

**SENATE  
STATE OF MINNESOTA  
NINETY-FIRST SESSION**

**S.F. No. 4530**

(SENATE AUTHORS: DZIEDZIC)

DATE  
04/27/2020

D-PG

OFFICIAL STATUS  
Introduction and first reading  
Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act  
1.2 relating to public safety; modifying certain provisions relating to sexual assault  
1.3 examination kits, background checks, and Board of Public Defense; appropriating  
1.4 money for the supreme court, corrections, sentencing guidelines, and public safety;  
1.5 transferring funds to disaster contingency account; amending Minnesota Statutes  
1.6 2018, sections 244.19, subdivision 5; 299C.106, subdivision 3, by adding  
1.7 subdivisions; 299C.46, subdivision 3; 611.27, subdivisions 9, 10, 11, 13, 15;  
1.8 Minnesota Statutes 2019 Supplement, section 477A.03, subdivision 2b; proposing  
1.9 coding for new law in Minnesota Statutes, chapter 299A.

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

1.11 **ARTICLE 1**  
1.12 **APPROPRIATIONS**

1.13 Section 1. **APPROPRIATIONS.**

1.14 The sums shown in the column under "Appropriations" are added to the appropriations  
1.15 in Laws 2019, First Special Session chapter 5, to the agencies and for the purposes specified  
1.16 in this article. The appropriations are from the general fund, or another named fund, and  
1.17 are available for the fiscal year indicated for each purpose.

1.18		<b><u>APPROPRIATIONS</u></b>	
1.19		<b><u>Available for the Year</u></b>	
1.20		<b><u>Ending June 30</u></b>	
1.21		<b><u>2020</u></b>	<b><u>2021</u></b>

1.22 Sec. 2. **SUPREME COURT**

1.23	<b><u>Subdivision 1. Total Appropriation</u></b>	<b><u>\$</u></b>	<b><u>-0-</u></b>	<b><u>\$</u></b>	<b><u>4,500,000</u></b>
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2.1	<b><u>Subd. 2. Competitive Grant Program for</u></b>		
2.2	<b><u>Courthouse Safety and Security</u></b>	<u>-0-</u>	<u>1,000,000</u>
2.3	<u>This appropriation is for a competitive grant</u>		
2.4	<u>program established by the chief justice for</u>		
2.5	<u>the distribution of safe and secure courthouse</u>		
2.6	<u>fund grants to governmental entities</u>		
2.7	<u>responsible for providing or maintaining a</u>		
2.8	<u>courthouse or other facility where court</u>		
2.9	<u>proceedings are held. Grant recipients must</u>		
2.10	<u>provide a 50 percent nonstate match. This is</u>		
2.11	<u>a onetime appropriation and is available until</u>		
2.12	<u>June 30, 2023.</u>		
2.13	<b><u>Subd. 3. Cyber Security for the State's Court</u></b>		
2.14	<b><u>System</u></b>	<u>-0-</u>	<u>3,500,000</u>
2.15	<u>This appropriation is for a cyber security</u>		
2.16	<u>system. The base for this appropriation is</u>		
2.17	<u>\$1,750,000 in fiscal year 2022 and \$1,750,000</u>		
2.18	<u>in fiscal year 2023.</u>		
2.19	<b><u>Sec. 3. CORRECTIONS</u></b>		
2.20	<b><u>Subdivision 1. Total Appropriation</u></b>	<b><u>\$ 1,208,000</u></b>	<b><u>\$ 23,138,000</u></b>
2.21	<u>The amounts that may be spent for each</u>		
2.22	<u>purpose are specified in the following</u>		
2.23	<u>subdivisions.</u>		
2.24	<b><u>Subd. 2. Correctional Institutions</u></b>	<u>481,000</u>	<u>12,669,000</u>
2.25	<b><u>(a) Safety in State Correctional Facilities</u></b>		
2.26	<u>\$5,050,000 in fiscal year 2021 is to address</u>		
2.27	<u>safety concerns in state correctional facilities</u>		
2.28	<u>including initiatives to update data collection</u>		
2.29	<u>processes in correctional facilities, purchase</u>		
2.30	<u>and maintain body cameras for use by security</u>		
2.31	<u>staff, and purchase and install badge scanners</u>		
2.32	<u>in multiple locations in each facility. The base</u>		
2.33	<u>for this appropriation is \$7,050,000 in fiscal</u>		
2.34	<u>year 2022 and \$4,000,000 in fiscal year 2023.</u>		

3.1 \$200,000 in fiscal year 2021 is to fund studies  
 3.2 related to offender classification, security  
 3.3 staffing levels, and the infrastructure and  
 3.4 physical plants of the St. Cloud and Stillwater  
 3.5 facilities. This is a onetime appropriation.

3.6 **(b) Corrections Overtime and Staffing**

3.7 \$481,000 in fiscal year 2020 and \$9,888,000  
 3.8 in fiscal year 2021 is for additional  
 3.9 compensation costs, including overtime. The  
 3.10 base for this appropriation is \$12,338,000 in  
 3.11 fiscal year 2022 and \$12,338,000 in fiscal year  
 3.12 2023.

3.13 **(c) Prison Population Reduction**

3.14 A base reduction of \$2,469,000 in fiscal year  
 3.15 2021 is for an anticipated reduction in state  
 3.16 prison beds needed by using community-based  
 3.17 alternatives for supervision revocations. The  
 3.18 base reduction is \$4,938,000 in fiscal year  
 3.19 2022 and \$7,407,000 in fiscal year 2023.

3.20 **Subd. 3. Community Services**

543,000

9,483,000

3.21 **(a) Safety in State Correctional Facilities**

3.22 \$150,000 in fiscal year 2021 is to expand the  
 3.23 Department of Correction's inspection and  
 3.24 enforcement unit. The base for this  
 3.25 appropriation is \$300,000 in fiscal year 2022  
 3.26 and \$300,000 in fiscal year 2023.

3.27 **(b) Investments in Community Supervision**  
 3.28 **Partners**

3.29 \$3,925,000 in fiscal year 2021 is added to the  
 3.30 Community Corrections Act subsidy, under  
 3.31 Minnesota Statutes, section 401.14. The base  
 3.32 for this appropriation is \$4,911,000 in fiscal  
 3.33 year 2022 and \$4,911,000 in fiscal year 2023.

4.1 \$310,000 in fiscal year 2021 is for county  
4.2 probation officer reimbursement, under  
4.3 Minnesota Statutes, section 244.19,  
4.4 subdivision 6.

4.5 \$205,000 in fiscal year 2020 and \$430,000 in  
4.6 fiscal year 2021 is to provide offender  
4.7 supervision services in Meeker and Renville  
4.8 counties. These expenditures must be offset  
4.9 by revenue to the general fund collected under  
4.10 Minnesota Statutes, section 244.19,  
4.11 subdivision 5.

4.12 \$422,000 in fiscal year 2021 is to increase  
4.13 Department of Correction's offender  
4.14 supervision. The base for this appropriation  
4.15 is \$844,000 in fiscal year 2022 and \$844,000  
4.16 in fiscal year 2023.

4.17 \$2,613,000 in fiscal year 2021 is to establish  
4.18 county and regional revocation intervention  
4.19 service centers for offenders who would  
4.20 otherwise be returned to prison. The base for  
4.21 this appropriation is \$5,100,000 in fiscal year  
4.22 2022 and \$5,100,000 in fiscal year 2023.

4.23 \$365,000 in fiscal year 2021 is for cognitive  
4.24 behavioral treatment, for community-based  
4.25 sex offender treatment, and to increase housing  
4.26 alternatives for offenders under community  
4.27 supervision. The base for this appropriation  
4.28 is \$730,000 in fiscal year 2022 and \$730,000  
4.29 in fiscal year 2023.

4.30 **(c) Corrections Overtime and Staffing**

4.31 \$338,000 in fiscal year 2020 and \$1,268,000  
4.32 in fiscal year 2021 is for additional  
4.33 compensation costs, including overtime.

5.1	<b><u>Subd. 4. Operations Support</u></b>		<u>184,000</u>	<u>986,000</u>
5.2	<b><u>(a) Safety in State Correctional Facilities</u></b>			
5.3	<u>\$250,000 in fiscal year 2021 is for leadership</u>			
5.4	<u>training. The base for this appropriation is</u>			
5.5	<u>\$250,000 in fiscal year 2022 and \$0 in fiscal</u>			
5.6	<u>year 2023.</u>			
5.7	<u>\$150,000 in fiscal year 2021 is to expand</u>			
5.8	<u>employee support initiatives. The base for this</u>			
5.9	<u>appropriation is \$300,000 in fiscal year 2022</u>			
5.10	<u>and \$300,000 in fiscal year 2023.</u>			
5.11	<b><u>(b) Corrections Overtime and Staffing</u></b>			
5.12	<u>\$184,000 in fiscal year 2020 and \$586,000 in</u>			
5.13	<u>fiscal year 2021 is for additional compensation</u>			
5.14	<u>costs, including overtime.</u>			
5.15	Sec. 4. <b><u>SENTENCING GUIDELINES</u></b>	\$	<u>8,000</u>	\$ <u>36,000</u>
5.16	Sec. 5. <b><u>PUBLIC SAFETY</u></b>			
5.17	<b><u>Subdivision 1. Total Appropriation</u></b>	\$	<u>-0-</u>	\$ <u>8,232,000</u>
5.18	<u>The amounts that may be spent for each</u>			
5.19	<u>purpose are specified in the following</u>			
5.20	<u>subdivisions.</u>			
5.21	<b><u>Subd. 2. Criminal Apprehension</u></b>		<u>-0-</u>	<u>6,232,000</u>
5.22	<b><u>(a) Coordinated Crime and Threat Reporting</u></b>			
5.23	<u>\$1,750,000 in fiscal year 2021 is for staff and</u>			
5.24	<u>operating costs.</u>			
5.25	<b><u>(b) Storage, Tracking, and Testing for Sexual</u></b>			
5.26	<b><u>Assault Examination Kits</u></b>			
5.27	<u>\$3,096,000 in fiscal year 2021 is to pay for</u>			
5.28	<u>the testing of unrestricted sexual assault</u>			
5.29	<u>examination kits, storage of restricted kits, and</u>			
5.30	<u>the development of an informational website</u>			
5.31	<u>for sexual assault survivors to learn the status</u>			
5.32	<u>of the testing of the survivor's individual</u>			

6.1 sexual assault examination kit. The base for  
 6.2 this appropriation is \$2,067,000 in fiscal year  
 6.3 2022 and each year thereafter.

6.4 **(c) Laboratory Capacity Enhancement to**  
 6.5 **Combat Violent Crime**

6.6 \$1,386,000 in fiscal year 2021 is for staffing  
 6.7 and operating costs to increase staff; provide  
 6.8 for training, supplies, and equipment; and  
 6.9 renovate space to enhance the capacity for  
 6.10 forensic testing to combat violent crime. The  
 6.11 base for this appropriation is \$844,000 in fiscal  
 6.12 year 2022 and each year thereafter.

6.13 **Subd. 3. Office of Justice Programs** -0- 2,000,000

6.14 **Violence Prevention Grants**

6.15 \$2,000,000 in fiscal year 2021 is appropriated  
 6.16 for violence prevention grants. Of this amount,  
 6.17 \$1,500,000 is for community-based violent  
 6.18 crime prevention grants, \$400,000 is for an  
 6.19 integrated gun violence response framework  
 6.20 grant, and \$100,000 is for one violence  
 6.21 prevention coordinator position at the  
 6.22 Department of Public Safety. This is a onetime  
 6.23 appropriation.

6.24 **Sec. 6. DISASTER CONTINGENCY ACCOUNT**

6.25 \$30,000,000 in fiscal year 2020 is transferred from the general fund to the commissioner  
 6.26 of public safety for deposit in the disaster assistance contingency account established under  
 6.27 Minnesota Statutes, section 12.221, subdivision 6. This is a onetime transfer.

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

7.1 **ARTICLE 2**

7.2 **POLICY**

7.3 Section 1. Minnesota Statutes 2018, section 244.19, subdivision 5, is amended to read:

7.4 Subd. 5. **Compensation.** In counties of more than 200,000 population, a majority of the  
7.5 judges of the district court may direct the payment of such salary to probation officers as  
7.6 may be approved by the county board, and in addition thereto shall be reimbursed for all  
7.7 necessary expenses incurred in the performance of their official duties. In all counties which  
7.8 obtain probation services from the commissioner of corrections the commissioner shall, out  
7.9 of appropriations provided therefor, pay probation officers the salary and all benefits fixed  
7.10 by the state law or applicable bargaining unit and all necessary expenses, including secretarial  
7.11 service, office equipment and supplies, postage, telephone and telegraph services, and travel  
7.12 and subsistence. Each county receiving probation services from the commissioner of  
7.13 corrections shall reimburse the Department of Corrections for the total cost and expenses  
7.14 of such services as incurred by the commissioner of corrections. Total annual costs for each  
7.15 county shall be that portion of the total costs and expenses for the services of one probation  
7.16 officer represented by the ratio which the county's population bears to the total population  
7.17 served by one officer. For the purposes of this section, the population of any county shall  
7.18 be the most recent estimate made by the Department of Health. At least every six months  
7.19 the commissioner of corrections shall bill for the total cost and expenses incurred by the  
7.20 commissioner on behalf of each county which has received probation services. The  
7.21 commissioner of corrections shall notify each county of the cost and expenses and the county  
7.22 shall pay to the commissioner the amount due for reimbursement. All such reimbursements  
7.23 shall be deposited in the general fund, and beginning July 1, 2020, amounts equivalent to  
7.24 the reimbursement from counties for new or increased probation services are appropriated  
7.25 from the general fund to the commissioner of corrections. The commissioner shall annually  
7.26 report reimbursement amounts to the commissioner of management and budget. Objections  
7.27 by a county to all allocation of such cost and expenses shall be presented to and determined  
7.28 by the commissioner of corrections. Each county providing probation services under this  
7.29 section is hereby authorized to use unexpended funds and to levy additional taxes for this  
7.30 purpose.

7.31 The county commissioners of any county of not more than 200,000 population shall,  
7.32 when requested to do so by the juvenile judge, provide probation officers with suitable  
7.33 offices, and may provide equipment, and secretarial help needed to render the required  
7.34 services.

8.1       Sec. 2. **[299A.2961] COMMUNITY-BASED VIOLENT CRIME PREVENTION**  
8.2       **GRANTS**

8.3       Subdivision 1. **Establishment.** The commissioner of public safety may issue grants  
8.4       through the Office of Justice Programs to local units of government, including cities, counties,  
8.5       townships, and tribal governments, and community-based organizations that focus on  
8.6       strategies designed to impact and address violent crime in their communities.

8.7       Subd. 2. **Eligible recipients.** (a) An eligible grant recipient must serve geographic areas  
8.8       that are underserved or have high rates of violent crime and demonstrate involvement by  
8.9       members of the community served in the planning, implementation, and evaluation of  
8.10      violence prevention strategies.

8.11      (b) An eligible grant recipient must demonstrate prior experience or organizational  
8.12      capacity to design and implement community-based strategies that will lead to reductions  
8.13      in violent crime.

8.14      Subd. 3. **Eligible expenditures.** Strategies must include but are not limited to a minimum  
8.15      of one of the following focus areas:

8.16      (1) prevention strategies that focus on preventing violence through education,  
8.17      trauma-informed services, and improved social conditions in the community;

8.18      (2) intervention strategies that focus on interrupting the retaliatory patterns of violent  
8.19      crime in communities most impacted by violence; and

8.20      (3) enforcement strategies that focus on the identification of individuals, groups, or areas  
8.21      where acts of violence are prevalent in the community and must be done in partnership with  
8.22      a community-based organization or local law enforcement entity.

8.23      Sec. 3. **[299A.2962] GUN VIOLENCE PREVENTION FRAMEWORK GRANT**

8.24      Subdivision 1. **Establishment.** The commissioner of public safety may issue a grant to  
8.25      develop a metropolitan area model for a gun violence response framework that may be used  
8.26      by local criminal justice agencies and advocacy programs throughout the state.

8.27      Subd. 2. **Eligible recipients.** (a) A collaboration between a public health department  
8.28      from a city of the first class, a joint county and city public health agency, and a  
8.29      community-based social services agency must implement an integrated regional  
8.30      capacity-building gun violence response framework. The collaboration must select one  
8.31      entity to act as the grant recipient and fiscal agent.

9.1 (b) Proposals must focus on the following items: (1) developing protocols, procedures,  
 9.2 and programming for gun violence responses from community-based organizations, law  
 9.3 enforcement, prosecutors, probation officers, district courts, victim advocates, social services  
 9.4 providers, and other identified intervenors; (2) developing an information gathering and  
 9.5 dissemination plan for intervenors; and (3) developing training curricula for intervenors.

9.6 Subd. 3. **Eligible expenditures.** The collaboration may contract with outside  
 9.7 organizations to assist with the duties to be performed under this project. These contracts,  
 9.8 regardless of the monetary limit or nature of the contract, shall be subject to municipal  
 9.9 bidding procedures or be awarded through the city's request for proposal process.

9.10 Subd. 4. **Report.** The collaboration shall report to the chairs and ranking minority  
 9.11 members of the senate and house of representatives committees having jurisdiction over  
 9.12 criminal justice funding and policy describing the model for a gun violence response  
 9.13 framework.

9.14 Sec. 4. Minnesota Statutes 2018, section 299C.106, subdivision 3, is amended to read:

9.15 Subd. 3. **Submission and storage of ~~unrestricted~~ sexual assault examination kit**  
 9.16 **kits.** (a) Within 60 days of receiving an unrestricted sexual assault examination kit, a law  
 9.17 enforcement agency shall submit the kit for testing to a forensic laboratory, ~~unless the law~~  
 9.18 ~~enforcement agency deems the result of the kit would not add evidentiary value to the case.~~  
 9.19 ~~If a kit is not submitted during this time, the agency shall make a record, in consultation~~  
 9.20 ~~with the county attorney, stating the reasons why the kit was not submitted. Restricted sexual~~  
 9.21 ~~assault examination kits shall not be submitted for testing. The testing laboratory shall return~~  
 9.22 ~~unrestricted sexual assault examination kits to the submitting agency for storage after testing~~  
 9.23 ~~is complete. The submitting agency must store unrestricted sexual assault examination kits~~  
 9.24 ~~indefinitely.~~

9.25 (b) Within 60 days of a hospital preparing a restricted sexual assault examination kit or  
 9.26 a law enforcement agency receiving a restricted sexual assault examination kit from a  
 9.27 hospital, the hospital or the agency shall submit the kit to the Bureau of Criminal  
 9.28 Apprehension. The bureau shall store all restricted sexual assault examination kits collected  
 9.29 by law enforcement agencies in the state. The bureau shall retain a restricted sexual assault  
 9.30 examination kit for at least 30 months from the date the bureau receives the kit.

10.1 Sec. 5. Minnesota Statutes 2018, section 299C.106, is amended by adding a subdivision  
10.2 to read:

10.3 Subd. 3a. **Uniform consent form.** The superintendent of the Bureau of Criminal  
10.4 Apprehension shall develop a uniform sexual assault examination kit consent form. The  
10.5 form must clearly explain the differences between designating a kit as unrestricted or  
10.6 restricted. In developing and designing the consent form, the superintendent must consult  
10.7 with hospital administrators, sexual assault nurse examiners, the Minnesota Coalition Against  
10.8 Sexual Assault, and other stakeholders. The uniform consent form shall be widely distributed  
10.9 to law enforcement agencies, medical providers, and other stakeholders. The superintendent  
10.10 must make the form available on the bureau's website.

10.11 Sec. 6. Minnesota Statutes 2018, section 299C.106, is amended by adding a subdivision  
10.12 to read:

10.13 Subd. 3b. **Web database requirement.** The commissioner, in consultation with the  
10.14 commissioner of administration, must maintain a website with a searchable database  
10.15 providing sexual assault victims with information on the status of their individual sexual  
10.16 assault examination kit. The superintendent must strictly control access to the database to  
10.17 protect the privacy of the victims' data.

10.18 Sec. 7. Minnesota Statutes 2018, section 299C.46, subdivision 3, is amended to read:

10.19 Subd. 3. **Authorized use, fee.** (a) The criminal justice data communications network  
10.20 shall be used exclusively by:

10.21 (1) criminal justice agencies in connection with the performance of duties required by  
10.22 law;

10.23 (2) agencies investigating federal security clearances of individuals for assignment or  
10.24 retention in federal employment with duties related to national security, as required by  
10.25 United States Code, title 5, section 9101;

10.26 (3) other agencies to the extent necessary to provide for protection of the public or  
10.27 property in a declared emergency or disaster situation;

10.28 (4) noncriminal justice agencies statutorily mandated, by state or national law, to conduct  
10.29 checks into state databases prior to disbursing licenses or providing benefits;

10.30 (5) the public authority responsible for child support enforcement in connection with  
10.31 the performance of its duties;

11.1 (6) the public defender, as provided in section 611.272;

11.2 (7) a county attorney or the attorney general, as the county attorney's designee, for the  
11.3 purpose of determining whether a petition for the civil commitment of a proposed patient  
11.4 as a sexual psychopathic personality or as a sexually dangerous person should be filed, and  
11.5 during the pendency of the commitment proceedings;

11.6 (8) an agency of the state or a political subdivision whose access to systems or services  
11.7 provided from or through the bureau is specifically authorized by federal law or regulation  
11.8 or state statute; and

11.9 (9) a court for access to data as authorized by federal law or regulation or state statute  
11.10 and related to the disposition of a pending case.

11.11 (b) The commissioner of public safety shall establish a monthly network access charge  
11.12 to be paid by each participating criminal justice agency. The network access charge shall  
11.13 be a standard fee established for each terminal, computer, or other equipment directly  
11.14 addressable by the data communications network, as follows: January 1, 1984 to December  
11.15 31, 1984, \$40 connect fee per month; January 1, 1985 and thereafter, \$50 connect fee per  
11.16 month.

11.17 (c) The commissioner of public safety is authorized to arrange for the connection of the  
11.18 data communications network with the criminal justice information system of the federal  
11.19 government, any state, or country for the secure exchange of information for any of the  
11.20 purposes authorized in paragraph (a), clauses (1), (2), (3), (8) and (9).

11.21 (d) Prior to establishing a secure connection, a criminal justice agency that is not part  
11.22 of the Minnesota judicial branch must:

11.23 (1) agree to comply with all applicable policies governing access to, submission of or  
11.24 use of the data and Minnesota law governing the classification of the data;

11.25 (2) meet the bureau's security requirements;

11.26 (3) agree to pay any required fees; and

11.27 (4) conduct fingerprint-based state and national background checks on its employees  
11.28 and contractors as required by the Federal Bureau of Investigation.

11.29 (e) Prior to establishing a secure connection, a criminal justice agency that is part of the  
11.30 Minnesota judicial branch must:

11.31 (1) agree to comply with all applicable policies governing access to, submission of or  
11.32 use of the data and Minnesota law governing the classification of the data to the extent

12.1 applicable and with the Rules of Public Access to Records of the Judicial Branch promulgated  
12.2 by the Minnesota Supreme Court;

12.3 (2) meet the bureau's security requirements;

12.4 (3) agree to pay any required fees; and

12.5 (4) conduct fingerprint-based state and national background checks on its employees  
12.6 and contractors as required by the Federal Bureau of Investigation.

12.7 (f) Prior to establishing a secure connection, a noncriminal justice agency must:

12.8 (1) agree to comply with all applicable policies governing access to, submission of or  
12.9 use of the data and Minnesota law governing the classification of the data;

12.10 (2) meet the bureau's security requirements;

12.11 (3) agree to pay any required fees; and

12.12 (4) conduct fingerprint-based state and national background checks on its employees  
12.13 and contractors.

12.14 (g) Those noncriminal justice agencies that do not have a secure network connection  
12.15 yet receive data either retrieved over the secure network by an authorized criminal justice  
12.16 agency or as a result of a state or federal criminal history records check shall conduct a  
12.17 background check as provided in paragraph (h) ~~of~~ on those individuals who receive and  
12.18 review the data to determine another individual's eligibility for employment, housing, a  
12.19 license, or another legal right dependent on a statutorily mandated background check and  
12.20 on any contractor with access to the results of a federal criminal history records check.

12.21 (h) The background check required by paragraph (f) or (g) is accomplished by submitting  
12.22 a request to the superintendent of the Bureau of Criminal Apprehension that includes a  
12.23 signed, written consent for the Minnesota and national criminal history records check,  
12.24 fingerprints, and the required fee. The superintendent may exchange the fingerprints with  
12.25 the Federal Bureau of Investigation for purposes of obtaining the individual's national  
12.26 criminal history record information.

12.27 The superintendent shall return the results of the national criminal history records check to  
12.28 the noncriminal justice agency to determine if the individual is qualified to have access to  
12.29 state and federal criminal history record information or the secure network. An individual  
12.30 is disqualified when the state and federal criminal history record information show any of  
12.31 the disqualifiers that the individual will apply to the records of others.

13.1 When the individual is to have access to the secure network, the noncriminal justice agency  
 13.2 shall review the criminal history of each employee or contractor with the Criminal Justice  
 13.3 Information Services systems officer at the bureau, or the officer's designee, to determine  
 13.4 if the employee or contractor qualifies for access to the secure network. The Criminal Justice  
 13.5 Information Services systems officer or the designee shall make the access determination  
 13.6 based on Federal Bureau of Investigation policy and Bureau of Criminal Apprehension  
 13.7 policy.

13.8 Sec. 8. Minnesota Statutes 2019 Supplement, section 477A.03, subdivision 2b, is amended  
 13.9 to read:

13.10 Subd. 2b. **Counties.** (a) For aids payable in 2018 and 2019, the total aid payable under  
 13.11 section 477A.0124, subdivision 3, is \$103,795,000, of which \$3,000,000 shall be allocated  
 13.12 as required under Laws 2014, chapter 150, article 4, section 6. For aids payable in 2020,  
 13.13 the total aid payable under section 477A.0124, subdivision 3, is \$116,795,000, of which  
 13.14 \$3,000,000 shall be allocated as required under Laws 2014, chapter 150, article 4, section  
 13.15 6. For aids payable in 2021 through 2024, the total aid payable under section 477A.0124,  
 13.16 subdivision 3, is \$118,795,000, of which \$3,000,000 shall be allocated as required under  
 13.17 Laws 2014, chapter 150, article 4, section 6. For aids payable in 2025 and thereafter, the  
 13.18 total aid payable under section 477A.0124, subdivision 3, is \$115,795,000. ~~Each calendar~~  
 13.19 ~~year~~ On or before the first installment date provided in section 477A.015, paragraph (a),  
 13.20 \$500,000 of this appropriation shall be ~~retained~~ transferred each year by the commissioner  
 13.21 of revenue to ~~make reimbursements to the commissioner of management and budget~~ the  
 13.22 Board of Public Defense for ~~payments made~~ the payment of services under section 611.27.  
 13.23 ~~The reimbursements shall be to defray the additional costs associated with court-ordered~~  
 13.24 ~~counsel under section 611.27.~~ Any ~~retained~~ transferred amounts not used for reimbursement  
 13.25 expended or encumbered in a fiscal year shall be certified by the Board of Public Defense  
 13.26 to the commissioner of revenue on or before October 1 and shall be included in the next  
 13.27 distribution certification of county need aid that is certified to the county auditors for the  
 13.28 purpose of property tax reduction for the next taxes payable year.

13.29 (b) For aids payable in 2018 and 2019, the total aid under section 477A.0124, subdivision  
 13.30 4, is \$130,873,444. For aids payable in 2020, the total aid under section 477A.0124,  
 13.31 subdivision 4, is \$143,873,444. For aids payable in 2021 and thereafter, the total aid under  
 13.32 section 477A.0124, subdivision 4, is \$145,873,444. The commissioner of revenue shall  
 13.33 transfer to the commissioner of management and budget \$207,000 annually for the cost of  
 13.34 preparation of local impact notes as required by section 3.987, and other local government  
 13.35 activities. The commissioner of revenue shall transfer to the commissioner of education

14.1 \$7,000 annually for the cost of preparation of local impact notes for school districts as  
 14.2 required by section 3.987. The commissioner of revenue shall deduct the amounts transferred  
 14.3 under this paragraph from the appropriation under this paragraph. The amounts transferred  
 14.4 are appropriated to the commissioner of management and budget and the commissioner of  
 14.5 education respectively.

14.6 Sec. 9. Minnesota Statutes 2018, section 611.27, subdivision 9, is amended to read:

14.7 Subd. 9. **Request for other appointment of counsel.** The chief district public defender  
 14.8 ~~with the approval of~~ may request that the state public defender may request that the chief  
 14.9 ~~judge of the district court, or a district court judge designated by the chief judge,~~ authorize  
 14.10 appointment of counsel other than the district public defender in such cases.

14.11 Sec. 10. Minnesota Statutes 2018, section 611.27, subdivision 10, is amended to read:

14.12 Subd. 10. **Addition of permanent staff.** The chief public defender may not request ~~the~~  
 14.13 ~~court~~ nor may the ~~court order~~ state public defender approve the addition of permanent staff  
 14.14 under subdivision 7.

14.15 Sec. 11. Minnesota Statutes 2018, section 611.27, subdivision 11, is amended to read:

14.16 Subd. 11. **Appointment of counsel.** If the ~~court~~ state public defender finds that the  
 14.17 provision of adequate legal representation, including associated services, is beyond the  
 14.18 ability of the district public defender to provide, the ~~court shall order~~ state public defender  
 14.19 may approve counsel to be appointed, with compensation and expenses to be paid under  
 14.20 the provisions of this subdivision and subdivision 7. Counsel in such cases shall be appointed  
 14.21 by the chief district public defender. ~~If the court issues an order denying the request, the~~  
 14.22 ~~court shall make written findings of fact and conclusions of law. Upon denial, the chief~~  
 14.23 ~~district public defender may immediately appeal the order denying the request to the court~~  
 14.24 ~~of appeals and may request an expedited hearing.~~

14.25 Sec. 12. Minnesota Statutes 2018, section 611.27, subdivision 13, is amended to read:

14.26 Subd. 13. **Correctional facility inmates.** All billings for services rendered and ordered  
 14.27 under subdivision 7 shall require the approval of the chief district public defender before  
 14.28 being forwarded ~~on a monthly basis~~ to the state public defender. In cases where adequate  
 14.29 representation cannot be provided by the district public defender and where counsel has  
 14.30 been ~~appointed under a court order~~ approved by the state public defender, the ~~state public~~  
 14.31 ~~defender~~ Board of Public Defense shall ~~forward to the commissioner of management and~~

15.1 ~~budget pay all billings for services rendered under the court order. The commissioner shall~~  
15.2 ~~pay for services~~ from county program aid ~~retained~~ transferred by the commissioner of  
15.3 revenue for that purpose under section 477A.03, subdivision 2b, paragraph (a).

15.4 The costs of appointed counsel and associated services in cases arising from new criminal  
15.5 charges brought against indigent inmates who are incarcerated in a Minnesota state  
15.6 correctional facility are the responsibility of the state Board of Public Defense. In such cases  
15.7 the state public defender may follow the procedures outlined in this section for obtaining  
15.8 court-ordered counsel.

15.9 Sec. 13. Minnesota Statutes 2018, section 611.27, subdivision 15, is amended to read:

15.10 Subd. 15. **Costs of transcripts.** In appeal cases and postconviction cases where the  
15.11 appellate public defender's office does not have sufficient funds to pay for transcripts and  
15.12 other necessary expenses because it has spent or committed all of the transcript funds in its  
15.13 annual budget, the ~~state public defender may forward to the commissioner of management~~  
15.14 ~~and budget all billings for transcripts and other necessary expenses. The commissioner shall~~  
15.15 Board of Public Defense may pay for these transcripts and other necessary expenses from  
15.16 county program aid ~~retained~~ transferred by the commissioner of revenue for that purpose  
15.17 under section 477A.03, subdivision 2b, paragraph (a).