

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

S.F. No. 4959

(SENATE AUTHORS: LATZ)

DATE
03/14/2024

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Introduction and first reading
Referred to Judiciary and Public Safety

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to public safety; correcting statutory citation related to obscene or harassing
1.3 telephone calls; clarifying reference to minimum term of imprisonment for certain
1.4 offenders; clarifying organized retail theft; correcting statutory citation reference
1.5 related to expungement; clarifying eligibility standard applicable to retroactive
1.6 relief for certain persons convicted of aiding and abetting felony murder; making
1.7 conforming changes; amending Minnesota Statutes 2023 Supplement, sections
1.8 299C.10, subdivision 1; 609.3455, subdivision 5; 609.522, subdivisions 1, 2;
1.9 609A.02, subdivision 3; 638.12, subdivision 2; 638.15, subdivision 1; Laws 2023,
1.10 chapter 52, article 4, section 24, subdivisions 3, 4, 7.

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

1.12 Section 1. Minnesota Statutes 2023 Supplement, section 299C.10, subdivision 1, is amended
1.13 to read:

1.14 Subdivision 1. **Required fingerprinting.** (a) Sheriffs, peace officers, and community
1.15 corrections agencies operating secure juvenile detention facilities shall take or cause to be
1.16 taken immediately fingerprints and thumbprints, photographs, distinctive physical mark
1.17 identification data, information on any known aliases or street names, and other identification
1.18 data requested or required by the superintendent of the bureau, of the following:

1.19 (1) persons arrested for, appearing in court on a charge of, or convicted of a felony, gross
1.20 misdemeanor, or targeted misdemeanor;

1.21 (2) juveniles arrested for, appearing in court on a charge of, adjudicated delinquent for,
1.22 or alleged to have committed felonies or gross misdemeanors as distinguished from those
1.23 committed by adult offenders;

1.24 (3) adults and juveniles admitted to jails or detention facilities;

1.25 (4) persons reasonably believed by the arresting officer to be fugitives from justice;

2.1 (5) persons in whose possession, when arrested, are found concealed firearms or other
2.2 dangerous weapons, burglar tools or outfits, high-power explosives, or articles, machines,
2.3 or appliances usable for an unlawful purpose and reasonably believed by the arresting officer
2.4 to be intended for such purposes;

2.5 (6) juveniles referred by a law enforcement agency to a diversion program for a felony
2.6 or gross misdemeanor offense; and

2.7 (7) persons currently involved in the criminal justice process, on probation, on parole,
2.8 or in custody for any offense whom the superintendent of the bureau identifies as being the
2.9 subject of a court disposition record which cannot be linked to an arrest record, and whose
2.10 fingerprints are necessary to reduce the number of suspense files, or to comply with the
2.11 mandates of section 299C.111, relating to the reduction of the number of suspense files.
2.12 This duty to obtain fingerprints for the offenses in suspense at the request of the bureau
2.13 shall include the requirement that fingerprints be taken in post-arrest interviews, while
2.14 making court appearances, while in custody, or while on any form of probation, diversion,
2.15 or supervised release.

2.16 (b) Unless the superintendent of the bureau requires a shorter period, within 24 hours
2.17 of taking the fingerprints and data, the fingerprint records and other identification data
2.18 specified under paragraph (a) must be electronically entered into a bureau-managed
2.19 searchable database in a manner as may be prescribed by the superintendent.

2.20 (c) Prosecutors, courts, and probation officers and their agents, employees, and
2.21 subordinates shall attempt to ensure that the required identification data is taken on a person
2.22 described in paragraph (a). Law enforcement may take fingerprints of an individual who is
2.23 presently on probation.

2.24 (d) Fingerprints and thumbprints must be obtained no later than:

2.25 (1) release from booking; or

2.26 (2) if not booked prior to acceptance of a plea of guilty or not guilty.

2.27 Prior to acceptance of a plea of guilty or not guilty, an individual's finger and thumb
2.28 prints must be submitted to the Bureau of Criminal Apprehension for the offense. If finger
2.29 and thumb prints have not been successfully received by the bureau, an individual may,
2.30 upon order of the court, be taken into custody for no more than eight hours so that the taking
2.31 of prints can be completed. Upon notice and motion of the prosecuting attorney, this time
2.32 period may be extended upon a showing that additional time in custody is essential for the
2.33 successful taking of prints.

3.1 (e) For purposes of this section, a targeted misdemeanor is a misdemeanor violation of
 3.2 section 169A.20 (driving while impaired), 518B.01 (order for protection violation), 609.224
 3.3 (fifth-degree assault), 609.2242 (domestic assault), 609.746 (interference with privacy),
 3.4 609.748 (harassment or restraining order violation), ~~609.749~~ 609.79 (obscene or harassing
 3.5 telephone calls), 617.23 (indecent exposure), or 629.75 (domestic abuse no contact order).

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

3.7 Sec. 2. Minnesota Statutes 2023 Supplement, section 609.3455, subdivision 5, is amended
 3.8 to read:

3.9 Subd. 5. **Life sentences; minimum term of imprisonment.** At the time of sentencing
 3.10 under subdivision 3 or 4, the court shall specify a minimum term of imprisonment, based
 3.11 on the sentencing guidelines or any applicable mandatory minimum sentence, that must be
 3.12 served before the offender may be considered for supervised release. If the offender was
 3.13 under 18 years of age at the time of the commission of the offense, the minimum term of
 3.14 imprisonment specified by the court shall not exceed the applicable minimum term of
 3.15 imprisonment described in section 244.05, subdivision 4b.

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

3.17 Sec. 3. Minnesota Statutes 2023 Supplement, section 609.522, subdivision 1, is amended
 3.18 to read:

3.19 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
 3.20 meanings given.

3.21 (b) "Pattern of retail theft" means acts committed or directed by the defendant on at least
 3.22 two separate occasions in the preceding six months that would constitute a violation of:

3.23 (1) section 609.52, subdivision 2, paragraph (a), ~~clauses~~ clause (1), (3), ~~and~~ or (4),
 3.24 involving retail merchandise;

3.25 (2) section 609.521;

3.26 (3) section 609.53, subdivision 1, involving retail merchandise;

3.27 (4) section 609.582 when the building was a retail establishment; or

3.28 (5) section 609.59.

3.29 (c) "Retail establishment" means the building where a retailer sells retail merchandise.

4.1 (d) "Retail merchandise" means all forms of tangible property, without limitation, held
4.2 out for sale by a retailer.

4.3 (e) "Retail theft enterprise" means a group of two or more individuals with a shared goal
4.4 involving the unauthorized removal of retail merchandise from a retailer. Retail theft
4.5 enterprise does not require the membership of the enterprise to remain the same or that the
4.6 same individuals participate in each offense committed by the enterprise.

4.7 (f) "Retailer" means a person or entity that sells retail merchandise.

4.8 (g) "Value" means the retail market value at the time of the theft or, if the retail market
4.9 value cannot be ascertained, the cost of replacement of the property within a reasonable
4.10 time after the theft.

4.11 Sec. 4. Minnesota Statutes 2023 Supplement, section 609.522, subdivision 2, is amended
4.12 to read:

4.13 Subd. 2. **Organized retail theft.** A person is guilty of organized retail theft if:

4.14 (1) the person is employed by or associated with a retail theft enterprise;

4.15 (2) the person has previously engaged in a pattern of retail theft and intentionally commits
4.16 an act or directs another member of the retail theft enterprise to commit an act involving
4.17 retail merchandise that would constitute a violation of:

4.18 (i) section 609.52, subdivision 2, paragraph (a), ~~clauses~~ clause (1), (3), ~~and~~ or (4); or

4.19 (ii) section 609.53, subdivision 1; and

4.20 (3) the person or another member of the retail theft enterprise:

4.21 (i) resells or intends to resell the stolen retail merchandise;

4.22 (ii) advertises or displays any item of the stolen retail merchandise for sale; or

4.23 (iii) returns any item of the stolen retail merchandise to a retailer for anything of value.

4.24 Sec. 5. Minnesota Statutes 2023 Supplement, section 609A.02, subdivision 3, is amended
4.25 to read:

4.26 Subd. 3. **Certain criminal proceedings.** (a) A petition may be filed under section
4.27 609A.03 to seal all records relating to an arrest, indictment or information, trial, or verdict
4.28 if the records are not subject to section 299C.11, subdivision 1, paragraph (b), and if:

4.29 (1) all pending actions or proceedings were resolved in favor of the petitioner. For
4.30 purposes of this chapter, a verdict of not guilty by reason of mental illness is not a resolution

5.1 in favor of the petitioner. For the purposes of this chapter, an action or proceeding is resolved
5.2 in favor of the petitioner, if the petitioner received an order under section 590.11 determining
5.3 that the petitioner is eligible for compensation based on exoneration;

5.4 (2) the petitioner has successfully completed the terms of a diversion program or stay
5.5 of adjudication and has not been charged with a new crime for at least one year since
5.6 completion of the diversion program or stay of adjudication;

5.7 (3) the petitioner was convicted of a petty misdemeanor or misdemeanor or the sentence
5.8 imposed was within the limits provided by law for a misdemeanor and the petitioner has
5.9 not been convicted of a new crime for at least two years since discharge of the sentence for
5.10 the crime;

5.11 (4) the petitioner was convicted of a gross misdemeanor or the sentence imposed was
5.12 within the limits provided by law for a gross misdemeanor and the petitioner has not been
5.13 convicted of a new crime for at least three years since discharge of the sentence for the
5.14 crime;

5.15 (5) the petitioner was convicted of a gross misdemeanor that is deemed to be for a
5.16 misdemeanor pursuant to section 609.13, subdivision 2, clause (2), and has not been convicted
5.17 of a new crime for at least three years since discharge of the sentence for the crime;

5.18 (6) the petitioner was convicted of a felony violation of section 152.025 and has not
5.19 been convicted of a new crime for at least four years since discharge of the sentence for the
5.20 crime;

5.21 (7) the petitioner was convicted of a felony that is deemed to be for a gross misdemeanor
5.22 or misdemeanor pursuant to section 609.13, subdivision 1, clause (2), and has not been
5.23 convicted of a new crime for at least five years since discharge of the sentence for the crime;
5.24 or

5.25 (8) the petitioner was convicted of a felony violation of an offense listed in paragraph
5.26 (b), and has not been convicted of a new crime for at least four years since discharge of the
5.27 sentence for the crime.

5.28 (b) Paragraph (a), clause ~~(7)~~ (8), applies to the following offenses:

5.29 (1) section 35.824 (altering livestock certificate);

5.30 (2) section 62A.41 (insurance regulations);

5.31 (3) section 86B.865, subdivision 1 (certification for title on watercraft);

- 6.1 (4) section 152.023, subdivision 2 (possession of a controlled substance in the third
6.2 degree); 152.024, subdivision 2 (possession of a controlled substance in the fourth degree);
6.3 152.025 (controlled substance in the fifth degree); or 152.097 (sale of simulated controlled
6.4 substance);
- 6.5 (5) section 168A.30, subdivision 1 (certificate of title false information); or 169.09,
6.6 subdivision 14, paragraph (a), clause (2) (accident resulting in great bodily harm);
- 6.7 (6) chapter 201; 203B; or 204C (voting violations);
- 6.8 (7) section 228.45; 228.47; 228.49; 228.50; or 228.51 (false bill of lading);
- 6.9 (8) section 256.984 (false declaration in assistance application);
- 6.10 (9) section 296A.23, subdivision 2 (willful evasion of fuel tax);
- 6.11 (10) section 297D.09, subdivision 1 (failure to affix stamp on scheduled substances);
- 6.12 (11) section 297G.19 (liquor taxation); or 340A.701 (unlawful acts involving liquor);
- 6.13 (12) section 325F.743 (precious metal dealers); or 325F.755, subdivision 7 (prize notices
6.14 and solicitations);
- 6.15 (13) section 346.155, subdivision 10 (failure to control regulated animal);
- 6.16 (14) section 349.2127; or 349.22 (gambling regulations);
- 6.17 (15) section 588.20 (contempt);
- 6.18 (16) section 609.27, subdivision 1, clauses (2) to (5) (coercion);
- 6.19 (17) section 609.31 (leaving state to evade establishment of paternity);
- 6.20 (18) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil
6.21 commitment for mental illness);
- 6.22 (19) section 609.49 (failure to appear in court);
- 6.23 (20) section 609.52, subdivision 2, when sentenced pursuant to section 609.52,
6.24 subdivision 3, clause (3)(a) (theft of \$5,000 or less) or 609.52, subdivision 3a, clause (1)
6.25 (theft of \$1,000 or less with risk of bodily harm); or any other offense sentenced pursuant
6.26 to section 609.52, subdivision 3, clause (3)(a);
- 6.27 (21) section 609.521 (possession of shoplifting gear);
- 6.28 (22) section 609.525 (bringing stolen goods into state);
- 6.29 (23) section 609.526, subdivision 2, clause (2) (metal dealer receiving stolen goods);

- 7.1 (24) section 609.527, subdivision 5b (possession or use of scanning device or reencoder);
7.2 609.528, subdivision 3, clause (3) (possession or sale of stolen or counterfeit check); or
7.3 609.529 (mail theft);
- 7.4 (25) section 609.53 (receiving stolen goods);
- 7.5 (26) section 609.535, subdivision 2a, paragraph (a), clause (1) (dishonored check over
7.6 \$500);
- 7.7 (27) section 609.54, clause (1) (embezzlement of public funds \$2,500 or less);
- 7.8 (28) section 609.551 (rustling and livestock theft);
- 7.9 (29) section 609.5641, subdivision 1a, paragraph (a) (wildfire arson);
- 7.10 (30) section 609.576, subdivision 1, clause (3), item (iii) (negligent fires);
- 7.11 (31) section 609.582, subdivision 3 (burglary in the third degree);
- 7.12 (32) section 609.59 (possession of burglary or theft tools);
- 7.13 (33) section 609.595, subdivision 1, clauses (3) to (5), and subdivision 1a, paragraph
7.14 (a) (criminal damage to property);
- 7.15 (34) section 609.597, subdivision 3, clause (3) (assaulting or harming police horse);
- 7.16 (35) section 609.625 (aggravated forgery); 609.63 (forgery); 609.631, subdivision 4,
7.17 clause (3)(a) (check forgery \$2,500 or less); 609.635 (obtaining signature by false pretense);
7.18 609.64 (recording, filing forged instrument); or 609.645 (fraudulent statements);
- 7.19 (36) section 609.65, clause (1) (false certification by notary); or 609.651, subdivision
7.20 4, paragraph (a) (lottery fraud);
- 7.21 (37) section 609.652 (fraudulent driver's license and identification card);
- 7.22 (38) section 609.66, subdivision 1a, paragraph (a) (discharge of firearm; silencer); or
7.23 609.66, subdivision 1b (furnishing firearm to minor);
- 7.24 (39) section 609.662, subdivision 2, paragraph (b) (duty to render aid);
- 7.25 (40) section 609.686, subdivision 2 (tampering with fire alarm);
- 7.26 (41) section 609.746, subdivision 1, paragraph (g) (interference with privacy; subsequent
7.27 violation or minor victim);
- 7.28 (42) section 609.80, subdivision 2 (interference with cable communications system);
- 7.29 (43) section 609.821, subdivision 2 (financial transaction card fraud);

- 8.1 (44) section 609.822 (residential mortgage fraud);
- 8.2 (45) section 609.825, subdivision 2 (bribery of participant or official in contest);
- 8.3 (46) section 609.855, subdivision 2, paragraph (c), clause (1) (interference with transit
- 8.4 operator);
- 8.5 (47) section 609.88 (computer damage); or 609.89 (computer theft);
- 8.6 (48) section 609.893, subdivision 2 (telecommunications and information services fraud);
- 8.7 (49) section 609.894, subdivision 3 or 4 (cellular counterfeiting);
- 8.8 (50) section 609.895, subdivision 3, paragraph (a) or (b) (counterfeited intellectual
- 8.9 property);
- 8.10 (51) section 609.896 (movie pirating);
- 8.11 (52) section 624.7132, subdivision 15, paragraph (b) (transfer pistol to minor); 624.714,
- 8.12 subdivision 1a (pistol without permit; subsequent violation); or 624.7141, subdivision 2
- 8.13 (transfer of pistol to ineligible person); or
- 8.14 (53) section 624.7181 (rifle or shotgun in public by minor).

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

8.16 Sec. 6. Minnesota Statutes 2023 Supplement, section 638.12, subdivision 2, is amended

8.17 to read:

8.18 Subd. 2. **Pardon eligibility; waiver.** (a) Except as provided in paragraphs (b) and (c),

8.19 an individual convicted of a crime in a court of this state may apply for a pardon of the

8.20 individual's conviction on or after five years from the sentence's expiration or discharge

8.21 date.

8.22 (b) An individual convicted before August 1, 2023, of a violation of section 609.19,

8.23 subdivision 1, clause (1), under the theory of liability for crimes of another may apply for

8.24 a pardon upon the sentence's expiration or discharge date if the individual:

8.25 (1) was charged with a violation of section 609.185, paragraph (a), clause (3), and:

8.26 (i) thereafter pled guilty to a violation of section 609.19, subdivision 1, clause (1);

8.27 (ii) did not cause the death of a human being; and

8.28 (iii) did not intentionally aid, advise, hire, counsel, or conspire with or otherwise procure

8.29 another with the intent to cause the death of a human being; or

8.30 (2) was charged with a violation of section 609.19, subdivision 2, and:

9.1 (i) thereafter pled guilty to a violation of section 609.19, subdivision 1, clause (1);

9.2 (ii) did not cause the death of a human being; and

9.3 (iii) was not a major participant, as defined in section 609.05, subdivision 2a, paragraph
9.4 (c), in the underlying felony ~~and~~ or did not act with extreme indifference to human life.

9.5 (c) An individual may request the board to waive the waiting period if there is a showing
9.6 of unusual circumstances and special need.

9.7 (d) The commission must review a waiver request and recommend to the board whether
9.8 to grant the request. When considering a waiver request, the commission is exempt from
9.9 the meeting requirements under section 638.14 and chapter 13D.

9.10 (e) The board must grant a waiver request unless the governor or a board majority opposes
9.11 the waiver.

9.12 **EFFECTIVE DATE.** This section is effective July 1, 2024.

9.13 Sec. 7. Minnesota Statutes 2023 Supplement, section 638.15, subdivision 1, is amended
9.14 to read:

9.15 Subdivision 1. **Grounds for recommending clemency.** (a) When recommending whether
9.16 to grant clemency, the commission must consider any factors that the commission deems
9.17 appropriate, including but not limited to:

9.18 (1) the nature, seriousness, and circumstances of the applicant's crime; the applicant's
9.19 age at the time of the crime; and the time that has elapsed between the crime and the
9.20 application;

9.21 (2) the successful completion or revocation of previous probation, parole, supervised
9.22 release, or conditional release;

9.23 (3) the number, nature, and circumstances of the applicant's other criminal convictions;

9.24 (4) the extent to which the applicant has demonstrated rehabilitation through
9.25 postconviction conduct, character, and reputation;

9.26 (5) the extent to which the applicant has accepted responsibility, demonstrated remorse,
9.27 and made restitution to victims;

9.28 (6) whether the sentence is clearly excessive in light of the applicant's crime and criminal
9.29 history and any sentence received by an accomplice and with due regard given to:

9.30 (i) any plea agreement;

- 10.1 (ii) the sentencing judge's views; and
- 10.2 (iii) the sentencing ranges established by law;
- 10.3 (7) whether the applicant was convicted before August 1, 2023, of a violation of section
- 10.4 609.19, subdivision 1, clause (1), under the theory of liability for crimes of another and, if
- 10.5 so, whether the applicant:
- 10.6 (i) was charged with a violation of section 609.185, paragraph (a), clause (3), and:
- 10.7 (A) thereafter pled guilty to a violation of section 609.19, subdivision 1, clause (1);
- 10.8 (B) did not cause the death of a human being; and
- 10.9 (C) did not intentionally aid, advise, hire, counsel, or conspire with or otherwise procure
- 10.10 another with the intent to cause the death of a human being; or
- 10.11 (ii) was charged with a violation of section 609.19, subdivision 2, and:
- 10.12 (A) thereafter pled guilty to a violation of section 609.19, subdivision 1, clause (1);
- 10.13 (B) did not cause the death of a human being; and
- 10.14 (C) was not a major participant, as defined in section 609.05, subdivision 2a, paragraph
- 10.15 (c), in the underlying felony ~~and~~ or did not act with extreme indifference to human life;
- 10.16 (8) whether the applicant's age or medical status indicates that it is in the best interest
- 10.17 of society that the applicant receive clemency;
- 10.18 (9) the applicant's asserted need for clemency, including family needs and barriers to
- 10.19 housing or employment created by the conviction;
- 10.20 (10) for an applicant under the department's custody, the adequacy of the applicant's
- 10.21 reentry plan;
- 10.22 (11) the amount of time already served by the applicant and the availability of other
- 10.23 forms of judicial or administrative relief;
- 10.24 (12) the extent to which there is credible evidence indicating that the applicant is or may
- 10.25 be innocent of the crime for which they were convicted; and
- 10.26 (13) if provided by the applicant, the applicant's demographic information, including
- 10.27 race, ethnicity, gender, disability status, and age.
- 10.28 (b) Unless an applicant knowingly omitted past criminal convictions on the application,
- 10.29 the commission or the board must not prejudice an applicant for failing to identify past
- 10.30 criminal convictions.

11.1 **EFFECTIVE DATE.** This section is effective July 1, 2024.

11.2 Sec. 8. Laws 2023, chapter 52, article 4, section 24, subdivision 3, is amended to read:

11.3 Subd. 3. **Notification.** (a) By ~~December~~ July 1, 2023 2024, the commissioner of
11.4 corrections shall notify individuals convicted for a violation of Minnesota Statutes, section
11.5 609.185, paragraph (a), clause (3), or 609.19, subdivision 2, clause (1), of the right to file
11.6 a preliminary application for relief if:

11.7 (1) the person was convicted for a violation of Minnesota Statutes, section 609.185,
11.8 paragraph (a), clause (3), and the person:

11.9 (i) did not cause the death of a human being; and

11.10 (ii) did not intentionally aid, advise, hire, counsel, or conspire with or otherwise procure
11.11 another with the intent to cause the death of a human being; or

11.12 (2) the person was convicted for a violation of Minnesota Statutes, section 609.19,
11.13 subdivision 2, clause (1), and the person:

11.14 (i) did not cause the death of a human being; and

11.15 (ii) was not a major participant in the underlying felony ~~and~~ or did not act with extreme
11.16 indifference to human life.

11.17 (b) The notice shall include the address of the Ramsey County District Court court
11.18 administration.

11.19 (c) The commissioner of corrections may coordinate with the judicial branch to establish
11.20 a standardized notification form.

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

11.22 Sec. 9. Laws 2023, chapter 52, article 4, section 24, subdivision 4, is amended to read:

11.23 Subd. 4. **Preliminary application.** (a) An applicant shall submit a preliminary application
11.24 to the Ramsey County District Court. The preliminary application must contain:

11.25 (1) the applicant's name and, if different, the name under which the person was convicted;

11.26 (2) the applicant's date of birth;

11.27 (3) the district court case number of the case for which the person is seeking relief;

11.28 (4) a statement as to whether the applicant was convicted following a trial or pursuant
11.29 to a plea;

12.1 (5) a statement as to whether the person filed a direct appeal from the conviction, a
12.2 petition for postconviction relief, or both;

12.3 (6) a brief statement, not to exceed 3,000 words, explaining why the applicant is entitled
12.4 to relief under this section from a conviction for the death of a human being caused by
12.5 another; and

12.6 (7) the name and address of any attorney representing the applicant.

12.7 (b) The preliminary application may contain:

12.8 (1) the name, date of birth, and district court case number of any other person charged
12.9 with, or convicted of, a crime arising from the same set of circumstances for which the
12.10 applicant was convicted; and

12.11 (2) a copy of a criminal complaint or indictment, or the relevant portions of a presentence
12.12 investigation or life imprisonment report, describing the facts of the case for which the
12.13 applicant was convicted.

12.14 (c) The judicial branch may establish a standardized preliminary application form, but
12.15 shall not reject a preliminary application for failure to use a standardized form.

12.16 (d) Any person seeking relief under this section must submit a preliminary application
12.17 no later than October 1, ~~2025~~ 2026. Submission is complete upon mailing.

12.18 (e) Submission of a preliminary application shall be without costs or any fees charged
12.19 to the applicant.

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

12.21 Sec. 10. Laws 2023, chapter 52, article 4, section 24, subdivision 7, is amended to read:

12.22 Subd. 7. **Determination; order; resentencing.** (a) A petitioner who was convicted of
12.23 a violation of Minnesota Statutes, section 609.185, paragraph (a), clause (3), is entitled to
12.24 relief if the petitioner shows by a preponderance of the evidence that the petitioner:

12.25 (1) did not cause the death of a human being; and

12.26 (2) did not intentionally aid, advise, hire, counsel, or conspire with or otherwise procure
12.27 another with the intent to cause the death of a human being.

12.28 (b) A petitioner who was convicted of a violation of Minnesota Statutes, section 609.19,
12.29 subdivision 2, clause (1), is entitled to relief if the petitioner shows by a preponderance of
12.30 the evidence that the petitioner:

12.31 (1) did not cause the death of a human being; and

13.1 (2) was not a major participant in the underlying felony ~~and~~ or did not act with extreme
13.2 indifference to human life.

13.3 (c) If the court determines that the petitioner does not qualify for relief, the court shall
13.4 issue an order denying the petition. If the court determines that the petitioner is entitled to
13.5 relief, the court shall issue an order vacating the conviction for a violation of Minnesota
13.6 Statutes, section 609.185, paragraph (a), clause (3), or 609.19, subdivision 2, clause (1),
13.7 and either:

13.8 (1) resentence the petitioner for the most serious remaining offense for which the
13.9 petitioner was convicted; or

13.10 (2) enter a conviction and impose a sentence for any other predicate felony arising out
13.11 of the course of conduct that served as the factual basis for the conviction vacated by the
13.12 court.

13.13 (d) The new sentence announced by the court under this section must be for the most
13.14 serious predicate felony unless the most serious remaining offense for which the petitioner
13.15 was convicted is that offense or a more serious offense.

13.16 (e) If, pursuant to paragraph (c), the court either resents a petitioner or imposes a
13.17 sentence, the court shall also resentence the petitioner for any other offense if the sentence
13.18 was announced by a district court of the same county, the sentence was either ordered to
13.19 be served consecutively to the vacated conviction or the criminal history calculation for
13.20 that sentence included the vacated sentence, and the changes made pursuant to paragraph
13.21 (c) would have resulted in a different criminal history score being used at the time of
13.22 sentencing.

13.23 (f) The court shall state in writing or on the record the reasons for its decision on the
13.24 petition.

13.25 (g) If the court intends to resentence a petitioner or impose a sentence on a petitioner,
13.26 the court must hold the hearing at a time that allows any victim an opportunity to submit a
13.27 statement consistent with Minnesota Statutes, section 611A.038. The prosecutor shall make
13.28 a good faith and reasonable effort to notify any person determined to be a victim of the
13.29 hearing and the right to submit or make a statement. A sentence imposed under this
13.30 subdivision shall not increase the petitioner's total period of confinement or, if the petitioner
13.31 was serving a stayed sentence, increase the period of supervision. The court may increase
13.32 the period of confinement for a sentence that was ordered to be served consecutively to the
13.33 vacated conviction based on a change in the appropriate criminal history score provided the
13.34 court does not increase the petitioner's total period of confinement. A person resented

14.1 under this paragraph is entitled to credit for time served in connection with the vacated
14.2 offense.

14.3 (h) Relief granted under this section shall not be treated as an exoneration for purposes
14.4 of the Incarceration and Exoneration Remedies Act.

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

14.6 Sec. 11. **ADDITIONAL REQUIREMENTS.**

14.7 (a) An individual who was denied relief under Laws 2023, chapter 52, article 4, section
14.8 24, for a conviction under Minnesota Statutes, section 609.19, subdivision 2, clause (1),
14.9 due to a determination that the individual was not a major participant in the underlying
14.10 felony and did not act with extreme indifference to human life, and who is now eligible for
14.11 relief under the charges made in this act, may reapply for relief.

14.12 (b) If the commissioner of corrections did not notify an individual under Laws 2023,
14.13 chapter 52, article 4, section 24, subdivision 3, paragraph (a), clause (2), of the individual's
14.14 right to file a preliminary application for relief due to a determination that the individual
14.15 was not a major participant in the underlying felony and did not act with extreme indifference
14.16 to human life, and the individual is now eligible for relief under the changes made in this
14.17 act, the commissioner shall provide the notification by July 1, 2024.

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