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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 4089

03/07/2022 Authored by Drazkowski, Miller, Munson, Bahr, Lucero and others
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to state government; limiting the authority of the attorney general related
1.3 to violations of orders and rules resulting from a peacetime or national security
1.4 emergency; establishing forgiveness of violations of certain executive orders and
1.5 permitting recovery of certain legal costs; amending Minnesota Statutes 2020,
1.6 section 12.45.

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

1.8 Section 1. Minnesota Statutes 2020, section 12.45, is amended to read:

1.9 12.45 VIOLATIONS, PENALTIES.

1.10 (a) Unless a different penalty or punishment is specifically prescribed, a person who
1.11 willfully violates a provision of this chapter or a rule or order having the force and effect
1.12 of law issued under authority of this chapter is guilty of a misdemeanor and upon conviction
1.13 must be punished by a fine not to exceed \$1,000, or by imprisonment for not more than 90
1.14 days.

1.15 (b) Notwithstanding any law to the contrary, violations of this chapter are not subject
1.16 to civil enforcement by the attorney general.

1.17 Sec. 2. FORGIVENESS OF PENALTIES FOR VIOLATIONS OF EXECUTIVE
1.18 ORDERS; RECOVERY OF COSTS, DISBURSEMENTS, AND REASONABLE
1.19 ATTORNEY FEES.

1.20 (a) An individual or business may petition the court for relief under this section if the
1.21 individual or business was subjected to any of the following penalties for opening or operating
1.22 a business in violation of an executive order of the governor issued pursuant to the peacetime

2.1 emergency declared on March 13, 2020, in Executive Order 20-01, and incurred legal costs
2.2 as a result:

2.3 (1) conviction of a petty misdemeanor, misdemeanor, or gross misdemeanor;

2.4 (2) imposition of a civil penalty of any amount; or

2.5 (3) suspension or revocation of any license necessary for practicing a profession or
2.6 operating a business.

2.7 (b) A petition under this section must be filed with the court that has jurisdiction over
2.8 matters in the county where the business was located. The petition must be served on the
2.9 attorney general and contain the following information:

2.10 (1) the name and address of the petitioner;

2.11 (2) the name and address of the business;

2.12 (3) the case number, if any, of all criminal or civil enforcement actions brought against
2.13 the person or business for which relief is sought;

2.14 (4) a statement itemizing all legal costs, including attorney fees, incurred by the petitioner
2.15 or business as a result of the penalty; and

2.16 (5) a short statement describing why the petitioner is entitled to relief.

2.17 (c) Unless all parties agree to an extension, the court shall hold a hearing within 90 days
2.18 of receipt of the petition.

2.19 (d) If the court determines that the petitioner is entitled to relief, it shall issue orders:

2.20 (1) vacating any petty misdemeanor, misdemeanor, or gross misdemeanor convictions
2.21 and dismissing the charges;

2.22 (2) forgiving any civil penalty that was imposed as a penalty for violating an executive
2.23 order and requiring a refund of any amount paid;

2.24 (3) requiring any licensing entity to reinstate any license necessary for practicing a
2.25 profession or operating a business that was revoked for violating an executive order;

2.26 (4) awarding the petitioner all costs, disbursements, and reasonable attorney fees incurred
2.27 by the petitioner or business due to the imposition of the penalty; and

2.28 (5) awarding the petitioner all costs, disbursements, and reasonable attorney fees incurred
2.29 by the petitioner or business in filing a petition under this section.

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