist:

47.24 (a) the value of the property or services stolen is more than \$1,000 but not more than
47.25 \$5,000; or

47.26 (b) the property stolen was a controlled substance listed in Schedule III, IV, or V pursuant
47.27 to section 152.02; or

47.28 (c) the value of the property or services stolen is more than \$500 but not more than
47.29 \$1,000 and the person has been convicted within the preceding five years for an offense
47.30 under this section, section 256.98; 268.182; 609.24; 609.245; 609.53; 609.582, subdivision
47.31 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another state, the United
47.32 States, or a foreign jurisdiction, in conformity with any of those sections, and the person

48.1 received a felony or gross misdemeanor sentence for the offense, or a sentence that was
48.2 stayed under section 609.135 if the offense to which a plea was entered would allow
48.3 imposition of a felony or gross misdemeanor sentence; or

48.4 (d) the value of the property or services stolen is not more than \$1,000, and any of the
48.5 following circumstances exist:

48.6 (i) the property is taken from the person of another or from a corpse, or grave or coffin
48.7 containing a corpse; or

48.8 (ii) the property is a record of a court or officer, or a writing, instrument or record kept,
48.9 filed or deposited according to law with or in the keeping of any public officer or office; or

48.10 (iii) the property is taken from a burning, abandoned, or vacant building or upon its
48.11 removal therefrom, or from an area of destruction caused by civil disaster, riot, bombing,
48.12 or the proximity of battle; or

48.13 (iv) the property consists of public funds belonging to the state or to any political
48.14 subdivision or agency thereof; or

48.15 (v) the property stolen is a motor vehicle; or

48.16 (e) the value of the property or services stolen is \$500 or less and the person violates
48.17 this section within five years of the first of 24 prior convictions for an offense under this
48.18 section; section 176.178; 256.98; 268.182; 609.24; 609.245; 609.53; 609.582, subdivision
48.19 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821; or a statute from another state, the United
48.20 States, or a foreign jurisdiction in conformity with any of those sections; or

48.21 (4) to imprisonment for not more than one year or to payment of a fine of not more than
48.22 \$3,000, or both, if ~~the value of the property or services stolen is more than \$500 but not~~
48.23 ~~more than \$1,000; or~~ any of the following circumstances exist:

48.24 (a) the value of the property or services stolen is more than \$500 but not more than
48.25 \$1,000; or

48.26 (b) the value of the property or services stolen is \$500 or less and the person violates
48.27 this section within five years of the first of two prior convictions for an offense under this
48.28 section; section 176.178; 256.98; 268.182; 609.24; 609.245; 609.53; 609.582, subdivision
48.29 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821; or a statute from another state, the United
48.30 States, or a foreign jurisdiction in conformity with any of those sections; or

48.31 (5) in all other cases where the value of the property or services stolen is \$500 or less,
48.32 to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000,

49.1 or both, provided, however, in any prosecution under subdivision 2, clauses (1), (2), (3),
49.2 (4), and (13), the value of the money or property or services received by the defendant in
49.3 violation of any one or more of the above provisions within any six-month period may be
49.4 aggregated and the defendant charged accordingly in applying the provisions of this
49.5 subdivision; provided that when two or more offenses are committed by the same person
49.6 in two or more counties, the accused may be prosecuted in any county in which one of the
49.7 offenses was committed for all of the offenses aggregated under this paragraph.

49.8 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
49.9 committed on or after that date.

49.10 Sec. 14. Minnesota Statutes 2016, section 609.74, is amended to read:

49.11 **609.74 PUBLIC NUISANCE.**

49.12 (a) Whoever by an act or failure to perform a legal duty intentionally does any of the
49.13 following is guilty of maintaining a public nuisance, which is a misdemeanor:

49.14 (1) maintains or permits a condition which unreasonably annoys, injures or endangers
49.15 the safety, health, morals, comfort, or repose of any considerable number of members of
49.16 the public; or

49.17 (2) except as provided in paragraph (b), interferes with, obstructs, or renders dangerous
49.18 for passage, any public highway or right-of-way, or waters used by the public; or

49.19 (3) is guilty of any other act or omission declared by law to be a public nuisance and for
49.20 which no sentence is specifically provided.

49.21 (b) It is a gross misdemeanor for a person to interfere with or obstruct traffic that is
49.22 entering, exiting, or on a freeway or entering, exiting, or on a public roadway within the
49.23 boundaries of airport property with the intent to interfere with, obstruct, or otherwise disrupt
49.24 traffic. This paragraph does not apply to the actions of law enforcement or other emergency
49.25 responders, road or airport authorities, or utility officials, or their agents, employees, or
49.26 contractors when carrying out duties imposed by law or contract. For purposes of this
49.27 paragraph: (1) "airport" means an airport that has a control tower and airline service; and
49.28 (2) "freeway" means any section of a divided highway where the only access and egress for
49.29 vehicular traffic is from entrance and exit ramps.

49.30 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
49.31 committed on or after that date.

50.1 Sec. 15. Minnesota Statutes 2016, section 609.855, subdivision 2, is amended to read:

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

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

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

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

50.14 (2) to imprisonment for not more than ~~90 days~~ one year or to payment of a fine of not
50.15 more than ~~\$1,000~~ \$3,000, or both, if the violation was not accompanied by force or violence
50.16 or a communication of a threat of force or violence.

50.17 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
50.18 committed on or after that date.

50.19 ARTICLE 5

50.20 SEX OFFENDERS

50.21 Section 1. Minnesota Statutes 2016, section 609.095, is amended to read:

50.22 **609.095 LIMITS OF SENTENCES.**

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

50.27 (b) Except as provided in section 152.18 or 609.375, or upon agreement of the parties,
50.28 a court may not refuse to adjudicate the guilt of a defendant who tenders a guilty plea in
50.29 accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been found
50.30 guilty by a court or jury following a trial. A decision by the court to issue a stay of
50.31 adjudication under this paragraph for a charge of violating section 243.166, 609.342, 609.343,

51.1 609.344, 609.345, 609.3451, subdivision 3, or 609.3453, must be justified in writing and
51.2 on the record.

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

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

51.7 (1) that includes a charge for violating section 243.166, 609.342, 609.343, 609.344,
51.8 609.345, 609.3451, subdivision 3, or 609.3453; and

51.9 (2) in which a court did not adjudicate the guilt of a defendant who tendered a guilty
51.10 plea in accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been
51.11 found guilty by a court or jury following a trial.

51.12 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
51.13 committed on or after that date.

51.14 Sec. 2. Minnesota Statutes 2016, section 609.341, subdivision 10, is amended to read:

51.15 Subd. 10. **Current or recent position of authority.** "Current or recent position of
51.16 authority" includes but is not limited to any person who is a parent or acting in the place of
51.17 a parent and charged with or assumes any of a parent's rights, duties or responsibilities to
51.18 a child, or a person who is charged with or assumes any duty or responsibility for the health,
51.19 welfare, or supervision of a child, either independently or through another, no matter how
51.20 brief, at the time of or within 120 days immediately preceding the act. For the purposes of
51.21 subdivision 11, "position of authority" includes a psychotherapist. For the purposes of
51.22 sections 609.344, subdivision 1, paragraph (e), clause (2), and 609.345, subdivision 1,
51.23 paragraph (e), clause (2), the term extends to a person having the described authority over
51.24 a student in a secondary school who is at least 16 but less than 21 years of age under the
51.25 circumstances described in those two clauses.

51.26 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
51.27 committed on or after that date.

51.28 Sec. 3. Minnesota Statutes 2016, section 609.341, is amended by adding a subdivision to
51.29 read:

51.30 Subd. 24. **Secondary school.** "Secondary school" means any public or private school
51.31 meeting the standards established by the commissioner of education that enrolls students
51.32 in grades 7 through 12 or that provides special education services to students who have

52.1 completed grade 12 including charter schools, alternative learning centers, schools with
52.2 classes that are held off campus or school grounds, special school districts, universities,
52.3 colleges, vocational or technical colleges, or other postsecondary educational institutions
52.4 that provide educational courses or programs for public or private schools that enroll students
52.5 in grades 7 through 12 or that provide special educational services to students who have
52.6 completed grade 12.

52.7 Sec. 4. Minnesota Statutes 2016, section 609.341, is amended by adding a subdivision to
52.8 read:

52.9 Subd. 25. **Independent contractor.** For purposes of sections 609.344, subdivision 1,
52.10 paragraph (e), and 609.345, subdivision 1, paragraph (e), "independent contractor" means
52.11 any person who contracts with a secondary school or any person employed by a business
52.12 that contracts with a secondary school.

52.13 Sec. 5. Minnesota Statutes 2016, section 609.342, subdivision 1, is amended to read:

52.14 Subdivision 1. **Crime defined.** A person who engages in sexual penetration with another
52.15 person, or in sexual contact with a person under 13 years of age as defined in section 609.341,
52.16 subdivision 11, paragraph (c), is guilty of criminal sexual conduct in the first degree if any
52.17 of the following circumstances exists:

52.18 (a) the complainant is under 13 years of age and the actor is more than 36 months older
52.19 than the complainant. Neither mistake as to the complainant's age nor consent to the act by
52.20 the complainant is a defense;

52.21 (b) the complainant is at least 13 years of age but less than 16 years of age and the actor
52.22 is more than 48 months older than the complainant and in a current or recent position of
52.23 authority over the complainant. Neither mistake as to the complainant's age nor consent to
52.24 the act by the complainant is a defense;

52.25 (c) circumstances existing at the time of the act cause the complainant to have a
52.26 reasonable fear of imminent great bodily harm to the complainant or another;

52.27 (d) the actor is armed with a dangerous weapon or any article used or fashioned in a
52.28 manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses
52.29 or threatens to use the weapon or article to cause the complainant to submit;

52.30 (e) the actor causes personal injury to the complainant, and either of the following
52.31 circumstances exist:

52.32 (i) the actor uses force or coercion to accomplish sexual penetration; or

53.1 (ii) the actor knows or has reason to know that the complainant is mentally impaired,
53.2 mentally incapacitated, or physically helpless;

53.3 (f) the actor is aided or abetted by one or more accomplices within the meaning of section
53.4 609.05, and either of the following circumstances exists:

53.5 (i) an accomplice uses force or coercion to cause the complainant to submit; or

53.6 (ii) an accomplice is armed with a dangerous weapon or any article used or fashioned
53.7 in a manner to lead the complainant reasonably to believe it to be a dangerous weapon and
53.8 uses or threatens to use the weapon or article to cause the complainant to submit;

53.9 (g) the actor has a significant relationship to the complainant and the complainant was
53.10 under 16 years of age at the time of the sexual penetration. Neither mistake as to the
53.11 complainant's age nor consent to the act by the complainant is a defense; or

53.12 (h) the actor has a significant relationship to the complainant, the complainant was under
53.13 16 years of age at the time of the sexual penetration, and:

53.14 (i) the actor or an accomplice used force or coercion to accomplish the penetration;

53.15 (ii) the complainant suffered personal injury; or

53.16 (iii) the sexual abuse involved multiple acts committed over an extended period of time.

53.17 Neither mistake as to the complainant's age nor consent to the act by the complainant is
53.18 a defense.

53.19 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
53.20 committed on or after that date.

53.21 Sec. 6. Minnesota Statutes 2016, section 609.342, subdivision 2, is amended to read:

53.22 Subd. 2. **Penalty.** (a) Except as otherwise provided in section 609.3455; or Minnesota
53.23 Statutes 2004, section 609.109, a person convicted under subdivision 1 may be sentenced
53.24 to imprisonment for not more than 30 years or to a payment of a fine of not more than
53.25 \$40,000, or both.

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

54.1 (c) A person convicted under this section is also subject to conditional release, extended
54.2 probation, and intensive probation under section 609.3455.

54.3 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
54.4 committed on or after that date.

54.5 Sec. 7. Minnesota Statutes 2016, section 609.343, subdivision 1, is amended to read:

54.6 Subdivision 1. **Crime defined.** A person who engages in sexual contact with another
54.7 person is guilty of criminal sexual conduct in the second degree if any of the following
54.8 circumstances exists:

54.9 (a) the complainant is under 13 years of age and the actor is more than 36 months older
54.10 than the complainant. Neither mistake as to the complainant's age nor consent to the act by
54.11 the complainant is a defense. In a prosecution under this clause, the state is not required to
54.12 prove that the sexual contact was coerced;

54.13 (b) the complainant is at least 13 but less than 16 years of age and the actor is more than
54.14 48 months older than the complainant and in a current or recent position of authority over
54.15 the complainant. Neither mistake as to the complainant's age nor consent to the act by the
54.16 complainant is a defense;

54.17 (c) circumstances existing at the time of the act cause the complainant to have a
54.18 reasonable fear of imminent great bodily harm to the complainant or another;

54.19 (d) the actor is armed with a dangerous weapon or any article used or fashioned in a
54.20 manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses
54.21 or threatens to use the dangerous weapon to cause the complainant to submit;

54.22 (e) the actor causes personal injury to the complainant, and either of the following
54.23 circumstances exist:

54.24 (i) the actor uses force or coercion to accomplish the sexual contact; or

54.25 (ii) the actor knows or has reason to know that the complainant is mentally impaired,
54.26 mentally incapacitated, or physically helpless;

54.27 (f) the actor is aided or abetted by one or more accomplices within the meaning of section
54.28 609.05, and either of the following circumstances exists:

54.29 (i) an accomplice uses force or coercion to cause the complainant to submit; or

55.1 (ii) an accomplice is armed with a dangerous weapon or any article used or fashioned
55.2 in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and
55.3 uses or threatens to use the weapon or article to cause the complainant to submit;

55.4 (g) the actor has a significant relationship to the complainant and the complainant was
55.5 under 16 years of age at the time of the sexual contact. Neither mistake as to the complainant's
55.6 age nor consent to the act by the complainant is a defense; or

55.7 (h) the actor has a significant relationship to the complainant, the complainant was under
55.8 16 years of age at the time of the sexual contact, and:

55.9 (i) the actor or an accomplice used force or coercion to accomplish the contact;

55.10 (ii) the complainant suffered personal injury; or

55.11 (iii) the sexual abuse involved multiple acts committed over an extended period of time.

55.12 Neither mistake as to the complainant's age nor consent to the act by the complainant is
55.13 a defense.

55.14 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
55.15 committed on or after that date.

55.16 Sec. 8. Minnesota Statutes 2016, section 609.343, subdivision 2, is amended to read:

55.17 Subd. 2. **Penalty.** (a) Except as otherwise provided in section 609.3455; or Minnesota
55.18 Statutes 2004, section 609.109, a person convicted under subdivision 1 may be sentenced
55.19 to imprisonment for not more than 25 years or to a payment of a fine of not more than
55.20 \$35,000, or both.

55.21 (b) Unless a longer mandatory minimum sentence is otherwise required by law or the
55.22 Sentencing Guidelines provide for a longer presumptive executed sentence, the court shall
55.23 presume that an executed sentence of 90 months must be imposed on an offender convicted
55.24 of violating subdivision 1, clause (c), (d), (e), (f), or (h). Sentencing a person in a manner
55.25 other than that described in this paragraph is a departure from the Sentencing Guidelines.

55.26 (c) A person convicted under this section is also subject to conditional release, extended
55.27 probation, and intensive probation under section 609.3455.

55.28 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
55.29 committed on or after that date.

56.1 Sec. 9. Minnesota Statutes 2016, section 609.344, subdivision 1, is amended to read:

56.2 Subdivision 1. **Crime defined.** A person who engages in sexual penetration with another
56.3 person is guilty of criminal sexual conduct in the third degree if any of the following
56.4 circumstances exists:

56.5 (a) the complainant is under 13 years of age and the actor is no more than 36 months
56.6 older than the complainant. Neither mistake as to the complainant's age nor consent to the
56.7 act by the complainant shall be a defense;

56.8 (b) the complainant is at least 13 but less than 16 years of age and the actor is more than
56.9 24 months older than the complainant. In any such case if the actor is no more than 120
56.10 months older than the complainant, it shall be an affirmative defense, which must be proved
56.11 by a preponderance of the evidence, that the actor reasonably believes the complainant to
56.12 be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not
56.13 be a defense. Consent by the complainant is not a defense;

56.14 (c) the actor uses force or coercion to accomplish the penetration;

56.15 (d) the actor knows or has reason to know that the complainant is mentally impaired,
56.16 mentally incapacitated, or physically helpless;

56.17 (e) the complainant is:

56.18 (1) at least 16 but less than 18 years of age and the actor is more than 48 months older
56.19 than the complainant and in a current or recent position of authority over the complainant;
56.20 or

56.21 (2) at least 16 but less than 21 years of age and a student in a secondary school who has
56.22 not graduated and received a diploma and the actor is an employee, volunteer, or independent
56.23 contractor of the secondary school and in a current or recent position of authority over the
56.24 complainant.

56.25 Neither mistake as to the complainant's age nor consent to the act by the complainant is a
56.26 defense;

56.27 (f) the actor has a significant relationship to the complainant and the complainant was
56.28 at least 16 but under 18 years of age at the time of the sexual penetration. Neither mistake
56.29 as to the complainant's age nor consent to the act by the complainant is a defense;

56.30 (g) the actor has a significant relationship to the complainant, the complainant was at
56.31 least 16 but under 18 years of age at the time of the sexual penetration, and:

56.32 (i) the actor or an accomplice used force or coercion to accomplish the penetration;

57.1 (ii) the complainant suffered personal injury; or

57.2 (iii) the sexual abuse involved multiple acts committed over an extended period of time.

57.3 Neither mistake as to the complainant's age nor consent to the act by the complainant is
57.4 a defense;

57.5 (h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist
57.6 and the sexual penetration occurred:

57.7 (i) during the psychotherapy session; or

57.8 (ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship
57.9 exists.

57.10 Consent by the complainant is not a defense;

57.11 (i) the actor is a psychotherapist and the complainant is a former patient of the
57.12 psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

57.13 (j) the actor is a psychotherapist and the complainant is a patient or former patient and
57.14 the sexual penetration occurred by means of therapeutic deception. Consent by the
57.15 complainant is not a defense;

57.16 (k) the actor accomplishes the sexual penetration by means of deception or false
57.17 representation that the penetration is for a bona fide medical purpose. Consent by the
57.18 complainant is not a defense;

57.19 (l) the actor is or purports to be a member of the clergy, the complainant is not married
57.20 to the actor, and:

57.21 (i) the sexual penetration occurred during the course of a meeting in which the
57.22 complainant sought or received religious or spiritual advice, aid, or comfort from the actor
57.23 in private; or

57.24 (ii) the sexual penetration occurred during a period of time in which the complainant
57.25 was meeting on an ongoing basis with the actor to seek or receive religious or spiritual
57.26 advice, aid, or comfort in private. Consent by the complainant is not a defense;

57.27 (m) the actor is an employee, independent contractor, or volunteer of a state, county,
57.28 city, or privately operated adult or juvenile correctional system, or secure treatment facility,
57.29 or treatment facility providing services to clients civilly committed as mentally ill and
57.30 dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but
57.31 not limited to, jails, prisons, detention centers, or work release facilities, and the complainant

58.1 is a resident of a facility or under supervision of the correctional system. Consent by the
58.2 complainant is not a defense;

58.3 (n) the actor provides or is an agent of an entity that provides special transportation
58.4 service, the complainant used the special transportation service, and the sexual penetration
58.5 occurred during or immediately before or after the actor transported the complainant. Consent
58.6 by the complainant is not a defense; ~~or~~

58.7 (o) the actor performs massage or other bodywork for hire, the complainant was a user
58.8 of one of those services, and nonconsensual sexual penetration occurred during or
58.9 immediately before or after the actor performed or was hired to perform one of those services
58.10 for the complainant; or

58.11 (p) the actor is a peace officer, as defined in section 626.84, subdivision 1, paragraph
58.12 (c), or a part-time peace officer, as defined in section 626.84, subdivision 1, paragraph (d),
58.13 and the officer physically or constructively restrains the complainant or the complainant
58.14 does not reasonably feel free to leave the officer's presence. Consent by the complainant is
58.15 not a defense. This paragraph does not apply to any penetration of the mouth, genitals, or
58.16 anus during a lawful search.

58.17 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
58.18 committed on or after that date.

58.19 Sec. 10. Minnesota Statutes 2016, section 609.344, subdivision 2, is amended to read:

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

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

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

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

58.29 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
58.30 committed on or after that date.

59.1 Sec. 11. Minnesota Statutes 2016, section 609.345, subdivision 1, is amended to read:

59.2 Subdivision 1. **Crime defined.** A person who engages in sexual contact with another
59.3 person is guilty of criminal sexual conduct in the fourth degree if any of the following
59.4 circumstances exists:

59.5 (a) the complainant is under 13 years of age and the actor is no more than 36 months
59.6 older than the complainant. Neither mistake as to the complainant's age or consent to the
59.7 act by the complainant is a defense. In a prosecution under this clause, the state is not
59.8 required to prove that the sexual contact was coerced;

59.9 (b) the complainant is at least 13 but less than 16 years of age and the actor is more than
59.10 48 months older than the complainant or in a current or recent position of authority over
59.11 the complainant. Consent by the complainant to the act is not a defense. In any such case,
59.12 if the actor is no more than 120 months older than the complainant, it shall be an affirmative
59.13 defense which must be proved by a preponderance of the evidence that the actor reasonably
59.14 believes the complainant to be 16 years of age or older. In all other cases, mistake as to the
59.15 complainant's age shall not be a defense;

59.16 (c) the actor uses force or coercion to accomplish the sexual contact;

59.17 (d) the actor knows or has reason to know that the complainant is mentally impaired,
59.18 mentally incapacitated, or physically helpless;

59.19 (e) the complainant is:

59.20 (1) at least 16 but less than 18 years of age and the actor is more than 48 months older
59.21 than the complainant and in a current or recent position of authority over the complainant;
59.22 or

59.23 (2) at least 16 but less than 21 years of age and a student in a secondary school who has
59.24 not graduated and received a diploma and the actor is an employee, volunteer, or independent
59.25 contractor of the secondary school and in a current or recent position of authority over the
59.26 complainant.

59.27 Neither mistake as to the complainant's age nor consent to the act by the complainant is a
59.28 defense;

59.29 (f) the actor has a significant relationship to the complainant and the complainant was
59.30 at least 16 but under 18 years of age at the time of the sexual contact. Neither mistake as to
59.31 the complainant's age nor consent to the act by the complainant is a defense;

60.1 (g) the actor has a significant relationship to the complainant, the complainant was at
60.2 least 16 but under 18 years of age at the time of the sexual contact, and:

60.3 (i) the actor or an accomplice used force or coercion to accomplish the contact;

60.4 (ii) the complainant suffered personal injury; or

60.5 (iii) the sexual abuse involved multiple acts committed over an extended period of time.

60.6 Neither mistake as to the complainant's age nor consent to the act by the complainant is
60.7 a defense;

60.8 (h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist
60.9 and the sexual contact occurred:

60.10 (i) during the psychotherapy session; or

60.11 (ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship
60.12 exists. Consent by the complainant is not a defense;

60.13 (i) the actor is a psychotherapist and the complainant is a former patient of the
60.14 psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

60.15 (j) the actor is a psychotherapist and the complainant is a patient or former patient and
60.16 the sexual contact occurred by means of therapeutic deception. Consent by the complainant
60.17 is not a defense;

60.18 (k) the actor accomplishes the sexual contact by means of deception or false representation
60.19 that the contact is for a bona fide medical purpose. Consent by the complainant is not a
60.20 defense;

60.21 (l) the actor is or purports to be a member of the clergy, the complainant is not married
60.22 to the actor, and:

60.23 (i) the sexual contact occurred during the course of a meeting in which the complainant
60.24 sought or received religious or spiritual advice, aid, or comfort from the actor in private; or

60.25 (ii) the sexual contact occurred during a period of time in which the complainant was
60.26 meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice,
60.27 aid, or comfort in private. Consent by the complainant is not a defense;

60.28 (m) the actor is an employee, independent contractor, or volunteer of a state, county,
60.29 city, or privately operated adult or juvenile correctional system, or secure treatment facility,
60.30 or treatment facility providing services to clients civilly committed as mentally ill and
60.31 dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but

61.1 not limited to, jails, prisons, detention centers, or work release facilities, and the complainant
61.2 is a resident of a facility or under supervision of the correctional system. Consent by the
61.3 complainant is not a defense;

61.4 (n) the actor provides or is an agent of an entity that provides special transportation
61.5 service, the complainant used the special transportation service, the complainant is not
61.6 married to the actor, and the sexual contact occurred during or immediately before or after
61.7 the actor transported the complainant. Consent by the complainant is not a defense; ~~or~~

61.8 (o) the actor performs massage or other bodywork for hire, the complainant was a user
61.9 of one of those services, and nonconsensual sexual contact occurred during or immediately
61.10 before or after the actor performed or was hired to perform one of those services for the
61.11 complainant; or

61.12 (p) the actor is a peace officer, as defined in section 626.84, subdivision 1, paragraph
61.13 (c), or a part-time peace officer, as defined in section 626.84, subdivision 1, paragraph (d),
61.14 and the officer physically or constructively restrains the complainant or the complainant
61.15 does not reasonably feel free to leave the officer's presence. Consent by the complainant is
61.16 not a defense.

61.17 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
61.18 committed on or after that date.

61.19 Sec. 12. Minnesota Statutes 2016, section 609.345, subdivision 2, is amended to read:

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

61.25 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
61.26 committed on or after that date.

61.27 Sec. 13. Minnesota Statutes 2016, section 609.3451, subdivision 1, is amended to read:

61.28 Subdivision 1. **Crime defined.** A person is guilty of criminal sexual conduct in the fifth
61.29 degree:

61.30 (1) if the person engages in nonconsensual sexual contact; or

62.1 (2) the person engages in masturbation or lewd exhibition of the genitals in the presence
62.2 of a minor under the age of 16, knowing or having reason to know the minor is present.

62.3 For purposes of this section, "sexual contact" has the meaning given in section 609.341,
62.4 subdivision 11, paragraph (a), clauses (i), (iv), and (v), ~~but does not include the intentional~~
62.5 ~~touching of the clothing covering the immediate area of the buttocks.~~ Sexual contact also
62.6 includes the intentional removal or attempted removal of clothing covering the complainant's
62.7 intimate parts or undergarments, and the nonconsensual touching by the complainant of the
62.8 actor's intimate parts, effected by the actor, if the action is performed with sexual or
62.9 aggressive intent.

62.10 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
62.11 committed on or after that date.

62.12 Sec. 14. Minnesota Statutes 2016, section 609.3451, subdivision 3, is amended to read:

62.13 Subd. 3. **Felony.** (a) A person is guilty of a felony and may be sentenced to imprisonment
62.14 for not more than seven years or to payment of a fine of not more than \$14,000, or both, if
62.15 the person violates this section within seven years of:

62.16 (1) a previous conviction for violating subdivision 1, clause (2), a crime described in
62.17 paragraph (b), or a statute from another state in conformity with any of these offenses; or

62.18 (2) the first of two or more previous convictions for violating subdivision 1, clause (1),
62.19 or a statute from another state in conformity with this offense.

62.20 (b) A previous conviction for violating section 609.342; 609.343; 609.344; 609.345;
62.21 609.3453; 617.23, subdivision 2, clause (2), or subdivision 3; or 617.247 may be used to
62.22 enhance a criminal penalty as provided in paragraph (a).

62.23 (c) A person convicted under this subdivision is also subject to conditional release,
62.24 extended probation, and intensive probation under section 609.3455.

62.25 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
62.26 committed on or after that date.

62.27 Sec. 15. Minnesota Statutes 2016, section 609.3455, subdivision 6, is amended to read:

62.28 Subd. 6. **Mandatory ~~ten-year~~ 25-year conditional release term.** (a) Notwithstanding
62.29 the statutory maximum sentence otherwise applicable to the offense and unless a longer
62.30 conditional release term is required in subdivision 7, when a court commits an offender to
62.31 the custody of the commissioner of corrections for a violation of section 609.342, 609.343,

63.1 609.344, 609.345, or 609.3453, the court shall provide that, after the offender has been
63.2 released from prison, the commissioner shall place the offender on conditional release for
63.3 ~~ten~~ at least 25 years.

63.4 (b) An offender on conditional release pursuant to paragraph (a) may petition the
63.5 sentencing court for an order terminating the conditional release term. The petition can be
63.6 filed no sooner than ten years after the commissioner places the offender on conditional
63.7 release, the offender has been convicted of a crime, or the commissioner has revoked the
63.8 offender's conditional release, whichever is later. A copy of the petition must be served on
63.9 the prosecuting attorney. The prosecuting attorney must provide notice of a petition to
63.10 terminate conditional release to victims who requested notification under section 611A.06.
63.11 The court must hold a hearing on a petition. Terminating conditional release is an
63.12 extraordinary remedy to be granted only upon clear and convincing evidence that terminating
63.13 the offender's conditional release is consistent with public safety. The court must consider
63.14 the testimony of the offender's victims before ruling on the offender's petition. If the court
63.15 denies an offender's petition to terminate conditional release, the offender may not file a
63.16 new petition for five years from the date of the court's order.

63.17 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
63.18 committed on or after that date.

63.19 Sec. 16. Minnesota Statutes 2016, section 609.3455, is amended by adding a subdivision
63.20 to read:

63.21 Subd. 7a. **Extended probation.** (a) Notwithstanding the statutory maximum sentence
63.22 otherwise applicable to the offense and otherwise provided in section 609.135, subdivision
63.23 2, paragraph (a), when the court does not commit an offender to the commissioner of
63.24 corrections for a felony violation of section 609.342, 609.343, 609.344, 609.345, 609.3451,
63.25 or 609.3453, the court shall, after the offender has been released from any term of
63.26 confinement imposed by the court, place the offender on probation for at least 25 years.

63.27 (b) An offender on extended probation pursuant to paragraph (a) may petition the
63.28 sentencing court for an order terminating the extended probation term. The petition can be
63.29 filed no sooner than ten years after the court places the offender on extended probation, the
63.30 offender has been convicted of a crime, or the court has revoked the offender's extended
63.31 probation, whichever is later. A copy of the petition must be served on the prosecuting
63.32 attorney. The prosecuting attorney must provide notice of a petition to terminate extended
63.33 probation to victims who requested notification under section 611A.06. The court must hold
63.34 a hearing on a petition. Terminating extended probation is an extraordinary remedy to be

64.1 granted only upon clear and convincing evidence that terminating the offender's extended
64.2 probation is consistent with public safety. The court must consider the testimony of the
64.3 offender's victims before ruling on the offender's petition. If the court denies an offender's
64.4 petition to terminate extended probation, the offender may not file a new petition for five
64.5 years from the date of the court's order.

64.6 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
64.7 committed on or after that date.

64.8 Sec. 17. Minnesota Statutes 2016, section 609.3455, subdivision 8, is amended to read:

64.9 Subd. 8. **Terms of conditional release; applicable to all sex offenders.** (a) The
64.10 provisions of this subdivision relating to conditional release apply to all sex offenders
64.11 sentenced to prison for a violation of section 609.342, 609.343, 609.344, 609.345, 609.3451,
64.12 or 609.3453. Except as provided in this subdivision, conditional release of sex offenders is
64.13 governed by provisions relating to supervised release. The commissioner of corrections
64.14 may not dismiss an offender on conditional release from supervision until the offender's
64.15 conditional release term expires.

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

64.28 (c) If the offender fails to meet any condition of release, the commissioner may revoke
64.29 the offender's conditional release and order that the offender serve all or a part of the
64.30 remaining portion of the conditional release term in prison. An offender, while on supervised
64.31 release, is not entitled to credit against the offender's conditional release term for time served
64.32 in confinement for a violation of release.

64.33 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
64.34 committed on or after that date.

65.1 Sec. 18. Minnesota Statutes 2016, section 609.3455, is amended by adding a subdivision
65.2 to read:

65.3 Subd. 8a. **Intensive probation.** (a) When the court does not commit an offender to the
65.4 commissioner of corrections after a conviction for a felony violation of section 609.342,
65.5 609.343, 609.344, 609.345, 609.3451, or 609.3453, the court shall place the offender on
65.6 intensive probation as provided in this subdivision.

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

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

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

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

65.30 (f) During any phase, the offender may be placed on electronic surveillance if the
65.31 probation agent so directs. If electronic surveillance is directed during phase I, the court
65.32 must require that the offender be kept in custody, or that the offender's probation agent or
65.33 the agent's designee directly supervise the offender, until electronic surveillance is activated.
65.34 It is the responsibility of the offender placed on electronic surveillance to ensure that the

66.1 offender's residence is properly equipped and the offender's telecommunications system is
66.2 properly configured to support electronic surveillance prior to being released from custody
66.3 or the direct supervision of a probation agent. It is a violation of an offender's probation to
66.4 fail to comply with this paragraph.

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

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

66.10 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
66.11 committed on or after that date.

66.12 Sec. 19. Minnesota Statutes 2016, section 617.246, subdivision 2, is amended to read:

66.13 Subd. 2. **Use of minor.** It is unlawful for a person to promote, employ, use or permit a
66.14 minor to engage in or assist others to engage minors in posing or modeling alone or with
66.15 others in any sexual performance or pornographic work if the person knows or has reason
66.16 to know that the conduct intended is a sexual performance or a pornographic work.

66.17 Any person who violates this subdivision is guilty of a felony and may be sentenced to
66.18 imprisonment for not more than ~~ten~~ 15 years or to payment of a fine of not more than \$20,000
66.19 for the first offense and \$40,000 for a second or subsequent offense, or both.

66.20 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
66.21 committed on or after that date.

66.22 Sec. 20. Minnesota Statutes 2016, section 617.246, subdivision 3, is amended to read:

66.23 Subd. 3. **Operation or ownership of business.** A person who owns or operates a business
66.24 in which a pornographic work, as defined in this section, is disseminated to an adult or a
66.25 minor or is reproduced, and who knows the content and character of the pornographic work
66.26 disseminated or reproduced, is guilty of a felony and may be sentenced to imprisonment
66.27 for not more than ~~ten~~ 15 years, or to payment of a fine of not more than \$20,000 for the first
66.28 offense and \$40,000 for a second or subsequent offense, or both.

66.29 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
66.30 committed on or after that date.

67.1 Sec. 21. Minnesota Statutes 2016, section 617.246, subdivision 4, is amended to read:

67.2 Subd. 4. **Dissemination.** A person who, knowing or with reason to know its content and
67.3 character, disseminates for profit to an adult or a minor a pornographic work, as defined in
67.4 this section, is guilty of a felony and may be sentenced to imprisonment for not more than
67.5 ~~ten~~ 15 years, or to payment of a fine of not more than \$20,000 for the first offense and
67.6 \$40,000 for a second or subsequent offense, or both.

67.7 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
67.8 committed on or after that date.

67.9 Sec. 22. Minnesota Statutes 2016, section 617.246, subdivision 7, is amended to read:

67.10 Subd. 7. **Conditional release term.** Notwithstanding the statutory maximum sentence
67.11 otherwise applicable to the offense or any provision of the sentencing guidelines, when a
67.12 court commits a person to the custody of the commissioner of corrections for violating this
67.13 section, the court shall provide that after the person has been released from prison, the
67.14 commissioner shall place the person on conditional release for ~~five~~ ten years. If the person
67.15 has previously been convicted of a violation of this section, section 609.342, 609.343,
67.16 609.344, 609.345, 609.3451, 609.3453, or 617.247, or any similar statute of the United
67.17 States, this state, or any state, the commissioner shall place the person on conditional release
67.18 for ~~ten~~ at least 25 years. The terms of conditional release are governed by section 609.3455,
67.19 subdivision 8.

67.20 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
67.21 committed on or after that date.

67.22 Sec. 23. Minnesota Statutes 2016, section 617.246, is amended by adding a subdivision
67.23 to read:

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

67.28 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
67.29 committed on or after that date.

68.1 Sec. 24. Minnesota Statutes 2016, section 617.247, subdivision 3, is amended to read:

68.2 Subd. 3. **Dissemination prohibited.** (a) A person who disseminates pornographic work
68.3 to an adult or a minor, knowing or with reason to know its content and character, is guilty
68.4 of a felony and may be sentenced to imprisonment for not more than ~~seven~~ ten years and a
68.5 fine of not more than \$10,000 for a first offense and for not more than ~~15~~ 20 years and a
68.6 fine of not more than \$20,000 for a second or subsequent offense.

68.7 (b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to
68.8 imprisonment for not more than ~~15~~ 20 years if the violation occurs when the person is a
68.9 registered predatory offender under section 243.166.

68.10 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
68.11 committed on or after that date.

68.12 Sec. 25. Minnesota Statutes 2016, section 617.247, subdivision 4, is amended to read:

68.13 Subd. 4. **Possession prohibited.** (a) A person who possesses a pornographic work or a
68.14 computer disk or computer or other electronic, magnetic, or optical storage system or a
68.15 storage system of any other type, containing a pornographic work, knowing or with reason
68.16 to know its content and character, is guilty of a felony and may be sentenced to imprisonment
68.17 for not more than ~~five~~ seven years and a fine of not more than ~~\$5,000~~ \$7,500 for a first
68.18 offense and for not more than ~~ten~~ 15 years and a fine of not more than ~~\$10,000~~ \$15,000 for
68.19 a second or subsequent offense.

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

68.23 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
68.24 committed on or after that date.

68.25 Sec. 26. Minnesota Statutes 2016, section 617.247, subdivision 9, is amended to read:

68.26 Subd. 9. **Conditional release term.** Notwithstanding the statutory maximum sentence
68.27 otherwise applicable to the offense or any provision of the sentencing guidelines, when a
68.28 court commits a person to the custody of the commissioner of corrections for violating this
68.29 section, the court shall provide that after the person has been released from prison, the
68.30 commissioner shall place the person on conditional release for ~~five~~ ten years. If the person
68.31 has previously been convicted of a violation of this section, section 609.342, 609.343,
68.32 609.344, 609.345, 609.3451, 609.3453, or 617.246, or any similar statute of the United

69.1 States, this state, or any state, the commissioner shall place the person on conditional release
69.2 for ~~ten~~ at least 25 years. The terms of conditional release are governed by section 609.3455,
69.3 subdivision 8.

69.4 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
69.5 committed on or after that date.

69.6 Sec. 27. Minnesota Statutes 2016, section 617.247, is amended by adding a subdivision
69.7 to read:

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

69.12 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
69.13 committed on or after that date.

69.14 Sec. 28. **SENTENCING GUIDELINES MODIFICATION.**

69.15 The Sentencing Guidelines Commission shall modify the sex offender grid by ranking
69.16 violations of Minnesota Statutes, section 617.247, subdivision 3 (dissemination of child
69.17 pornography - subsequent or by predatory offender), in severity level C; violations of
69.18 Minnesota Statutes, sections 617.246 (use of minors in sexual performance), 617.247,
69.19 subdivision 3 (dissemination of child pornography - first time, nonpredatory offender), and
69.20 617.247, subdivision 4 (possession of child pornography - subsequent or by predatory
69.21 offender), in severity level D; and violations of Minnesota Statutes, section 617.247,
69.22 subdivision 4 (possession of child pornography - first time, nonpredatory offender), in
69.23 severity level E.

69.24 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
69.25 committed on or after that date.

69.26 Sec. 29. **REPEALER.**

69.27 Minnesota Statutes 2016, section 609.349, is repealed.

69.28 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
69.29 committed on or after that date.

70.1

ARTICLE 6

70.2

PREDATORY OFFENDERS

70.3 Section 1. Minnesota Statutes 2016, section 171.07, subdivision 1a, is amended to read:

70.4 Subd. 1a. **Filing photograph or image; data classification.** The department shall file,
70.5 or contract to file, all photographs or electronically produced images obtained in the process
70.6 of issuing drivers' licenses or Minnesota identification cards. The photographs or
70.7 electronically produced images shall be private data pursuant to section 13.02, subdivision
70.8 12. Notwithstanding section 13.04, subdivision 3, the department shall not be required to
70.9 provide copies of photographs or electronically produced images to data subjects. The use
70.10 of the files is restricted:

70.11 (1) to the issuance and control of drivers' licenses;

70.12 (2) to criminal justice agencies, as defined in section 299C.46, subdivision 2, for the
70.13 investigation and prosecution of crimes, service of process, enforcement of no contact
70.14 orders, location of missing persons, investigation and preparation of cases for criminal,
70.15 juvenile, and traffic court, location of individuals required to register under section 243.166
70.16 or 243.167, and supervision of offenders;

70.17 (3) to public defenders, as defined in section 611.272, for the investigation and preparation
70.18 of cases for criminal, juvenile, and traffic courts;

70.19 (4) to child support enforcement purposes under section 256.978; and

70.20 (5) to a county medical examiner or coroner as required by section 390.005 as necessary
70.21 to fulfill the duties under sections 390.11 and 390.25.

70.22 Sec. 2. Minnesota Statutes 2016, section 243.166, subdivision 1a, is amended to read:

70.23 Subd. 1a. **Definitions.** (a) As used in this section, unless the context clearly indicates
70.24 otherwise, the following terms have the meanings given them.

70.25 (b) "Bureau" means the Bureau of Criminal Apprehension.

70.26 (c) "Dwelling" means the building where the person lives under a formal or informal
70.27 agreement to do so. However, dwelling does not include a supervised publicly or privately
70.28 operated shelter or facility designed to provide temporary living accommodations for
70.29 homeless individuals as defined in section 116L.361, subdivision 5.

70.30 (d) "Incarceration" and "confinement" do not include electronic home monitoring.

71.1 (e) "Law enforcement authority" or "authority" means, with respect to a home rule charter
71.2 or statutory city, the chief of police, and with respect to an unincorporated area, the county
71.3 sheriff.

71.4 (f) "Motor vehicle" has the meaning given in section 169.011, subdivision 92.

71.5 (g) "Primary address" means the mailing address of the person's dwelling. If the mailing
71.6 address is different from the actual location of the dwelling, primary address also includes
71.7 the physical location of the dwelling described with as much specificity as possible.

71.8 (h) "School" includes any public or private educational institution, including any
71.9 secondary school, trade, or professional institution, or institution of higher education, that
71.10 the person is enrolled in on a full-time or part-time basis.

71.11 (i) "Secondary address" means the mailing address of any place where the person
71.12 regularly or occasionally stays overnight when not staying at the person's primary address.
71.13 If the mailing address is different from the actual location of the place, secondary address
71.14 also includes the physical location of the place described with as much specificity as possible.
71.15 However, the location of a supervised publicly or privately operated shelter or facility
71.16 designated to provide temporary living accommodations for homeless individuals as defined
71.17 in section 116L.361, subdivision 5, does not constitute a secondary address.

71.18 (j) "Social media" means any electronic medium, including an interactive computer
71.19 service, telephone network, or data network that allows users to create, share, and view
71.20 user-generated content.

71.21 (k) "Treatment facility" means a residential facility, as defined in section 244.052,
71.22 subdivision 1, and residential chemical dependency treatment programs and halfway houses
71.23 licensed under chapter 245A, including, but not limited to, those facilities directly or
71.24 indirectly assisted by any department or agency of the United States.

71.25 (l) "Watercraft" has the meaning given in section 86B.005, subdivision 18.

71.26 ~~(k)~~ (m) "Work" includes employment that is full time or part time for a period of time
71.27 exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar
71.28 year, whether financially compensated, volunteered, or for the purpose of government or
71.29 educational benefit.

71.30 Sec. 3. Minnesota Statutes 2016, section 243.166, subdivision 1b, is amended to read:

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

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

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

72.6 (ii) kidnapping under section 609.25;

72.7 (iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451,
72.8 subdivision 3; or 609.3453; or

72.9 (iv) indecent exposure under section 617.23, subdivision 3;

72.10 (2) the person was charged with or petitioned for a violation of, or attempt to violate, or
72.11 aiding, abetting, or conspiring to commit:

72.12 (i) criminal abuse in violation of section 609.2325, subdivision 1, paragraph (b);

72.13 (ii) false imprisonment in violation of section 609.255, subdivision 2;

72.14 (iii) solicitation, inducement, or promotion of the prostitution of a minor or engaging in
72.15 the sex trafficking of a minor in violation of section 609.322;

72.16 (iv) a prostitution offense in violation of section 609.324, subdivision 1, paragraph (a);

72.17 (v) soliciting a minor to engage in sexual conduct in violation of section 609.352,
72.18 subdivision 2 or 2a, clause (1);

72.19 (vi) using a minor in a sexual performance in violation of section 617.246; ~~or~~

72.20 (vii) possessing pornographic work involving a minor in violation of section 617.247;₂

72.21 or

72.22 (viii) nonconsensual dissemination of private sexual images in violation of section

72.23 617.261; and

72.24 convicted of or adjudicated delinquent for that offense or another offense arising out of the
72.25 same set of circumstances;

72.26 (3) the person was sentenced as a patterned sex offender under section 609.3455,
72.27 subdivision 3a; or

72.28 (4) the person was charged with or petitioned for, including pursuant to a court martial,
72.29 violating a law of the United States, including the Uniform Code of Military Justice, similar
72.30 to the offenses described in clause (1), (2), or (3), or violations of United States Code, title

73.1 18, section 1801, 2423, or 2425, and convicted of or adjudicated delinquent for that offense
73.2 or another offense arising out of the same set of circumstances.

73.3 (b) A person also shall register under this section if:

73.4 (1) the person was charged with or petitioned for an offense in another state that would
73.5 be a violation of a law described in paragraph (a) if committed in this state and convicted
73.6 of or adjudicated delinquent for that offense or another offense arising out of the same set
73.7 of circumstances;

73.8 (2) the person enters this state to reside, work, or attend school, or enters this state and
73.9 remains for 14 days or longer; and

73.10 (3) ten years have not elapsed since the person was released from confinement or, if the
73.11 person was not confined, since the person was convicted of or adjudicated delinquent for
73.12 the offense that triggers registration, unless the person is subject to a longer registration
73.13 period under the laws of another state in which the person has been convicted or adjudicated,
73.14 or is subject to lifetime registration.

73.15 If a person described in this paragraph is subject to a longer registration period in another
73.16 state or is subject to lifetime registration, the person shall register for that time period
73.17 regardless of when the person was released from confinement, convicted, or adjudicated
73.18 delinquent.

73.19 (c) A person also shall register under this section if the person was committed pursuant
73.20 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter
73.21 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the
73.22 United States, regardless of whether the person was convicted of any offense.

73.23 (d) A person also shall register under this section if:

73.24 (1) the person was charged with or petitioned for a felony violation or attempt to violate
73.25 any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or
73.26 the United States, or the person was charged with or petitioned for a violation of any of the
73.27 offenses listed in paragraph (a), clause (2), or a similar law of another state or the United
73.28 States;

73.29 (2) the person was found not guilty by reason of mental illness or mental deficiency
73.30 after a trial for that offense, or found guilty but mentally ill after a trial for that offense, in
73.31 states with a guilty but mentally ill verdict; and

73.32 (3) the person was committed pursuant to a court commitment order under section
73.33 253B.18 or a similar law of another state or the United States.

74.1 (e) A person also shall register under this section if the person received a stay of
74.2 adjudication under section 609.095, paragraph (b), for a charge of violating section 243.166,
74.3 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 609.3453, unless the
74.4 offender is a juvenile and the court finds, on the record, that there is good cause to waive
74.5 the registration requirement.

74.6 Sec. 4. Minnesota Statutes 2016, section 243.166, subdivision 2, is amended to read:

74.7 Subd. 2. **Notice.** When a person who is required to register under subdivision 1b,
74.8 paragraph (a), is sentenced or becomes subject to a juvenile court disposition order, the
74.9 court shall tell the person of the duty to register under this section and that, if the person
74.10 fails to comply with the registration requirements, information about the offender may be
74.11 made available to the public through electronic, computerized, or other accessible means.
74.12 The court may not modify the person's duty to register in the pronounced sentence or
74.13 disposition order. The court shall require the person to read and sign a form stating that the
74.14 duty of the person to register under this section has been explained. The court shall forward
74.15 the signed ~~sex offender registration~~ court notification form, the complaint, and sentencing
74.16 documents to the bureau. If a person required to register under subdivision 1b, paragraph
74.17 (a), was not notified by the court of the registration requirement at the time of sentencing
74.18 or disposition, the assigned corrections agent shall notify the person of the requirements of
74.19 this section. If a person does not have a corrections agent, the local law enforcement authority
74.20 with jurisdiction over the person's primary address shall notify the person of the requirements.
74.21 When a person who is required to register under subdivision 1b, paragraph (c) or (d), is
74.22 released from commitment, the treatment facility shall notify the person of the requirements
74.23 of this section. The treatment facility shall also obtain the registration information required
74.24 under this section and forward it to the bureau.

74.25 Sec. 5. Minnesota Statutes 2016, section 243.166, subdivision 4, is amended to read:

74.26 Subd. 4. **Contents of registration.** (a) The registration provided to the corrections agent
74.27 or law enforcement authority, must consist of a statement in writing signed by the person,
74.28 giving information required by the bureau, fingerprints, biological specimen for DNA
74.29 analysis as defined under section 299C.155, subdivision 1, and photograph of the person
74.30 taken at the time of the person's release from incarceration or, if the person was not
74.31 incarcerated, at the time the person initially registered under this section. The registration
74.32 information also must include a written consent form signed by the person allowing a
74.33 treatment facility or residential housing unit or shelter to release information to a law
74.34 enforcement officer about the person's admission to, or residence in, a treatment facility or

75.1 residential housing unit or shelter. Registration information on adults and juveniles may be
75.2 maintained together notwithstanding section 260B.171, subdivision 3.

75.3 (b) For persons required to register under subdivision 1b, paragraph (c), following
75.4 commitment pursuant to a court commitment under Minnesota Statutes 2012, section
75.5 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of
75.6 another state or the United States, in addition to other information required by this section,
75.7 the registration provided to the corrections agent or law enforcement authority must include
75.8 the person's offense history and documentation of treatment received during the person's
75.9 commitment. This documentation is limited to a statement of how far the person progressed
75.10 in treatment during commitment.

75.11 (c) Within three days of receipt, the corrections agent or law enforcement authority shall
75.12 forward the registration information to the bureau. The bureau shall ascertain whether the
75.13 person has registered with the law enforcement authority in the area of the person's primary
75.14 address, if any, or if the person lacks a primary address, where the person is staying, as
75.15 required by subdivision 3a. If the person has not registered with the law enforcement
75.16 authority, the bureau shall ~~send one copy to~~ notify that authority.

75.17 (d) The corrections agent or law enforcement authority may require that a person required
75.18 to register under this section appear before the agent or authority to be photographed. The
75.19 agent or authority shall forward the photograph to the bureau.

75.20 (1) Except as provided in clause (2), the agent or authority may photograph any offender
75.21 at a time and frequency chosen by the agent or authority.

75.22 (2) The requirements of this paragraph shall not apply during any period where the
75.23 person to be photographed is: (i) committed to the commissioner of corrections and
75.24 incarcerated, (ii) incarcerated in a regional jail or county jail, or (iii) committed to the
75.25 commissioner of human services and receiving treatment in a secure treatment facility.

75.26 (e) During the period a person is required to register under this section, the following
75.27 provisions apply:

75.28 (1) Except for persons registering under subdivision 3a, the bureau shall mail a
75.29 verification form to the person's last reported primary address. This verification form must
75.30 provide notice to the offender that, if the offender does not return the verification form as
75.31 required, information about the offender may be made available to the public through
75.32 electronic, computerized, or other accessible means. For persons who are registered under
75.33 subdivision 3a, the bureau shall mail an annual verification form to the law enforcement
75.34 authority where the offender most recently reported. The authority shall provide the

76.1 verification form to the person at the next weekly meeting and ensure that the person
76.2 completes and signs the form and returns it to the bureau. Notice is sufficient under this
76.3 paragraph, if the verification form is sent by first class mail to the person's last reported
76.4 primary address, or for persons registered under subdivision 3a, to the law enforcement
76.5 authority where the offender most recently reported.

76.6 (2) The person shall mail the signed verification form back to the bureau within ~~ten~~ 15
76.7 days ~~after receipt~~ of the date on the form, stating on the form the current and last address
76.8 of the person's residence and the other information required under subdivision 4a.

76.9 (3) In addition to the requirements listed in this section, an offender who is no longer
76.10 under correctional supervision for a registration offense, or a failure to register offense, but
76.11 who resides, works, or attends school in Minnesota, shall have an in-person contact with a
76.12 law enforcement authority as provided in this section. If the person resides in Minnesota,
76.13 the in-person contact shall be with the law enforcement authority that has jurisdiction over
76.14 the person's primary address or, if the person has no address, the location where the person
76.15 is staying. If the person does not reside in Minnesota but works or attends school in this
76.16 state, the person shall have an in-person contact with the law enforcement authority or
76.17 authorities with jurisdiction over the person's school or workplace. During the month of the
76.18 person's birth date, the person shall report to the authority to verify the accuracy of the
76.19 registration information and to be photographed. Within three days of this contact, the
76.20 authority shall enter information as required by the bureau into the predatory offender
76.21 registration database and submit an updated photograph of the person to the bureau's
76.22 predatory offender registration unit.

76.23 (4) If the person fails to mail the completed and signed verification form to the bureau
76.24 within ~~ten~~ 15 days ~~after receipt~~ of the date on the form, or if the person fails to report to the
76.25 law enforcement authority during the month of the person's birth date, the person is in
76.26 violation of this section.

76.27 (5) For any person who fails to mail the completed and signed verification form to the
76.28 bureau within ~~ten~~ 15 days ~~after receipt~~ of the date on the form and who has been determined
76.29 to be a risk level III offender under section 244.052, the bureau shall immediately investigate
76.30 and notify local law enforcement authorities to investigate the person's location and to ensure
76.31 compliance with this section. The bureau also shall immediately give notice of the person's
76.32 violation of this section to the law enforcement authority having jurisdiction over the person's
76.33 last registered primary address ~~or addresses~~.

77.1 (6) A corrections agent or law enforcement authority may determine whether the person
77.2 is at their primary address, secondary address, school or work location, if any, or the accuracy
77.3 of any other information required under subdivision 4a or 4d at a time and frequency chosen
77.4 by the agent or authority. A law enforcement authority may make this determination on any
77.5 person whose primary address, secondary address, or school or work location, if any, is
77.6 within the authority's jurisdiction, regardless of the assignment of a corrections agent.

77.7 For persons required to register under subdivision 1b, paragraph (c), following
77.8 commitment pursuant to a court commitment under Minnesota Statutes 2012, section
77.9 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of
77.10 another state or the United States, the bureau shall comply with clause (1) at least four times
77.11 each year. For persons who, under section 244.052, are assigned to risk level III and who
77.12 are no longer under correctional supervision for a registration offense or a failure to register
77.13 offense, the bureau shall comply with clause (1) at least two times each year. For all other
77.14 persons required to register under this section, the bureau shall comply with clause (1) each
77.15 year within 30 days of the anniversary date of the person's initial registration.

77.16 (f) When sending out a verification form, the bureau shall determine whether the person
77.17 to whom the verification form is being sent has signed a written consent form as provided
77.18 for in paragraph (a). If the person has not signed such a consent form, the bureau shall send
77.19 a written consent form to the person along with the verification form. A person who receives
77.20 this written consent form shall sign and return it to the bureau at the same time as the
77.21 verification form.

77.22 (g) For persons registered under this section on the effective date of this section, each
77.23 person, on or before one year from that date, must provide a biological specimen for the
77.24 purpose of DNA analysis to the probation agency or law enforcement agency where that
77.25 person is registered. A person who provides or has provided a biological specimen for the
77.26 purpose of DNA analysis under chapter 299C or section 609.117 meets the requirements
77.27 of this paragraph.

77.28 Sec. 6. Minnesota Statutes 2016, section 243.166, subdivision 4a, is amended to read:

77.29 Subd. 4a. **Information required to be provided.** (a) A person required to register under
77.30 this section shall provide to the corrections agent or law enforcement authority the following
77.31 information:

77.32 (1) the person's primary address;

78.1 (2) all of the person's secondary addresses ~~in Minnesota~~, including all addresses used
78.2 for residential or recreational purposes;

78.3 (3) the addresses of all Minnesota property owned, leased, or rented by the person;

78.4 (4) the addresses of all locations where the person is employed;

78.5 (5) the addresses of all schools where the person is enrolled; ~~and~~

78.6 (6) the year, model, make, license plate number, and color of all motor vehicles owned
78.7 or regularly driven by the person;

78.8 (7) the expiration year for the motor vehicle license plate tabs of all motor vehicles
78.9 owned by the person;

78.10 (8) the person's driver's license or government identification number and state of issue;

78.11 (9) the year, model, make, and registration number for all watercraft owned or regularly
78.12 operated by the person;

78.13 (10) the person's Social Security number as required by United States Code, title 42,
78.14 section 16914;

78.15 (11) all of the person's electronic mail addresses, instant messaging addresses, and social
78.16 media accounts;

78.17 (12) all telephone numbers including work, school, and home and any cellular telephone
78.18 service;

78.19 (13) the person's passport number and country of issue, if any; and

78.20 (14) the person's professional license number, if any, and the issuing organization.

78.21 (b) The person shall report to the agent or authority the information required to be
78.22 provided under paragraph (a), clauses (2) to ~~(6)~~ (14), within five days of the date the clause
78.23 becomes applicable. If because of a change in circumstances any information reported under
78.24 paragraph (a), clauses (1) to ~~(6)~~ (14), no longer applies, the person shall immediately inform
78.25 the agent or authority that the information is no longer valid. If the person leaves a primary
78.26 address and does not have a new primary address, the person shall register as provided in
78.27 subdivision 3a.

78.28 Sec. 7. Minnesota Statutes 2016, section 243.166, subdivision 4b, is amended to read:

78.29 Subd. 4b. **Health care facility; notice of status.** (a) For the purposes of this subdivision,
78.30 "health care facility" means a facility:

79.1 (1) licensed by the commissioner of health as a hospital, boarding care home or supervised
79.2 living facility under sections 144.50 to 144.58, or a nursing home under chapter 144A;

79.3 (2) registered by the commissioner of health as a housing with services establishment
79.4 as defined in section 144D.01; ~~or~~

79.5 (3) licensed by the commissioner of health as a home care provider as defined in section
79.6 144A.43; or

79.7 ~~(3)~~ (4) licensed by the commissioner of human services as a residential facility under
79.8 chapter 245A to provide adult foster care, adult mental health treatment, chemical dependency
79.9 treatment to adults, or residential services to persons with disabilities.

79.10 (b) Prior to admission to a health care facility, a person required to register under this
79.11 section shall disclose to:

79.12 (1) the health care facility employee processing the admission the person's status as a
79.13 registered predatory offender under this section; and

79.14 (2) the person's corrections agent, or if the person does not have an assigned corrections
79.15 agent, the law enforcement authority with whom the person is currently required to register,
79.16 that inpatient admission or other admission will occur.

79.17 (c) A law enforcement authority or corrections agent who receives notice under paragraph
79.18 (b) or who knows that a person required to register under this section is planning to be
79.19 admitted and receive, or has been admitted and is receiving health care at a health care
79.20 facility shall notify the administrator of the facility and deliver a fact sheet to the
79.21 administrator containing the following information: (1) name and physical description of
79.22 the offender; (2) the offender's conviction history, including the dates of conviction; (3) the
79.23 risk level classification assigned to the offender under section 244.052, if any; and (4) the
79.24 profile of likely victims.

79.25 (d) Except for a hospital licensed under sections 144.50 to 144.58 or a home care provider
79.26 as defined in section 144A.43, if a health care facility receives a fact sheet under paragraph
79.27 (c) that includes a risk level classification for the offender, and if the facility admits the
79.28 offender, the facility shall distribute the fact sheet to all residents at the facility. If the facility
79.29 determines that distribution to a resident is not appropriate given the resident's medical,
79.30 emotional, or mental status, the facility shall distribute the fact sheet to the patient's next of
79.31 kin or emergency contact.

80.1 Sec. 8. Minnesota Statutes 2016, section 243.166, subdivision 4c, is amended to read:

80.2 Subd. 4c. **Notices in writing; signed.** All notices required by this section must be in
80.3 writing and signed by the person required to register. For purposes of this section, a signature
80.4 may be in ink on paper, by an electronic method established by the bureau, or by use of a
80.5 biometric for the person. If a biometric is used, the person must provide a sample that is
80.6 forwarded to the bureau so that it can be maintained for comparison purposes to verify the
80.7 person's identity.

80.8 Sec. 9. Minnesota Statutes 2016, section 243.166, is amended by adding a subdivision to
80.9 read:

80.10 Subd. 4d. **Travel.** (a) A person required to register under this section who intends to
80.11 travel outside the boundaries of the United States must notify the person's corrections agent
80.12 or the law enforcement authority with jurisdiction over the person's primary address of the
80.13 travel plans. The person must provide:

80.14 (i) anticipated departure date;

80.15 (ii) place of departure;

80.16 (iii) place of arrival or return;

80.17 (iv) carrier and flight numbers for air travel;

80.18 (v) destination country and address or other contact information;

80.19 (vi) means and purpose of travel;

80.20 (vii) visa information, if any; and

80.21 (viii) any other itinerary information requested by the corrections agent or law
80.22 enforcement authority.

80.23 The notice must be provided at least 21 calendar days before the departure date and forwarded
80.24 to the bureau within one business day of receipt. If it is not possible to give 21 calendar
80.25 days' notice due to an emergency or a work assignment, the person is required to notify the
80.26 corrections agent or the law enforcement authority with jurisdiction over the person's primary
80.27 address as soon as possible prior to departure. If the travel is due to an emergency, the person
80.28 must provide a copy of the message conveying the emergency that includes the date and
80.29 time sent and the source of the information. If the travel is the result of a work assignment,
80.30 the employer must provide the date the employee was informed of the need to travel and
80.31 the nature of the work to be performed.

81.1 (b) The corrections agent or law enforcement authority must forward the notification to
81.2 the bureau as soon as possible after receipt. The bureau must forward the international travel
81.3 information as required by United States Code, title 42, section 16914.

81.4 (c) A person required to register under this section who is assigned a corrections agent
81.5 must receive the corrections agent's approval for all international travel. Nothing in this
81.6 subdivision requires a corrections agent to approve of travel that is inconsistent with the
81.7 terms of the offender's supervision.

81.8 Sec. 10. Minnesota Statutes 2016, section 243.166, subdivision 5, is amended to read:

81.9 Subd. 5. **Criminal penalty.** (a) A person required to register under this section who
81.10 knowingly violates any of its provisions or intentionally provides false information to a
81.11 corrections agent, law enforcement authority, or the bureau is guilty of a felony and may
81.12 be sentenced to imprisonment for not more than five years or to payment of a fine of not
81.13 more than \$10,000, or both.

81.14 (b) Except as provided in paragraph (c), a person convicted of violating paragraph (a)
81.15 shall be committed to the custody of the commissioner of corrections for not less than a
81.16 year and a day, nor more than five years.

81.17 (c) A person convicted of violating paragraph (a), who has previously been convicted
81.18 of or adjudicated delinquent for violating this section or a similar statute of another state or
81.19 the United States, shall be committed to the custody of the commissioner of corrections for
81.20 not less than two years, nor more than five years.

81.21 (d) Prior to the time of sentencing, the prosecutor may file a motion to have the person
81.22 sentenced without regard to the mandatory minimum sentence established by this subdivision.
81.23 The motion must be accompanied by a statement on the record of the reasons for it. When
81.24 presented with the motion, or on its own motion, the court may sentence the person without
81.25 regard to the mandatory minimum sentence if the court finds substantial and compelling
81.26 reasons to do so. Sentencing a person in the manner described in this paragraph is a departure
81.27 from the Sentencing Guidelines.

81.28 (e) A person convicted and sentenced as required by this subdivision is not eligible for
81.29 probation, parole, discharge, work release, conditional release, or supervised release, until
81.30 that person has served the full term of imprisonment as provided by law, notwithstanding
81.31 the provisions of sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135.

81.32 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
81.33 committed on or after that date.

82.1 Sec. 11. Minnesota Statutes 2016, section 243.166, subdivision 6, is amended to read:

82.2 Subd. 6. **Registration period.** (a) Notwithstanding the provisions of section 609.165,
82.3 subdivision 1, and except as provided in paragraphs (b), (c), and (d), a person required to
82.4 register under this section shall continue to comply with this section until ten years have
82.5 elapsed since the person initially registered in connection with the offense, or until the
82.6 probation, supervised release, or conditional release period expires, whichever occurs later.
82.7 For a person required to register under this section who is committed under section 253B.18,
82.8 Minnesota Statutes 2012, section 253B.185, or chapter 253D, the ten-year registration period
82.9 does not include the period of commitment.

82.10 (b) If a person required to register under this section fails to provide the person's primary
82.11 address as required by subdivision 3, paragraph (b), fails to comply with the requirements
82.12 of subdivision 3a, fails to provide information as required by subdivision 4a, ~~or~~ fails to
82.13 return the verification form referenced in subdivision 4 within ~~ten~~ 15 days, or fails to provide
82.14 the travel information required by subdivision 4d and is convicted under subdivision 5, the
82.15 commissioner of public safety shall require the person to continue to register for an additional
82.16 period of five years. This five-year period is added to the end of the offender's registration
82.17 period. In addition, if the person is not in compliance at the end of the registration period,
82.18 the commissioner shall require the person to continue to register for an additional period of
82.19 two years.

82.20 (c) If a person required to register under this section is incarcerated due to a conviction
82.21 for a new offense or following a revocation of probation, supervised release, or conditional
82.22 release for any offense, the person shall continue to register until ten years have elapsed
82.23 since the person was last released from incarceration or until the person's probation,
82.24 supervised release, or conditional release period expires, whichever occurs later.

82.25 (d) A person shall continue to comply with this section for the life of that person:

82.26 (1) if the person is convicted of or adjudicated delinquent for any offense for which
82.27 registration is required under subdivision 1b, or any offense from another state or any federal
82.28 offense similar to the offenses described in subdivision 1b, and the person has a prior
82.29 conviction or adjudication for an offense for which registration was or would have been
82.30 required under subdivision 1b, or an offense from another state or a federal offense similar
82.31 to an offense described in subdivision 1b;

82.32 (2) if the person is required to register based upon a conviction or delinquency
82.33 adjudication for an offense under section 609.185, paragraph (a), clause (2), or a similar
82.34 statute from another state or the United States;

83.1 (3) if the person is required to register based upon a conviction for an offense under
83.2 section 609.342, subdivision 1, paragraph (a), (c), (d), (e), (f), or (h); 609.343, subdivision
83.3 1, paragraph (a), (c), (d), (e), (f), or (h); 609.344, subdivision 1, paragraph (a), (c), or (g);
83.4 or 609.345, subdivision 1, paragraph (a), (c), or (g); or a statute from another state or the
83.5 United States similar to the offenses described in this clause; or

83.6 (4) if the person is required to register under subdivision 1b, paragraph (c), following
83.7 commitment pursuant to a court commitment under Minnesota Statutes 2012, section
83.8 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of
83.9 another state or the United States.

83.10 (e) A person described in subdivision 1b, paragraph (b), who is required to register under
83.11 the laws of a state in which the person has been previously convicted or adjudicated
83.12 delinquent, shall register under this section for the time period required by the state of
83.13 conviction or adjudication unless a longer time period is required elsewhere in this section.

83.14 Sec. 12. Minnesota Statutes 2016, section 243.166, subdivision 7, is amended to read:

83.15 Subd. 7. **Use of data.** (a) Except as otherwise provided in subdivision 7a or sections
83.16 244.052 and 299C.093, the data provided under this section is private data on individuals
83.17 under section 13.02, subdivision 12.

83.18 (b) The data may be used only by law enforcement and corrections agencies for law
83.19 enforcement and corrections purposes. Law enforcement or a corrections agent may disclose
83.20 the status of an individual as a predatory offender to a child protection worker with a local
83.21 welfare agency for purposes of doing a family assessment under section 626.556. A
83.22 corrections agent may also disclose the status of an individual as a predatory offender to
83.23 comply with section 244.057.

83.24 (c) The commissioner of human services is authorized to have access to the data for:

83.25 (1) state-operated services, as defined in section 246.014, for the purposes described in
83.26 section 246.13, subdivision 2, paragraph (b); and

83.27 (2) purposes of completing background studies under chapter 245C.

83.28 Sec. 13. Minnesota Statutes 2016, section 243.166, subdivision 7a, is amended to read:

83.29 Subd. 7a. **Availability of information on offenders who are out of compliance with**
83.30 **registration law.** (a) The bureau may make information available to the public about
83.31 offenders who are 16 years of age or older and who are out of compliance with this section
83.32 for 30 days or longer for failure to provide the offenders' primary or secondary addresses₂

84.1 for failure to return a verification form, or who have absconded. This information may be
 84.2 made available to the public through electronic, computerized, or other accessible means.
 84.3 The amount and type of information made available is limited to the information necessary
 84.4 for the public to assist law enforcement in locating the offender.

84.5 (b) An offender who comes into compliance with this section after the bureau discloses
 84.6 information about the offender to the public may send a written request to the bureau
 84.7 requesting the bureau to treat information about the offender as private data, consistent with
 84.8 subdivision 7. The bureau shall review the request and promptly take reasonable action to
 84.9 treat the data as private, if the offender has complied with the requirement that the offender
 84.10 provide the offender's primary and secondary addresses, has returned the verification form
 84.11 or has returned to the primary address, or promptly notify the offender that the information
 84.12 will continue to be treated as public information and the reasons for the bureau's decision.

84.13 (c) If an offender believes the information made public about the offender is inaccurate
 84.14 or incomplete, the offender may challenge the data under section 13.04, subdivision 4.

84.15 (d) The bureau is immune from any civil or criminal liability that might otherwise arise,
 84.16 based on the accuracy or completeness of any information made public under this subdivision,
 84.17 if the bureau acts in good faith.

84.18 Sec. 14. Minnesota Statutes 2016, section 299C.093, is amended to read:

84.19 **299C.093 DATABASE OF REGISTERED PREDATORY OFFENDERS.**

84.20 The superintendent of the Bureau of Criminal Apprehension shall maintain a
 84.21 computerized data system relating to individuals required to register as predatory offenders
 84.22 under section 243.166. To the degree feasible, the system must include the data required to
 84.23 be provided under section 243.166, subdivisions 4 ~~and~~ 4a, and 4d, and indicate the time
 84.24 period that the person is required to register. The superintendent shall maintain this data in
 84.25 a manner that ensures that it is readily available to law enforcement agencies. This data is
 84.26 private data on individuals under section 13.02, subdivision 12, but may be used for law
 84.27 enforcement and corrections purposes. Law enforcement or a corrections agent may disclose
 84.28 the status of an individual as a predatory offender to a child protection worker with a local
 84.29 welfare agency for purposes of doing a family assessment under section 626.556. A
 84.30 corrections agent may also disclose the status of an individual as a predatory offender to
 84.31 comply with section 244.057. The commissioner of human services has access to the data
 84.32 for state-operated services, as defined in section 246.014, for the purposes described in
 84.33 section 246.13, subdivision 2, paragraph (b), and for purposes of conducting background
 84.34 studies under chapter 245C.

85.1

ARTICLE 7

85.2

DWI

85.3 Section 1. Minnesota Statutes 2016, section 169A.24, subdivision 1, is amended to read:

85.4 Subdivision 1. **Degree described.** A person who violates section 169A.20 (driving while
85.5 impaired) is guilty of first-degree driving while impaired if the person:

85.6 (1) commits the violation within ten years of the first of three or more qualified prior
85.7 impaired driving incidents;

85.8 (2) has previously been convicted of a felony under this section; or

85.9 (3) has previously been convicted of a felony under:

85.10 (i) Minnesota Statutes 2012, section 609.21 (criminal vehicular homicide and injury,
85.11 substance-related offenses), subdivision 1, clauses (2) to (6);

85.12 (ii) Minnesota Statutes 2006, section 609.21 (criminal vehicular homicide and injury,
85.13 substance-related offenses), subdivision 1, clauses (2) to (6); subdivision 2, clauses (2) to
85.14 (6); subdivision 2a, clauses (2) to (6); subdivision 3, clauses (2) to (6); or subdivision 4,
85.15 clauses (2) to (6); ~~or~~

85.16 (iii) section 609.2112, subdivision 1, clauses (2) to (6); 609.2113, subdivision 1, clauses
85.17 (2) to (6), subdivision 2, clauses (2) to (6), or subdivision 3, clauses (2) to (6); or 609.2114,
85.18 subdivision 1, clauses (2) to (6), or subdivision 2, clauses (2) to (6); or

85.19 (iv) a statute from this state or another state in conformity with any provision listed in
85.20 clause (i), (ii), or (iii).

85.21 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
85.22 committed on or after that date.

85.23 Sec. 2. Minnesota Statutes 2016, section 169A.55, subdivision 4, is amended to read:

85.24 Subd. 4. **Reinstatement of driving privileges; multiple incidents.** (a) A person whose
85.25 driver's license has been revoked as a result of an offense listed under clause (1) or (2) shall
85.26 not be eligible for reinstatement of driving privileges without an ignition interlock restriction
85.27 until the commissioner certifies that the person has neither owned nor leased a vehicle, the
85.28 person has not transferred ownership of a vehicle to a family or household member, no
85.29 family or household member owns or leases a vehicle which the person has express or
85.30 implied consent to drive, and the person has not committed a violation of chapter 169A or

86.1 171 during the revocation period; or the person has used the ignition interlock device and
86.2 complied with section 171.306 for a period of not less than:

86.3 (1) one year, for a person whose driver's license was revoked for:

86.4 (i) an offense occurring within ten years of a qualified prior impaired driving incident;

86.5 or

86.6 (ii) an offense occurring after two qualified prior impaired driving incidents; or

86.7 (2) two years, for a person whose driver's license was revoked for:

86.8 (i) an offense occurring under clause (1), and where the test results indicated an alcohol
86.9 concentration of twice the legal limit or more; or

86.10 (ii) an offense occurring under clause (1), and where the current offense is for a violation
86.11 of section 169A.20, subdivision 2 (test refusal).

86.12 As used in this paragraph, "family or household member" has the meaning given in section
86.13 169A.63, subdivision 1, paragraph (f).

86.14 (b) A person whose driver's license has been canceled or denied as a result of three or
86.15 more qualified impaired driving incidents shall not be eligible for reinstatement of driving
86.16 privileges without an ignition interlock restriction until the person:

86.17 (1) has completed rehabilitation according to rules adopted by the commissioner or been
86.18 granted a variance from the rules by the commissioner; and

86.19 (2) has submitted verification of abstinence from alcohol and controlled substances
86.20 under paragraph (c), as evidenced by the person's use of an ignition interlock device or other
86.21 chemical monitoring device approved by the commissioner.

86.22 ~~(b)~~ (c) The verification of abstinence must show that the person has abstained from the
86.23 use of alcohol and controlled substances for a period of not less than:

86.24 (1) three years, for a person whose driver's license was canceled or denied for an offense
86.25 occurring within ten years of the first of two qualified prior impaired driving incidents, or
86.26 occurring after three qualified prior impaired driving incidents;

86.27 (2) four years, for a person whose driver's license was canceled or denied for an offense
86.28 occurring within ten years of the first of three qualified prior impaired driving incidents; or

86.29 (3) six years, for a person whose driver's license was canceled or denied for an offense
86.30 occurring after four or more qualified prior impaired driving incidents.

87.1 ~~(e) The commissioner shall establish performance standards and a process for certifying~~
87.2 ~~chemical monitoring devices. The standards and procedures are not rules and are exempt~~
87.3 ~~from chapter 14, including section 14.386.~~

87.4 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
87.5 committed on or after that date.

87.6 Sec. 3. Minnesota Statutes 2016, section 171.24, is amended by adding a subdivision to
87.7 read:

87.8 Subd. 4a. **Driving after a DWI-related suspension, revocation, or cancellation;**
87.9 **misdemeanor.** (a) Except as otherwise provided in subdivision 5, a person is guilty of a
87.10 misdemeanor if:

87.11 (1) the person's driver's license or driving privilege has been suspended, revoked, or
87.12 canceled under section 169A.52, 169A.54, or 171.177;

87.13 (2) the person has been given notice of or reasonably should know of the suspension,
87.14 revocation, or cancellation; and

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

87.18 (b) Notwithstanding section 609.101, subdivision 4, the Judicial Council may not add
87.19 a violation of this subdivision to the Statewide Payables List.

87.20 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
87.21 committed on or after that date.

87.22 Sec. 4. Minnesota Statutes 2017 Supplement, section 171.30, subdivision 1, is amended
87.23 to read:

87.24 Subdivision 1. **Conditions of issuance.** (a) The commissioner may issue a limited license
87.25 to the driver under the conditions in paragraph (b) in any case where a person's license has
87.26 been:

87.27 (1) suspended under section 171.18, 171.173, 171.186, or 171.187;

87.28 (2) revoked, canceled, or denied under section:

87.29 (i) 169.792;

87.30 (ii) 169.797;

- 88.1 (iii) 169A.52:
- 88.2 (A) subdivision 3, paragraph (a), clause (1) or (2);
- 88.3 (B) subdivision 3, paragraph (a), clause (3), for a violation of section 169A.20,
- 88.4 subdivision 1, clause (2), (3), (4), or (7);
- 88.5 (C) subdivision 3, paragraph (a), clause (4), (5), or (6), for a violation of section 169A.20,
- 88.6 subdivision 1, clause (1), (5), or (6), and if in compliance with section 171.306;
- 88.7 (D) subdivision 3, paragraph (a), clause (4), (5), or (6), for a violation of section 169A.20,
- 88.8 subdivision 1, clause (2), (3), (4), or (7);
- 88.9 ~~(C)~~ (E) subdivision 4, paragraph (a), clause (1) or (2), if the test results indicate an
- 88.10 alcohol concentration of less than twice the legal limit;
- 88.11 (F) subdivision 4, paragraph (a), clause (3), for a violation of section 169A.20, subdivision
- 88.12 1, clause (2), (3), (4), or (7);
- 88.13 ~~(D)~~ (G) subdivision 4, paragraph (a), clause (4), (5), or (6), for a violation of section
- 88.14 169A.20, subdivision 1, clause (1), (5), or (6), and if in compliance with section 171.306;
- 88.15 (H) subdivision 4, paragraph (a), clause (4), (5), or (6), for a violation of section 169A.20,
- 88.16 subdivision 1, clause (2), (3), (4), or (7); or
- 88.17 (iv) 171.17; or
- 88.18 (v) 171.172;
- 88.19 (3) revoked, canceled, or denied under section 169A.54:
- 88.20 (i) subdivision 1, clause (1), if the test results indicate an alcohol concentration of less
- 88.21 than twice the legal limit;
- 88.22 (ii) subdivision 1, clause (2);
- 88.23 (iii) subdivision 1, clause (3) or (4), for a violation of section 169A.20, subdivision 1,
- 88.24 clause (2), (3), (4), or (7);
- 88.25 (iv) subdivision 1, clause (5), (6), or (7), for a violation of section 169A.20, subdivision
- 88.26 1, clause (1), (5), or (6), and if in compliance with section 171.306; or
- 88.27 (v) subdivision 1, clause (5), (6), or (7), for a violation of section 169A.20, subdivision
- 88.28 1, clause (2), (3), (4), or (7); or

89.1 ~~(iv)~~ (vi) subdivision 2, if the person does not have a qualified prior impaired driving
89.2 incident as defined in section 169A.03, subdivision 22, on the person's record, and the test
89.3 results indicate an alcohol concentration of less than twice the legal limit; or

89.4 (4) revoked, canceled, or denied under section 171.177:

89.5 (i) subdivision 4, paragraph (a), clause (1) or (2);

89.6 (ii) subdivision 4, paragraph (a), clause (3), for a violation of section 169A.20, subdivision
89.7 1, clause (2), (3), (4), or (7);

89.8 (iii) subdivision 4, paragraph (a), clause (4), (5), or (6), for a violation of section 169A.20,
89.9 subdivision 1, clause (1), (5), or (6), and if in compliance with section 171.306;

89.10 (iv) subdivision 4, paragraph (a), clause (4), (5), or (6), for a violation of section 169A.20,
89.11 subdivision 1, clause (2), (3), (4), or (7);

89.12 ~~(iii)~~ (v) subdivision 5, paragraph (a), clause (1) or (2), if the test results indicate an
89.13 alcohol concentration of less than twice the legal limit; or

89.14 (vi) subdivision 5, paragraph (a), clause (3), for a violation of section 169A.20,
89.15 subdivision 1, clause (2), (3), (4), or (7);

89.16 ~~(iv)~~ (vii) subdivision 5, paragraph (a), clause (4), (5), or (6), for a violation of section
89.17 169A.20, subdivision 1, clause (1), (5), or (6), and if in compliance with section 171.306;

89.18 or

89.19 (viii) subdivision 5, paragraph (a), clause (4), (5), or (6), for a violation of section
89.20 169A.20, subdivision 1, clause (2), (3), (4), or (7).

89.21 (b) The following conditions for a limited license under paragraph (a) include:

89.22 (1) if the driver's livelihood or attendance at a chemical dependency treatment or
89.23 counseling program depends upon the use of the driver's license;

89.24 (2) if the use of a driver's license by a homemaker is necessary to prevent the substantial
89.25 disruption of the education, medical, or nutritional needs of the family of the homemaker;

89.26 or

89.27 (3) if attendance at a postsecondary institution of education by an enrolled student of
89.28 that institution depends upon the use of the driver's license.

89.29 (c) The commissioner in issuing a limited license may impose such conditions and
89.30 limitations as in the commissioner's judgment are necessary to the interests of the public
89.31 safety and welfare including reexamination as to the driver's qualifications. The license may

90.1 be limited to the operation of particular vehicles, to particular classes and times of operation,
90.2 and to particular conditions of traffic. The commissioner may require that an applicant for
90.3 a limited license affirmatively demonstrate that use of public transportation or carpooling
90.4 as an alternative to a limited license would be a significant hardship.

90.5 (d) For purposes of this subdivision:

90.6 (1) "homemaker" refers to the person primarily performing the domestic tasks in a
90.7 household of residents consisting of at least the person and the person's dependent child or
90.8 other dependents; and

90.9 (2) "twice the legal limit" means an alcohol concentration of two times the limit specified
90.10 in section 169A.20, subdivision 1, clause (5).

90.11 (e) The limited license issued by the commissioner shall clearly indicate the limitations
90.12 imposed and the driver operating under the limited license shall have the license in possession
90.13 at all times when operating as a driver.

90.14 (f) In determining whether to issue a limited license, the commissioner shall consider
90.15 the number and the seriousness of prior convictions and the entire driving record of the
90.16 driver and shall consider the number of miles driven by the driver annually.

90.17 (g) If the person's driver's license or permit to drive has been revoked under section
90.18 169.792 or 169.797, the commissioner may only issue a limited license to the person after
90.19 the person has presented an insurance identification card, policy, or written statement
90.20 indicating that the driver or owner has insurance coverage satisfactory to the commissioner
90.21 of public safety. The commissioner of public safety may require the insurance identification
90.22 card provided to satisfy this subdivision be certified by the insurance company to be
90.23 noncancelable for a period not to exceed 12 months.

90.24 (h) The limited license issued by the commissioner to a person under section 171.186,
90.25 subdivision 4, must expire 90 days after the date it is issued. The commissioner must not
90.26 issue a limited license to a person who previously has been issued a limited license under
90.27 section 171.186, subdivision 4.

90.28 (i) The commissioner shall not issue a limited driver's license to any person described
90.29 in section 171.04, subdivision 1, clause (6), (7), (8), (11), or (14).

90.30 (j) The commissioner shall not issue a class A, class B, or class C limited license.

90.31 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
90.32 committed on or after that date.

91.1 Sec. 5. Minnesota Statutes 2017 Supplement, section 171.30, subdivision 2a, is amended
91.2 to read:

91.3 Subd. 2a. **Other waiting periods.** Notwithstanding subdivision 2, a limited license shall
91.4 not be issued for a period of:

91.5 (1) 15 days, to a person whose license or privilege has been revoked or suspended for
91.6 a first violation of section 169A.20, sections 169A.50 to 169A.53, section 171.177, or a
91.7 statute or ordinance from another state in conformity with ~~either~~ any of those sections; or

91.8 (2) 90 days, to a person who submitted to testing under sections 169A.50 to 169A.53,
91.9 section 171.177, or a statute or ordinance from another state in conformity with any of those
91.10 sections, if the person's license or privilege has been revoked or suspended for a violation
91.11 of section 169A.20, subdivision 1, clause (2), (3), (4), or (7), occurring within ten years of
91.12 a qualified prior impaired driving incident, or after two qualified prior impaired driving
91.13 incidents, for violations of section 169A.20, sections 169A.50 to 169A.53, section 171.177,
91.14 or a statute or ordinance from another state in conformity with any of those sections; or

91.15 (3) 180 days, to a person who refused testing under sections 169A.50 to 169A.53, section
91.16 171.177, or a statute or ordinance from another state in conformity with any of those sections,
91.17 if the person's license or privilege has been revoked or suspended for a violation of section
91.18 169A.20, subdivision 1, clause (2), (3), (4), or (7), occurring within ten years of a qualified
91.19 prior impaired driving incident, or after two qualified prior impaired driving incidents, for
91.20 violations of section 169A.20, sections 169A.50 to 169A.53, section 171.177, or a statute
91.21 or ordinance from another state in conformity with any of those sections; or

91.22 (4) one year, to a person whose license or privilege has been revoked or suspended for
91.23 committing manslaughter resulting from the operation of a motor vehicle, committing
91.24 criminal vehicular homicide or injury under section ~~609.21~~ 609.2112, subdivision 1, clause
91.25 (1), (2), item (ii), (5), (6), (7), or (8), committing criminal vehicular homicide under section
91.26 ~~609.21~~ 609.2112, subdivision 1, clause (2), item (i) or (iii), (3), or (4), or violating a statute
91.27 or ordinance from another state in conformity with either of those offenses.

91.28 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
91.29 committed on or after that date.

91.30 Sec. 6. Minnesota Statutes 2017 Supplement, section 171.306, subdivision 1, is amended
91.31 to read:

91.32 Subdivision 1. **Definitions.** (a) As used in this section, the terms in this subdivision have
91.33 the meanings given them.

92.1 (b) "Ignition interlock device" or "device" means equipment that is designed to measure
92.2 breath alcohol concentration and to prevent a motor vehicle's ignition from being started
92.3 by a person whose breath alcohol concentration measures 0.02 or higher on the equipment.

92.4 (c) "Location tracking capabilities" means the ability of an electronic or wireless device
92.5 to identify and transmit its geographic location through the operation of the device.

92.6 (d) "Program participant" means a person who has qualified to take part in the ignition
92.7 interlock program under this section, and whose driver's license has been:

92.8 (1) revoked, canceled, or denied under section 169A.52; or 169A.54; for a violation of
92.9 section 169A.20, subdivision 1, clause (1), (5), or (6);

92.10 (2) revoked, canceled, or denied under section 171.04, subdivision 1, clause (10); or
92.11 171.177; for a violation of section 169A.20, subdivision 1, clause (1), (5), or (6); or

92.12 ~~(2)~~ (3) revoked under section 171.17, subdivision 1, paragraph (a), clause (1), or
92.13 suspended under section 171.187, for a violation of section 609.2113, subdivision 1, clause
92.14 (2), item (i) or (iii), (3), or (4); subdivision 2, clause (2), item (i) or (iii), (3), or (4); or
92.15 subdivision 3, clause (2), item (i) or (iii), (3), or (4); or 609.2114, subdivision 2, clause (2),
92.16 item (i) or (iii), (3), or (4), resulting in bodily harm, substantial bodily harm, or great bodily
92.17 harm.

92.18 (e) "Qualified prior impaired driving incident" has the meaning given in section 169A.03,
92.19 subdivision 22.

92.20 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
92.21 committed on or after that date.

92.22 Sec. 7. Minnesota Statutes 2017 Supplement, section 171.306, subdivision 2, is amended
92.23 to read:

92.24 Subd. 2. **Performance standards; certification; manufacturer and provider**
92.25 **requirements.** (a) The commissioner shall establish performance standards and a process
92.26 for certifying devices used in the ignition interlock program, except that the commissioner
92.27 may not establish standards that, directly or indirectly, require devices to use or enable
92.28 location tracking capabilities without a court order.

92.29 (b) The manufacturer of a device must apply annually for certification of the device by
92.30 submitting the form prescribed by the commissioner. The commissioner shall require
92.31 manufacturers of certified devices to:

93.1 (1) provide device installation, servicing, and monitoring to indigent program participants
93.2 at a discounted rate, according to the standards established by the commissioner; ~~and~~

93.3 (2) include in an ignition interlock device contract a provision that a program participant
93.4 who voluntarily terminates participation in the program is only liable for servicing and
93.5 monitoring costs incurred during the time the device is installed on the motor vehicle,
93.6 regardless of whether the term of the contract has expired; and

93.7 (3) include in an ignition interlock device contract a provision that requires manufacturers
93.8 of certified devices to pay any towing or repair costs caused by device failure or malfunction,
93.9 or by damage caused during device installation, servicing, or monitoring.

93.10 (c) The manufacturer of a certified device must include with an ignition interlock device
93.11 contract a separate notice to the program participant regarding any location tracking
93.12 capabilities of the device.

APPENDIX
Article locations in HF2856-3

ARTICLE 1	APPROPRIATIONS.....	Page.Ln 1.31
ARTICLE 2	COURTS.....	Page.Ln 4.29
ARTICLE 3	PUBLIC SAFETY AND CORRECTIONS.....	Page.Ln 21.18
ARTICLE 4	GENERAL CRIME.....	Page.Ln 37.27
ARTICLE 5	SEX OFFENDERS.....	Page.Ln 50.19
ARTICLE 6	PREDATORY OFFENDERS.....	Page.Ln 70.1
ARTICLE 7	DWI.....	Page.Ln 85.1

401.13 COSTS OF CONFINEMENT; PAYMENT.

Each participating county will be charged a sum equal to the actual per diem cost of confinement, excluding educational costs, of those juveniles committed to the commissioner and confined in a state correctional facility. The commissioner shall annually determine costs making necessary adjustments to reflect the actual costs of confinement. The commissioner of corrections shall bill the counties and deposit the receipts from the counties in the general fund. All charges shall be a charge upon the county of commitment.

609.349 VOLUNTARY RELATIONSHIPS.

A person does not commit criminal sexual conduct under sections 609.342, clauses (a) and (b), 609.343, clauses (a) and (b), 609.344, clauses (a), (b), (d), (e), and (n), and 609.345, clauses (a), (b), (d), (e), and (n), if the actor and complainant were adults cohabiting in an ongoing voluntary sexual relationship at the time of the alleged offense, or if the complainant is the actor's legal spouse, unless the couple is living apart and one of them has filed for legal separation or dissolution of the marriage. Nothing in this section shall be construed to prohibit or restrain the prosecution for any other offense committed by one legal spouse against the other.