

Exhibit B: Petition for Rulemaking

1. 2021 Minnesota Session Laws, Chapter 11, Article 9
 2. 2023 Minnesota Session Laws, Chapter 61, Article 5
 3. 2025 Minnesota Session Laws, Chapter 35, Article 5
 4. Minn. Stat. § 241.021
-

Exhibit B-1

2021 Minnesota Session Laws, Chapter 11, Article 9

CHAPTER 11--H.F.No. 63

An act relating to public safety; modifying certain provisions relating to public safety, courts, corrections, sexual offenders, crime victims, background checks, forfeiture, law enforcement, human rights, and data practices; providing for task forces and working groups; requiring reports; providing for criminal penalties; appropriating money for courts, public safety, sentencing guidelines, corrections, human rights, Peace Officer Standards and Training (POST) Board, Private Detective Board, Guardian ad Litem Board, state auditor, Legislative Coordinating Commission, Department of Natural Resources, Uniform Laws Commission, Board on Judicial Standards, and Board of Public Defense; amending Minnesota Statutes 2020, sections 2.722, subdivision 1; 13.41, subdivision 3; 13.411, by adding a subdivision; 13.552, by adding a subdivision; 13.7931, by adding a subdivision; 13.824, subdivision 6; 13.825, subdivision 9; 13.851, by adding a subdivision; 152.01, subdivision 18; 169.99, subdivision 1c, by adding a subdivision; 169A.55, subdivisions 2, 4; 169A.60, subdivisions 2, 3, 13; 169A.63, subdivisions 1, 7, 8, 9, 10, 13, by adding subdivisions; 171.29, subdivision 1; 171.30, subdivision 1; 171.306, subdivisions 2, 4; 214.10, subdivision 11; 241.016; 241.021, subdivision 1, by adding subdivisions; 243.166, subdivision 1b; 243.48, subdivision 1; 243.52; 244.19, subdivision 3; 253B.18, subdivision 5a; 253D.14, subdivisions 2, 3, by adding a subdivision; 299A.52, subdivision 2; 299C.60; 299C.61, subdivisions 2, 4, by adding subdivisions; 299C.62, subdivisions 1, 2, 3, 4, 6; 299C.63; 299C.72; 299C.80, subdivision 3; 340A.504, subdivision 7; 357.021, subdivisions 1a, 6; 363A.02, subdivision 1; 363A.08, subdivision 6; 363A.28, subdivisions 1, 6; 363A.31, subdivision 2; 363A.33, subdivision 3; 363A.36, subdivisions 1, 2, 3, 4, by adding a subdivision; 363A.44, subdivisions 2, 4, 9; 401.06; 403.02, subdivision 16; 403.03, subdivision 1; 403.07, subdivision 2; 403.11, subdivision 1; 403.21, subdivisions 3, 12; 403.36, subdivision 1; 477A.03, subdivision 2b; 524.2-503; 609.1095, subdivision 1; 609.131, subdivision 2; 609.135, subdivision 2; 609.221; 609.2325; 609.322, subdivisions 1, 1a; 609.324, subdivisions 1, 2, 4; 609.3241; 609.341, subdivisions 3, 7, 11, 12, 14, 15, by adding subdivisions; 609.342; 609.343; 609.344; 609.345; 609.3451; 609.3455; 609.3459; 609.352, subdivision 4; 609.531, subdivision 1, by adding a subdivision; 609.5311, subdivisions 2, 3, 4; 609.5314, subdivisions 1, 2, 3, by adding a subdivision; 609.5315, subdivisions 5, 5b, 6; 609.605, subdivision 2; 609.66, subdivision 1e; 611.21; 611.27, subdivisions 9, 10, 11, 13, 15; 611A.039, subdivision 1; 611A.06, subdivision 1; 617.246, subdivisions 2, 3, 4; 617.247, subdivisions 3, 4; 626.14; 626.842, subdivision 2; 626.8435, subdivision 1; 626.845, subdivision 3; 626.8457, subdivision 3; 626.8469, by adding a subdivision; 628.26; Laws 2016, chapter 189, article 4, section 7; Laws 2017, chapter 95, article 1, section 11, subdivision 7; article 3, section 30; Laws 2020, Seventh Special Session chapter 2, article 2, section 4; Laws 2021, First Special Session chapter 4, article 9, sections 1; 2; 3; 4; 5; Laws 2021, First Special Session chapter 5, article 3, sections 1; 2; 3; 4; 5; proposing coding for new law in Minnesota Statutes, chapters 3; 84; 260B; 299A; 299F; 326B; 604A; 609; 611A; 626; 629; 634; repealing Minnesota Statutes 2020, sections 253D.14, subdivision 4; 609.324, subdivision 3; 609.5317; 611A.0385.

ARTICLE 9

POLICING AND CORRECTIONS

Section 1. Minnesota Statutes 2020, section 13.41, subdivision 3, is amended to read:

Subd. 3. **Board of Peace Officer Standards and Training.** The following government data of the Board of Peace Officer Standards and Training are private data:

~~(+) personal telephone numbers, and home and e-mail addresses of licensees and applicants for licenses; and~~

~~(2) data that identify the government entity that employs a licensed peace officer.~~

The board may disseminate private data on applicants and licensees as is necessary to administer law enforcement licensure or to provide data under section 626.845, subdivision 1, to law enforcement agencies who are conducting employment background investigations.

Sec. 2. Minnesota Statutes 2020, section 13.411, is amended by adding a subdivision to read:

Subd. 11. **Peace officer database.** Section 626.8457, subdivision 3, governs data sharing between law enforcement agencies and the Peace Officer Standards and Training Board for purposes of administering the peace officer database required by section 626.845, subdivision 3.

Sec. 3. Minnesota Statutes 2020, section 214.10, subdivision 11, is amended to read:

Subd. 11. **Board of Peace Officers Standards and Training; reasonable grounds determination.** (a) After the investigation is complete, the executive director shall convene at least a three-member four-member committee of the board to determine if the complaint constitutes reasonable grounds to believe that a violation within the board's enforcement jurisdiction has occurred. In conformance with section 626.843, subdivision 1b, at least two three members of the committee must be voting board members who are peace officers and one member of the committee must be a voting board member appointed from the general public. No later than 30 days before the committee meets, the executive director shall give the licensee who is the subject of the complaint and the complainant written notice of the meeting. The executive director shall also give the licensee a copy of the complaint. Before making its determination, the committee shall give the complaining party and the licensee who is the subject of the complaint a reasonable opportunity to be heard.

(b) The committee shall, by majority vote, after considering the information supplied by the investigating agency and any additional information supplied by the complainant or the licensee who is the subject of the complaint, take one of the following actions:

(1) find that reasonable grounds exist to believe that a violation within the board's enforcement jurisdiction has occurred and order that an administrative hearing be held;

(2) decide that no further action is warranted; or

(3) continue the matter.

The executive director shall promptly give notice of the committee's action to the complainant and the licensee.

(c) If the committee determines that a complaint does not relate to matters within its enforcement jurisdiction but does relate to matters within another state or local agency's enforcement jurisdiction, it shall refer the complaint to the appropriate agency for disposition.

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

Sec. 4. Minnesota Statutes 2020, section 241.016, is amended to read:

241.016 ANNUAL PERFORMANCE REPORT REQUIRED.

Subdivision 1. **Biennial Annual report.** (a) The Department of Corrections shall submit a performance report to the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over criminal justice funding by January 15 of each ~~odd-numbered~~ year. The issuance and content of the report must include the following:

(1) department strategic mission, goals, and objectives;

(2) the department-wide per diem, adult facility-specific per diems, and an average per diem, reported in a standard calculated method as outlined in the departmental policies and procedures;

(3) department annual statistics as outlined in the departmental policies and procedures; ~~and~~

(4) information about prison-based mental health programs, including, but not limited to, the availability of these programs, participation rates, and completion rates; and

(5) beginning in 2023, a written aggregate of the state correctional facilities security audit group's recommendations based on each security audit and assessment of a state correctional facility and the commissioner's responses to the recommendations.

(b) The department shall maintain recidivism rates for adult facilities on an annual basis. In addition, each year the department shall, on an alternating basis, complete a recidivism analysis of adult facilities, juvenile services, and the community services divisions and include a three-year recidivism analysis in the report described in paragraph (a). The recidivism analysis must: (1) assess education programs, vocational programs, treatment programs, including mental health programs, industry, and employment; and (2) assess statewide re-entry policies and funding, including postrelease treatment, education, training, and supervision. In addition, when reporting recidivism for the department's adult and juvenile facilities, the department shall report on the extent to which offenders it has assessed as chemically dependent commit new offenses, with separate recidivism rates reported for persons completing and not completing the department's treatment programs.

(c) The department shall maintain annual statistics related to the supervision of extended jurisdiction juveniles and include those statistics in the report described in paragraph (a). The statistics must include:

(1) the total number and population demographics of individuals under supervision in adult facilities, juvenile facilities, and the community who were convicted as an extended jurisdiction juvenile;

(2) the number of individuals convicted as an extended jurisdiction juvenile who successfully completed probation in the previous year;

(3) the number of individuals identified in clause (2) for whom the court terminated jurisdiction before the person became 21 years of age pursuant to section 260B.193, subdivision 5;

(4) the number of individuals convicted as an extended jurisdiction juvenile whose sentences were executed; and

(5) the average length of time individuals convicted as an extended jurisdiction juvenile spend on probation.

Sec. 5. Minnesota Statutes 2020, section 241.021, subdivision 1, is amended to read:

Subdivision 1. **Correctional facilities; inspection; licensing.** (a) Except as provided in paragraph (b), the commissioner of corrections shall inspect and license all correctional facilities throughout the state, whether public or private, established and operated for the detention and confinement of persons ~~detained~~ ~~or confined~~ or incarcerated therein according to law except to the extent that they are inspected or licensed by other state regulating agencies. The commissioner shall promulgate pursuant to chapter 14, rules establishing minimum standards for these facilities with respect to their management, operation, physical condition, and the security, safety, health, treatment, and discipline of persons ~~detained~~ ~~or confined~~ or incarcerated therein. ~~Commencing September 1, 1980,~~ These minimum standards shall include but are not limited to specific guidance pertaining to:

(1) screening, appraisal, assessment, and treatment for persons confined or incarcerated in correctional facilities with mental illness or substance use disorders;

(2) a policy on the involuntary administration of medications;

(3) suicide prevention plans and training;

(4) verification of medications in a timely manner;

(5) well-being checks;

(6) discharge planning, including providing prescribed medications to persons confined or incarcerated in correctional facilities upon release;

(7) a policy on referrals or transfers to medical or mental health care in a noncorrectional institution;

(8) use of segregation and mental health checks;

(9) critical incident debriefings;

(10) clinical management of substance use disorders;

(11) a policy regarding identification of persons with special needs confined or incarcerated in correctional facilities;

(12) a policy regarding the use of telehealth;

(13) self-auditing of compliance with minimum standards;

(14) information sharing with medical personnel and when medical assessment must be facilitated;

(15) a code of conduct policy for facility staff and annual training;

(16) a policy on death review of all circumstances surrounding the death of an individual committed to the custody of the facility; and

(17) dissemination of a rights statement made available to persons confined or incarcerated in licensed correctional facilities.

No individual, corporation, partnership, voluntary association, or other private organization legally responsible for the operation of a correctional facility may operate the facility unless ~~licensed by it~~ it possesses a current license from the commissioner of corrections. Private adult correctional facilities shall have the authority of section 624.714, subdivision 13, if the Department of Corrections licenses the facility with ~~such~~ the authority and the facility meets requirements of section 243.52.

The commissioner shall review the correctional facilities described in this subdivision at least once every ~~biennium~~ two years, except as otherwise provided ~~herein~~, to determine compliance with the minimum standards established ~~pursuant~~ according to this subdivision or other Minnesota statute related to minimum standards and conditions of confinement.

The commissioner shall grant a license to any facility found to conform to minimum standards or to any facility which, in the commissioner's judgment, is making satisfactory progress toward substantial conformity and the standards not being met do not impact the interests and well-being of the persons ~~detained or confined therein~~ or incarcerated in the facility are protected. A limited license under subdivision 1a may be issued for purposes of effectuating a facility closure. The commissioner may grant licensure up to two years. Unless otherwise specified by statute, all licenses issued under this chapter expire at 12:01 a.m. on the day after the expiration date stated on the license.

The commissioner shall have access to the buildings, grounds, books, records, staff, and to persons ~~detained or confined~~ or incarcerated in these facilities. The commissioner may require the officers in charge of these facilities to furnish all information and statistics the commissioner deems necessary, at a time and place designated by the commissioner.

All facility administrators of correctional facilities are required to report all deaths of individuals who died while committed to the custody of the facility, regardless of whether the death occurred at the facility or after removal from the facility for medical care stemming from an incident or need for medical care at the correctional facility, as soon as practicable, but no later than 24 hours of receiving knowledge of the death, including any demographic information as required by the commissioner.

All facility administrators of correctional facilities are required to report all other emergency or unusual occurrences as defined by rule, including uses of force by facility staff that result in substantial bodily harm or suicide attempts, to the commissioner of corrections within ten days from the occurrence, including any demographic information as required by the commissioner. The commissioner of corrections shall consult with the Minnesota Sheriffs' Association and a representative from the Minnesota Association of Community Corrections Act Counties who is responsible for the operations of an adult correctional facility to define "use of force" that results in substantial bodily harm for reporting purposes.

The commissioner may require that any or all such information be provided through the Department of Corrections detention information system. The commissioner shall post each inspection report publicly and on the department's website within 30 days of completing the inspection. The education program offered in a correctional facility for the ~~detention or confinement or incarceration~~ of juvenile offenders must be approved by the commissioner of education before the commissioner of corrections may grant a license to the facility.

(b) For juvenile facilities licensed by the commissioner of human services, the commissioner may inspect and certify programs based on certification standards set forth in Minnesota Rules. For the purpose of this paragraph, "certification" has the meaning given it in section 245A.02.

(c) Any state agency which regulates, inspects, or licenses certain aspects of correctional facilities shall, insofar as is possible, ensure that the minimum standards it requires are substantially the same as those required by other state agencies which regulate, inspect, or license the same aspects of similar types of correctional facilities, although at different correctional facilities.

(d) Nothing in this section shall be construed to limit the commissioner of corrections' authority to promulgate rules establishing standards of eligibility for counties to receive funds under sections 401.01 to 401.16, or to require counties to comply with operating standards the commissioner establishes as a condition precedent for counties to receive that funding.

(e) The department's inspection unit must report directly to a division head outside of the correctional institutions division.

~~(e) When the commissioner finds that any facility described in paragraph (a), except foster care facilities for delinquent children and youth as provided in subdivision 2, does not substantially conform to the minimum standards established by the commissioner and is not making satisfactory progress toward substantial conformance, the commissioner shall promptly notify the chief executive officer and the governing board of the facility of the deficiencies and order that they be remedied within a reasonable period of time. The commissioner may by written order restrict the use of any facility which does not substantially conform to minimum standards to prohibit the detention of any person therein for more than 72 hours at one time. When, after due notice and hearing, the commissioner finds that any facility described in this subdivision, except county jails and lockups as provided in sections 641.26, 642.10, and 642.11, does not conform to minimum standards, or is not making satisfactory progress toward substantial compliance therewith, the commissioner may issue an order revoking the license of that facility. After revocation of its license, that facility shall not be used until its license is renewed. When the commissioner is satisfied that satisfactory progress towards substantial compliance with minimum standard is being made, the commissioner may, at the request of the appropriate officials of the affected facility supported by a written schedule for compliance, grant an extension of time for a period not to exceed one year.~~

~~(f) As used in this subdivision, "correctional facility" means any facility, including a group home, having a residential component, the primary purpose of which is to serve persons placed therein by a court, court services department, parole authority, or other correctional agency having dispositional power over persons charged with, convicted, or adjudicated to be guilty or delinquent.~~

Sec. 6. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to read:

Subd. 1a. **Correction order; conditional license.** (a) When the commissioner finds that any facility described in subdivision 1, except foster care facilities for delinquent children and youth as provided in subdivision 2, does not substantially conform to the minimum standards established by the commissioner and is not making satisfactory progress toward substantial conformance and the nonconformance does not present an imminent risk of life-threatening harm or serious physical injury to the persons confined or incarcerated in the facility, the commissioner shall promptly notify the facility administrator and the governing board of the facility of the deficiencies and must issue a correction order or a conditional license order that the deficiencies be remedied within a reasonable and specified period of time.

The conditional license order may restrict the use of any facility which does not substantially conform to minimum standards, including imposition of conditions limiting operation of the facility or parts of the facility, reducing facility capacity, limiting intake, limiting length of detention for individuals, or imposing detention limitations based on the needs of the individuals being confined or incarcerated therein.

The correction order or conditional license order must clearly state the following:

(1) the specific minimum standards violated, noting the implicated rule or law;

(2) the findings that constitute a violation of minimum standards;

(3) the corrective action needed;

(4) time allowed to correct each violation; and

(5) if a license is made conditional, the length and terms of the conditional license, any conditions limiting operation of the facility, and the reasons for making the license conditional.

(b) The facility administrator may request review of the findings noted in the conditional license order on the grounds that satisfactory progress toward substantial compliance with minimum standards has been made, supported by evidence of correction, and, if appropriate, may include a written schedule for compliance. The commissioner shall review the evidence of correction and the progress made toward substantial compliance with minimum standards within a reasonable period of time, not to exceed ten business days. When the commissioner has assurance that satisfactory progress toward substantial compliance with minimum standards is being made, the commissioner shall lift any conditions limiting operation of the facility or parts of the facility or remove the conditional license order.

(c) Nothing in this section prohibits the commissioner from ordering a revocation under subdivision 1b prior to issuing a correction order or conditional license order.

Sec. 7. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to read:

Subd. 1b. **License revocation order.** (a) When, after due notice to the facility administrator of the commissioner's intent to issue a revocation order, the commissioner finds that any facility described in this subdivision, except county jails and lockups subject to active condemnation proceedings or orders as provided in sections 641.26, 642.10, and 642.11, does not conform to minimum standards, or is not making satisfactory progress toward substantial compliance with minimum standards, and the nonconformance does not present an imminent risk of life-threatening harm or serious physical injury to the persons confined or incarcerated in the facility, the commissioner may issue an order revoking the license of that facility.

The notice of intent to issue a revocation order shall include:

(1) the citation to minimum standards that have been violated;

(2) the nature and severity of each violation;

(3) whether the violation is recurring or nonrecurring;

(4) the effect of the violation on persons confined or incarcerated in the correctional facility;

(5) an evaluation of the risk of harm to persons confined or incarcerated in the correctional facility;

(6) relevant facts, conditions, and circumstances concerning the operation of the licensed facility, including at a minimum:

(i) specific facility deficiencies that endanger the health or safety of persons confined or incarcerated in the correctional facility;

(ii) substantiated complaints relating to the correctional facility; or

(iii) any other evidence that the correctional facility is not in compliance with minimum standards.

(b) The facility administrator must submit a written response within 30 days of receipt of the notice of intent to issue a revocation order with any information related to errors in the notice, ability to conform to minimum standards within a set period of time including but not limited to a written schedule for compliance, and any other information the facility administrator deems relevant for consideration by the commissioner. The written response must also include a written plan indicating how the correctional facility will ensure the transfer of confined or incarcerated individuals and records if the correctional facility closes. Plans must specify arrangements the correctional facility will make to transfer confined or incarcerated individuals to another licensed correctional facility for continuation of detention.

(c) When revoking a license, the commissioner shall consider the nature, chronicity, or severity of the violation of law or rule and the effect of the violation on the health, safety, or rights of persons confined or incarcerated in the correctional facility.

(d) If the facility administrator does not respond within 30 days to the notice of intent to issue a revocation order or if the commissioner does not have assurance that satisfactory progress toward substantial compliance with minimum standards will be made, the commissioner shall issue a revocation order. The revocation order must be sent to the facility administrator and the governing board of the facility, clearly stating:

(1) the specific minimum standards violated, noting the implicated rule or law;

(2) the findings that constitute a violation of minimum standards and the nature, chronicity, or severity of those violations;

(3) the corrective action needed;

(4) any prior correction or conditional license orders issued to correct violations; and

(5) the date at which the license revocation shall take place.

A revocation order may authorize use until a certain date, not to exceed the duration of the current license, unless a limited license is issued by the commissioner for purposes of effectuating a facility closure and continued operation does not present an imminent risk of life-threatening harm or is not likely to result in serious physical injury to the persons confined or incarcerated in the facility.

(e) After revocation of the facility's licensure, that facility shall not be used until the license is renewed. When the commissioner is satisfied that satisfactory progress toward substantial compliance with minimum standards is being made, the commissioner may, at the request of the facility administrator supported by a written schedule for compliance, reinstate the license.

Sec. 8. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to read:

Subd. 1c. **Temporary license suspension.** The commissioner shall act immediately to temporarily suspend a license issued under this chapter if:

(1) the correctional facility's failure to comply with applicable minimum standards or the conditions in the correctional facility pose an imminent risk of life-threatening harm or serious physical injury to persons confined or incarcerated in the facility, staff, law enforcement, visitors, or the public; and

(i) if the imminent risk of life-threatening harm or serious physical injury cannot be promptly corrected through a different type of order under this section; and

(ii) the correctional facility cannot or has not corrected the violation giving rise to the imminent risk of life-threatening harm or serious physical injury; or

(2) while the correctional facility continues to operate pending due notice and opportunity for written response to the commissioner's notice of intent to issue an order of revocation, the commissioner identifies one or more subsequent violations of minimum standards which may adversely affect the health or safety of persons confined or incarcerated in the facility, staff, law enforcement, visitors, or the public.

A notice stating the reasons for the immediate suspension informing the facility administrator must be delivered by personal service to the correctional facility administrator and the governing board of the facility.

Sec. 9. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to read:

Subd. 1d. **Public notice of restriction, revocation, or suspension.** If the license of a facility under this section is revoked or suspended, or use of the facility is restricted for any reason under a conditional license order, the commissioner shall post the facility, the status of the facility's license, and the reason for the restriction, revocation, or suspension publicly and on the department's website.

Sec. 10. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to read:

Subd. 1e. **Reconsideration of orders; appeals.** (a) If the facility administrator believes the correction order, conditional license order, or revocation order is in error, the facility administrator may ask the Department of Corrections to reconsider the parts of the order or action that are alleged to be in error. The request for reconsideration must:

(1) be made in writing;

(2) be postmarked and sent to the commissioner no later than 30 calendar days after receipt of the correction order, conditional license order, or revocation order;

(3) specify the parts of the order that are alleged to be in error;

(4) explain why the correction order, conditional license order, or revocation order is in error; and

(5) include documentation to support the allegation of error.

The commissioner shall issue a disposition within 60 days of receipt of the facility administrator's response to correction, conditional license, or revocation order violations. A request for reconsideration does not stay any provisions or requirements of the order.

(b) The facility administrator may request reconsideration of an order immediately suspending a license. The request for reconsideration of an order immediately suspending a license must be made in writing and sent by certified mail, personal service, or other means expressly stated in the commissioner's order. If mailed, the request for reconsideration must be postmarked and sent to the commissioner no later than five business days after the facility administrator receives notice that the license has been immediately suspended. If a request is made by personal service, it must be received by the commissioner no later than five business days after the facility administrator received the order. The request for reconsideration must:

(1) specify the parts of the order that are alleged to be in error;

(2) explain why they are in error; and

(3) include documentation to support the allegation of error.

A facility administrator and the governing board of the facility shall discontinue operation of the correctional facility upon receipt of the commissioner's order to immediately suspend the license.

(c) Within five business days of receipt of the facility administrator's timely request for reconsideration of a temporary immediate suspension, the commissioner shall review the request for reconsideration. The scope of the review shall be limited solely to the issue of whether the temporary immediate suspension order should remain in effect pending the written response to commissioner's notice of intent to issue a revocation order.

The commissioner's disposition of a request for reconsideration of correction, conditional license, temporary immediate suspension, or revocation order is final and subject to appeal. The facility administrator must request reconsideration as required by this section of any correction, conditional license, temporary immediate suspension, or revocation order prior to appeal.

No later than 60 days after the postmark date of the mailed notice of the commissioner's decision on a request for reconsideration, the facility administrator may appeal the decision by filing for a writ of certiorari with the court of appeals under section 606.01 and Minnesota Rules of Civil Appellate Procedure, Rule 115.

Sec. 11. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to read:

Subd. 1f. **Report.** By February 15, 2022, and by February 15 each year thereafter, the commissioner of corrections shall report to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over public safety and judiciary on the status of the implementation of the provisions in this section over the prior year, particularly the health and safety of individuals confined or incarcerated in a state correctional facility and a facility licensed by the commissioner. This report shall include but not be limited to data regarding:

(1) the number of confined or incarcerated persons who died while committed to the custody of the facility, regardless of whether the death occurred at the facility or after removal from the facility for medical care stemming from an incident or need for medical care at the correctional facility, including aggregated demographic information and the correctional facilities' most recent inspection reports and any corrective orders or conditional licenses issued;

(2) the aggregated results of the death reviews by facility as required by subdivision 8, including any implemented policy changes;

(3) the number of uses of force by facility staff on persons confined or incarcerated in the correctional facility, including but not limited to whether those uses of force were determined to be justified by the facility, for which the commissioner of corrections shall consult with the Minnesota Sheriffs' Association and a representative from the Minnesota Association of Community Corrections Act Counties who is responsible for the operations of an adult correctional facility to develop criteria for reporting and define reportable uses of force;

(4) the number of suicide attempts, number of people transported to a medical facility, and number of people placed in segregation;

(5) the number of persons committed to the commissioner of corrections' custody that the commissioner is housing in facilities licensed under subdivision 1, including but not limited to:

(i) aggregated demographic data of those individuals;

(ii) length of time spent housed in a licensed correctional facility; and

(iii) any contracts the Department of Corrections has with correctional facilities to provide housing; and

(6) summary data from state correctional facilities regarding complaints involving alleged on-duty staff misconduct, including but not limited to the:

(i) total number of misconduct complaints and investigations;

(ii) total number of complaints by each category of misconduct, as defined by the commissioner of corrections;

(iii) number of allegations dismissed as unfounded;

(iv) number of allegations dismissed on grounds that the allegation was unsubstantiated; and

(v) number of allegations substantiated, any resulting disciplinary action, and the nature of the discipline.

Sec. 12. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to read:

Subd. 1g. **Biennial assessment and audit of security practices; state correctional facilities.** (a) Beginning in 2022, the commissioner shall have the department's inspection unit conduct biennial security audits of each state correctional facility using the standards promulgated by the state correctional facilities security audit group. The unit must prepare a report for each assessment and audit and submit the report to the state correctional facilities security audit group within 30 days of completion of the audit.

(b) Corrections and detention confidential data, as defined in section 13.85, subdivision 3, and nonpublic security information, as defined in section 13.37, subdivision 1, that is contained in reports and records of the group maintain that classification, regardless of the data's classification in the hands of the person who provided the data, and are not subject to discovery or introduction into evidence in a civil or criminal action against the state arising out of the matters the group is reviewing. Information, documents, and records otherwise available from other sources are not immune from discovery or use in a civil or criminal action solely because they were acquired during the group's audit. This section does not limit a person who presented information to the group or who is a member of the group from testifying about matters within the person's knowledge. However, in a civil or criminal proceeding, a person may not be questioned about the person's good faith presentation of information to the group or opinions formed by the person as a result of the group's audits.

Sec. 13. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to read:

Subd. 1h. **State correctional facilities security audit group.** (a) Beginning in fiscal year 2022, the commissioner shall form a state correctional facilities security audit group. The group must consist of the following members:

(1) a department employee who is not assigned to the correctional institutions division, appointed by the commissioner;

(2) the ombudsperson for corrections;

(3) an elected sheriff or designee nominated by the Minnesota Sheriffs' Association and appointed by the commissioner;

(4) a physical plant safety consultant, appointed by the governor;

(5) a private security consultant with expertise in correctional facility security, appointed by the governor;

(6) two senators, one appointed by the senate majority leader and one appointed by the minority leader; and

(7) two representatives, one appointed by the speaker of the house and one appointed by the minority leader of the house of representatives.

(b) By January 1, 2022, the group shall establish security audit standards for state correctional facilities. In developing the standards, the group, or individual members of the group, may gather information from state correctional facilities and state correctional staff and inmates. The security audit group must periodically review the standards and modify them as needed. The group must report the standards to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over public safety policy and finance by February 15, 2022.

(c) The group shall review facility audit reports submitted to the group by the agency's inspection unit. Notwithstanding any law to the contrary, the group is entitled to review the full audit reports including nonpublic security information and corrections and detention confidential data. Within 60 days of receiving an audit report from the department's inspection unit, the group must make recommendations to the commissioner. Within 45 days of receiving the group's recommendations, the commissioner must reply in writing to the group's findings and recommendations. The commissioner's response must explain whether the agency will implement the group's recommendations, the timeline for implementation of the changes, and, if not, why the commissioner will not or cannot implement the group's recommendations.

(d) Beginning in 2023, the commissioner must include a written aggregate of the group's recommendations based on each security audit and assessment of a state correctional facility and the commissioner's responses to the recommendations in the biennial report required under section 241.016, subdivision 1. The commissioner shall not include corrections and detention confidential data, as defined in section 13.85, subdivision 3, and nonpublic security information, as defined in section 13.37, subdivision 1, in the commissioner's report to the legislature.

(e) The commissioner shall provide staffing and administrative support to the group.

Sec. 14. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to read:

Subd. 1i. **Definition.** As used in this section, "correctional facility" means any facility, including a group home, having a residential component, the primary purpose of which is to serve persons placed in facilities by a court, court services department, parole authority, or other correctional agency having dispositional power over persons charged with, convicted, or adjudicated guilty or delinquent.

Sec. 15. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to read:

Subd. 7. **Intake release of information.** All correctional facilities that confine or incarcerate adults are required at intake to provide each person an authorization form to release information related to that person's health or mental health condition and when that information should be shared. This release form shall allow the individual to select if the individual wants to require the correctional facility to make attempts to contact the designated person to facilitate the sharing of health condition information upon incapacitation or if the individual becomes unable to communicate or direct the sharing of this information, so long as contact information was provided and the incapacitated individual or individual who is unable to communicate or direct the sharing of this information is not subject to a court order prohibiting contact with the designated person.

Sec. 16. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to read:

Subd. 8. **Death review teams.** In the event a correctional facility receives information of the death of an individual while committed to the custody of the facility, regardless of whether the death occurred at the facility or after removal from the facility for medical care stemming from an incident or need for medical care at the correctional facility, the administrator of the facility, minimally including a medical expert of the facility's choosing who did not provide medical services to the individual, and, if appropriate, a mental health expert, shall review the circumstances of the death and assess for preventable mortality and morbidity, including recommendations for policy or procedure change, within 90 days of death. The investigating law enforcement agency may provide documentation, participate in, or provide documentation and participate in the review in instances where criminal charges were not brought. A preliminary autopsy report must be provided as part of the review and any subsequent autopsy findings as available. The facility administrator shall provide notice to the commissioner of corrections via the Department of Corrections detention information system that the correctional facility has conducted a review and identify any recommendations for changes in policy, procedure, or training that will be implemented. Any report or other documentation created for purposes of a facility death review is confidential as defined in section 13.02, subdivision 3. Nothing in this section relieves the facility administrator from complying with the notice of death to the commissioner as required by subdivision 1, paragraph (a).

Sec. 17. Minnesota Statutes 2020, section 243.48, subdivision 1, is amended to read:

Subdivision 1. **General searches.** The commissioner of corrections, the state correctional facilities audit group, the governor, lieutenant governor, members of the legislature, state officers, and the ombudsperson for corrections may visit the inmates at pleasure, but no other persons without permission of the chief executive officer of the facility, under rules prescribed by the commissioner. A moderate fee may be required of visitors, other than those allowed to visit at pleasure. All fees so collected shall be reported and remitted to the commissioner of management and budget under rules as the commissioner may deem proper, and when so remitted shall be placed to the credit of the general fund.

Sec. 18. Minnesota Statutes 2020, section 243.52, is amended to read:

243.52 DISCIPLINE; PREVENTION OF ESCAPE; DUTY TO REPORT.

Subdivision 1. **Discipline and prevention of escape.** If any inmate of person confined or incarcerated in any adult correctional facility either under the control of the commissioner of corrections or licensed by the commissioner of corrections under section 241.021 assaults any correctional officer or any other person or inmate, the assaulted person may use force in defense of the assault, except as limited in this section. If any inmate confined or incarcerated person attempts to damage the buildings or appurtenances, resists the lawful authority of any correctional officer, refuses to obey the correctional officer's reasonable demands, or attempts to escape, the correctional officer may enforce obedience and discipline or prevent escape by the use of force. If any inmate confined or incarcerated person resisting lawful authority is wounded or killed by the use of force by the correctional officer or assistants, that conduct is authorized under this section.

Subd. 2. **Use of force.** (a) Use of force must not be applied maliciously or sadistically for the purpose of causing harm to a confined or incarcerated person.

(b) Unless the use of deadly force is justified in this section, a correctional officer working in an adult correctional facility either under the control of the commissioner of corrections or licensed by the commissioner under section 241.021 may not use any of the following restraints:

(1) a choke hold;

(2) a prone restraint;

(3) tying all of a person's limbs together behind the person's back to render the person immobile; or

(4) securing a person in any way that results in transporting the person face down in a vehicle, except as directed by a medical professional.

(c) For the purposes of this subdivision, the following terms have the meanings given them:

(1) "choke hold" means a method by which a person applies sufficient pressure to a person to make breathing difficult or impossible, and includes but is not limited to any pressure to the neck, throat, or windpipe that may prevent or hinder breathing or reduce intake of air. Choke hold also means applying pressure to a person's neck on either side of the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the carotid arteries;

(2) "prone restraint" means the use of manual restraint that places a person in a face-down position; and

~~As used in this section, "use of force" means conduct which is defined by sections 609.06 to 609.066.~~
(3) "deadly force" has the meaning given in section 609.066, subdivision 1.

(d) Use of deadly force is justified only if an objectively reasonable correctional officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that deadly force is necessary:

(1) to protect the correctional officer or another from death or great bodily harm, provided that the threat:

(i) can be articulated with specificity by the correctional officer;

(ii) is reasonably likely to occur absent action by the correctional officer; and

(iii) must be addressed through the use of deadly force without unreasonable delay; or

(2) to effect the capture or prevent the escape of a person when the officer reasonably believes that the person will cause death or great bodily harm to another person under the threat criteria in clause (1), unless immediately apprehended.

Subd. 3. Duty to report. (a) Regardless of tenure or rank, staff working in an adult correctional facility either under the control of the commissioner of corrections or licensed by the commissioner under section 241.021 who observe another employee engage in neglect or use force that exceeds the degree of force permitted by law must report the incident in writing as soon as practicable, but no later than 24 hours to the administrator of the correctional facility that employs the reporting staff member.

(b) A staff member who fails to report neglect or excessive use of force within 24 hours is subject to disciplinary action or sanction by the correctional facility that employs them. Staff members shall suffer no reprisal for reporting another staff member engaged in excessive use of force or neglect.

(c) For the purposes of this subdivision, "neglect" means:

(1) the knowing failure or omission to supply a person confined or incarcerated in the facility with care or services, including but not limited to food, clothing, health care, or supervision that is reasonable and necessary to obtain or maintain the person's physical or mental health or safety; or

(2) the absence or likelihood of absence of care or services, including but not limited to food, clothing, health care, or supervision necessary to maintain the physical and mental health of the person that a reasonable person would deem essential for health, safety, or comfort.

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

Sec. 19. Minnesota Statutes 2020, section 244.19, subdivision 3, is amended to read:

Subd. 3. **Powers and duties.** All county probation officers serving a district court shall act under the orders of the court in reference to any person committed to their care by the court, and in the performance of their duties shall have the general powers of a peace officer; and it shall be their duty to make such investigations with regard to any person as may be required by the court before, during, or after the trial or hearing, and to furnish to the court such information and assistance as may be required; to take charge of any person before, during or after trial or hearing when so directed by the court, and to keep such records and to make such reports to the court as the court may order.

All county probation officers serving a district court shall, in addition, provide probation and parole services to wards of the commissioner of corrections resident in the counties they serve, and shall act under the orders of said commissioner of corrections in reference to any ward committed to their care by the commissioner of corrections.

All probation officers serving a district court shall, under the direction of the authority having power to appoint them, initiate programs for the welfare of persons coming within the jurisdiction of the court to prevent delinquency and crime and to rehabilitate within the community persons who come within the jurisdiction of the court and are properly subject to efforts to accomplish prevention and rehabilitation. They shall, under the direction of the court, cooperate with all law enforcement agencies, schools, child welfare agencies of a public or private character, and other groups concerned with the prevention of crime and delinquency and the rehabilitation of persons convicted of crime and delinquency.

All probation officers serving a district court shall make monthly and annual reports to the commissioner of corrections, on forms furnished by the commissioner, containing such information on number of cases cited to the juvenile division of district court, offenses, adjudications, dispositions, and related matters as may be required by the commissioner of corrections. The reports shall include the information on individuals convicted as an extended jurisdiction juvenile identified in section 241.016, subdivision 1, paragraph (c).

Sec. 20. **[260B.008] USE OF RESTRAINTS.**

(a) As used in this section, "restraints" means a mechanical or other device that constrains the movement of a person's body or limbs.

(b) Restraints may not be used on a child appearing in court in a proceeding under this chapter unless the court finds that:

(1) the use of restraints is necessary:

(i) to prevent physical harm to the child or another; or

(ii) to prevent the child from fleeing in situations in which the child presents a substantial risk of flight from the courtroom; and

(2) there are no less restrictive alternatives to restraints that will prevent flight or physical harm to the child or another, including but not limited to the presence of court personnel, law enforcement officers, or bailiffs.

The finding in clause (1), item (i), may be based, among other things, on the child having a history of disruptive courtroom behavior or behavior while in custody for any current or prior offense that has placed others in potentially harmful situations, or presenting a substantial risk of inflicting physical harm on the child or others as evidenced by past behavior. The court may take into account the physical structure of the courthouse in assessing the applicability of the above factors to the individual child.

(c) The court shall be provided the child's behavior history and shall provide the child an opportunity to be heard in person or through counsel before ordering the use of restraints. If restraints are ordered, the court shall make findings of fact in support of the order.

(d) By April 1, 2022, each judicial district shall develop a protocol to address how to implement and comply with this section. In developing the protocol, a district shall consult with law enforcement agencies, prosecutors, public defenders within the district, and any other entity deemed necessary by the district's chief judge.

EFFECTIVE DATE. Paragraphs (a), (b), and (c) are effective April 15, 2022. Paragraph (d) is effective the day following final enactment.

Sec. 21. [260B.1755] ALTERNATIVE TO ARREST OF CERTAIN JUVENILE OFFENDERS AUTHORIZED.

(a) A peace officer who has probable cause to believe that a child is a petty offender or delinquent child may refer the child to a program, including restorative programs, that the law enforcement agency with jurisdiction over the child deems appropriate.

(b) If a peace officer or law enforcement agency refers a child to a program under paragraph (a), the peace officer or law enforcement agency may defer issuing a citation or a notice to the child to appear in juvenile court, transmitting a report to the prosecuting authority, or otherwise initiating a proceeding in juvenile court.

(c) After receiving notice that a child who was referred to a program under paragraph (a) successfully completed that program, a peace officer or law enforcement agency shall not issue a citation or a notice to the child to appear in juvenile court, transmit a report to the prosecuting authority, or otherwise initiate a proceeding in juvenile court for the conduct that formed the basis of the referral.

(d) This section does not apply to peace officers acting pursuant to an order or warrant described in section 260B.175, subdivision 1, paragraph (a), or other court order to take a child into custody.

Sec. 22. Minnesota Statutes 2020, section 401.06, is amended to read:

401.06 COMPREHENSIVE PLAN; STANDARDS OF ELIGIBILITY; COMPLIANCE.

No county or group of counties electing to provide correctional services pursuant to sections 401.01 to 401.16 shall be eligible for the subsidy herein provided unless and until its comprehensive plan shall have been approved by the commissioner. The commissioner shall, pursuant to the Administrative Procedure Act, promulgate rules establishing standards of eligibility for counties to receive funds under sections 401.01 to 401.16. To remain eligible for subsidy counties shall maintain substantial compliance with the minimum standards established pursuant to sections 401.01 to 401.16 and the policies and procedures governing the

services described in section 401.025 as prescribed by the commissioner. Counties shall also be in substantial compliance with other correctional operating standards permitted by law and established by the commissioner and shall report statistics required by the commissioner including but not limited to information on individuals convicted as an extended jurisdiction juvenile identified in section 241.016, subdivision 1, paragraph (c). The commissioner shall review annually the comprehensive plans submitted by participating counties, including the facilities and programs operated under the plans. The commissioner is hereby authorized to enter upon any facility operated under the plan, and inspect books and records, for purposes of recommending needed changes or improvements.

When the commissioner shall determine that there are reasonable grounds to believe that a county or group of counties is not in substantial compliance with minimum standards, at least 30 days' notice shall be given the county or counties and a hearing conducted by the commissioner to ascertain whether there is substantial compliance or satisfactory progress being made toward compliance. The commissioner may suspend all or a portion of any subsidy until the required standard of operation has been met.

Sec. 23. Minnesota Statutes 2020, section 626.14, is amended to read:

626.14 TIME AND MANNER OF SERVICE; NO-KNOCK SEARCH WARRANTS.

Subdivision 1. Time. A search warrant may be served only between the hours of 7:00 a.m. and 8:00 p.m. unless the court determines on the basis of facts stated in the affidavits that a nighttime search outside those hours is necessary to prevent the loss, destruction, or removal of the objects of the search or to protect the searchers or the public. The search warrant shall state that it may be served only between the hours of 7:00 a.m. and 8:00 p.m. unless a nighttime search outside those hours is authorized.

Subd. 2. Definition. For the purposes of this section, "no-knock search warrant" means a search warrant authorizing peace officers to enter certain premises without first knocking and announcing the officer's presence or purpose prior to entering the premises. No-knock search warrants may also be referred to as dynamic entry warrants.

Subd. 3. Requirements for a no-knock search warrant. (a) No peace officer shall seek a no-knock search warrant unless the warrant application includes at a minimum:

- (1) all documentation and materials the issuing court requires;
- (2) the information specified in paragraph (b); and
- (3) a sworn affidavit as provided in section 626.08.

(b) Each warrant application seeking a no-knock entry must include, in detailed terms, the following:

(1) why peace officers are seeking the use of a no-knock entry and are unable to detain the suspect or search the residence through the use of a knock and announce warrant;

(2) what investigative activities have taken place to support issuance of the no-knock search warrant, or why no investigative activity is needed or able to be performed; and

(3) whether the warrant can be effectively executed during daylight hours according to subdivision 1.

(c) The chief law enforcement officer or designee and another superior officer must review and approve each warrant application. The agency must document the approval of both reviewing parties.

(d) A no-knock search warrant shall not be issued when the only crime alleged is possession of a controlled substance unless there is probable cause to believe that the controlled substance is for other than personal use.

Subd. 4. **Reporting requirements regarding no-knock search warrants.** (a) Law enforcement agencies shall report to the commissioner of public safety regarding the use of no-knock search warrants in a format prescribed by the commissioner. An agency must report the use of a no-knock search warrant to the commissioner no later than three months after the date the warrant was issued. The report shall include the following information:

(1) the number of no-knock search warrants requested;

(2) the number of no-knock search warrants the court issued;

(3) the number of no-knock search warrants executed;

(4) the number of injuries and fatalities suffered, if any, by peace officers and by civilians in the execution of no-knock search warrants; and

(5) any other information the commissioner requests.

(b) The commissioner of public safety shall report the information provided under paragraph (a) annually to the chairs and ranking minority members of the legislative committees with jurisdiction over public safety.

EFFECTIVE DATE. This section is effective September 1, 2021, and applies to warrants requested on or after that date.

Sec. 24. Minnesota Statutes 2020, section 626.842, subdivision 2, is amended to read:

Subd. 2. **Terms, compensation, removal, filling of vacancies.** The membership terms, compensation, removal of members and the filling of vacancies for members appointed pursuant to section 626.841, ~~clauses (1), (2), (4), and (5) on the board;~~ the provision of staff, administrative services and office space; the review and processing of complaints; the setting of fees; and other matters relating to board operations shall be as provided in chapter 214.

Sec. 25. Minnesota Statutes 2020, section 626.8435, subdivision 1, is amended to read:

Subdivision 1. **Establishment and membership.** The Ensuring Police Excellence and Improving Community Relations Advisory Council is established under the Peace Officer Standards and Training Board. The council consists of the following 15 members:

(1) the superintendent of the Bureau of Criminal Apprehension, or a designee;

(2) the executive director of the Peace Officer Standards and Training Board, or a designee;

(3) the executive director of the Minnesota Police and Peace Officers Association, or a designee;

(4) the executive director of the Minnesota Sheriffs' Association, or a designee;

(5) the executive director of the Minnesota Chiefs of Police Association, or a designee;

(6) six community members, of which:

(i) four members shall represent the community-specific boards established under ~~section 257.0768~~ sections 15.0145 and 3.922, reflecting one appointment made by each board;

(ii) one member shall be a mental health advocate and shall be appointed by the Minnesota chapter of the National Alliance on Mental Illness; and

(iii) one member shall be an advocate for victims and shall be appointed by Violence Free Minnesota; and

(7) four members appointed by the legislature, of which one shall be appointed by the speaker of the house, one by the house minority leader, one by the senate majority leader, and one by the senate minority leader.

The appointing authorities shall make their appointments by September 15, 2020, and shall ensure geographical balance when making appointments.

Sec. 26. Minnesota Statutes 2020, section 626.845, subdivision 3, is amended to read:

Subd. 3. **Peace officer data.** The board, in consultation with the Minnesota Chiefs of Police Association, Minnesota Sheriffs' Association, and Minnesota Police and Peace Officers Association, shall create a central repository for peace officer data ~~designated as public data under chapter 13~~. The database shall be designed to receive, in real time, the ~~public~~ data required to be submitted to the board by law enforcement agencies in section 626.8457, subdivision 3, paragraph (b). To ensure the anonymity of individuals, the database must use encrypted data to track information transmitted on individual peace officers.

Sec. 27. Minnesota Statutes 2020, section 626.8457, subdivision 3, is amended to read:

Subd. 3. **Report on alleged misconduct; database; report.** (a) A chief law enforcement officer shall report annually to the board summary data regarding the investigation and disposition of cases involving alleged misconduct, indicating the total number of investigations, the total number by each subject matter, the number dismissed as unfounded, and the number dismissed on grounds that the allegation was unsubstantiated.

(b) Beginning July 1, 2021, a chief law enforcement officer, in real time, must submit individual peace officer data classified as public data on individuals, as defined by section 13.02, subdivision 15, or private data on individuals, as defined by section 13.02, subdivision 12, and submitted using encrypted data that the board determines is necessary to:

(1) evaluate the effectiveness of statutorily required training;

(2) assist the Ensuring Police Excellence and Improving Community Relations Advisory Council in accomplishing the council's duties; and

(3) allow for the board, the Ensuring Police Excellence and Improving Community Relations Advisory Council, and the board's complaint investigation committee to identify patterns of behavior that suggest an officer is in crisis or is likely to violate a board-mandated model policy.

(c) The reporting obligation in paragraph (b) is ongoing. A chief law enforcement officer must update data within 30 days of final disposition of a complaint or investigation.

(d) Law enforcement agencies and political subdivisions are prohibited from entering into a confidentiality agreement that would prevent disclosure of the data identified in paragraph (b) to the board. Any such confidentiality agreement is void as to the requirements of this section.

(e) By February 1 of each year, the board shall prepare a report that contains summary data provided under paragraph (b). The board must post the report on its publicly accessible website and provide a copy to the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over criminal justice policy.

Sec. 28. Minnesota Statutes 2020, section 626.8469, is amended by adding a subdivision to read:

Subd. 1b. Crisis intervention and mental illness crisis training; dementia and Alzheimer's. The board, in consultation with stakeholders, including but not limited to the Minnesota Crisis Intervention Team and the Alzheimer's Association, shall create a list of approved entities and training courses primarily focused on issues associated with persons with dementia and Alzheimer's disease. To receive the board's approval, a training course must:

(1) have trainers with at least two years of direct care of a person with Alzheimer's disease or dementia, crisis intervention training, and mental health experience;

(2) cover techniques for responding to and issues associated with persons with dementia and Alzheimer's disease, including at a minimum wandering, driving, abuse, and neglect; and

(3) meet the crisis intervention and mental illness crisis training standards established in subdivision 1a.

Sec. 29. **[626.8476] CONFIDENTIAL INFORMANTS; REQUIRED POLICY AND TRAINING.**

Subdivision 1. Definitions. (a) For the purposes of this section, the terms in this subdivision have the meanings given them.

(b) "Confidential informant" means a person who cooperates with a law enforcement agency confidentially in order to protect the person or the agency's intelligence gathering or investigative efforts and:

(1) seeks to avoid arrest or prosecution for a crime, mitigate punishment for a crime in which a sentence will be or has been imposed, or receive a monetary or other benefit; and

(2) is able, by reason of the person's familiarity or close association with suspected criminals, to:

(i) make a controlled buy or controlled sale of contraband, controlled substances, or other items that are material to a criminal investigation;

(ii) supply regular or constant information about suspected or actual criminal activities to a law enforcement agency; or

(iii) otherwise provide information important to ongoing criminal intelligence gathering or criminal investigative efforts.

(c) "Controlled buy" means the purchase of contraband, controlled substances, or other items that are material to a criminal investigation from a target offender that is initiated, managed, overseen, or participated in by law enforcement personnel with the knowledge of a confidential informant.

(d) "Controlled sale" means the sale of contraband, controlled substances, or other items that are material to a criminal investigation to a target offender that is initiated, managed, overseen, or participated in by law enforcement personnel with the knowledge of a confidential informant.

(e) "Mental harm" means a psychological injury that is not necessarily permanent but results in visibly demonstrable manifestations of a disorder of thought or mood that impairs a person's judgment or behavior.

(f) "Target offender" means the person suspected by law enforcement personnel to be implicated in criminal acts by the activities of a confidential informant.

Subd. 2. **Model policy.** (a) By January 1, 2022, the board shall adopt a model policy addressing the use of confidential informants by law enforcement. The model policy must establish policies and procedures for the recruitment, control, and use of confidential informants. In developing the policy, the board shall consult with representatives of the Bureau of Criminal Apprehension, Minnesota Police Chiefs Association, Minnesota Sheriffs' Association, Minnesota Police and Peace Officers Association, Minnesota County Attorneys Association, treatment centers for substance abuse, and mental health organizations. The model policy must include, at a minimum, the following:

(1) information that the law enforcement agency shall maintain about each confidential informant that must include, at a minimum, an emergency contact for the informant in the event of the informant's physical or mental harm or death;

(2) a process to advise a confidential informant of conditions, restrictions, and procedures associated with participating in the agency's investigative or intelligence gathering activities;

(3) procedures for compensation to an informant that is commensurate with the value of the services and information provided and based on the level of the targeted offender, the amount of any seizure, and the significance of contributions made by the informant;

(4) designated supervisory or command-level review and oversight in the use of a confidential informant;

(5) limits or restrictions on off-duty association or social relationships by law enforcement agency personnel with a confidential informant;

(6) limits or restrictions on the potential exclusion of an informant from engaging in a controlled buy or sale of a controlled substance if the informant is known by the law enforcement agency to: (i) be receiving in-patient or out-patient treatment administered by a licensed service provider for substance abuse; (ii) be participating in a treatment-based drug court program; or (iii) have experienced a drug overdose within the past year;

(7) exclusion of an informant under the age of 18 years from participating in a controlled buy or sale of a controlled substance without the written consent of a parent or legal guardian, except that the informant may provide confidential information to a law enforcement agency;

(8) consideration of an informant's diagnosis of mental illness, substance abuse, or disability, and history of mental illness, substance abuse, or disability;

(9) guidelines for the law enforcement agency to consider if the agency decides to establish a procedure to request an advocate from the county social services agency for an informant if the informant is an addict in recovery or possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction that impairs the informant's ability to understand instructions and make informed decisions, where the agency determines this process does not place the informant in any danger;

(10) guidelines for the law enforcement agency to use to encourage prospective and current confidential informants who are known to be substance abusers or to be at risk for substance abuse to seek prevention or treatment services;

(11) reasonable protective measures for a confidential informant when law enforcement knows or should have known of a risk or threat of harm to a person serving as a confidential informant and the risk or threat of harm is a result of the informant's service to the law enforcement agency;

(12) guidelines for the training and briefing of a confidential informant;

(13) reasonable procedures to help protect the identity of a confidential informant during the time the person is acting as an informant;

(14) procedures to deactivate a confidential informant that maintain the safety and anonymity of the informant;

(15) optional procedures that the law enforcement agency may adopt relating to deactivated confidential informants to offer and provide assistance to them with physical, mental, or emotional health services;

(16) a process to evaluate and report the criminal history and propensity for violence of any target offenders; and

(17) guidelines for a written agreement between the confidential informant and the law enforcement agency that take into consideration, at a minimum, an informant's physical or mental infirmity or other physical, mental, or emotional dysfunction that impairs the informant's ability to knowingly contract or otherwise protect the informant's self-interest.

(b) The board shall annually review and, as necessary, revise the model confidential informant policy in collaboration with representatives from the organizations listed under paragraph (a).

Subd. 3. **Agency policies required.** (a) The chief law enforcement officer of every state and local law enforcement agency must establish and enforce a written policy governing the use of confidential informants. The policy must be identical or, at a minimum, substantially similar to the new or revised model policy adopted by the board under subdivision 2.

(b) Every state and local law enforcement agency must certify annually to the board that it has adopted a written policy in compliance with the board's model confidential informant policy.

(c) The board shall assist the chief law enforcement officer of each state and local law enforcement agency in developing and implementing confidential informant policies under this subdivision.

Subd. 4. **Required in-service training.** The chief law enforcement officer of every state and local law enforcement agency shall provide in-service training in the recruitment, control, and use of confidential informants to every peace officer and part-time peace officer employed by the agency who the chief law enforcement officer determines is involved in working with confidential informants given the officer's responsibilities. The training shall comply with learning objectives based on the policies and procedures of the model policy developed and approved by the board.

Subd. 5. **Compliance reviews.** The board has the authority to inspect state and local agency policies to ensure compliance with this section. The board may conduct the inspection based upon a complaint it receives about a particular agency or through a random selection process.

Subd. 6. **Licensing sanctions; injunctive relief.** The board may impose licensing sanctions and seek injunctive relief under section 214.11 for failure to comply with the requirements of this section.

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

Sec. 30. **[629.415] PROCEEDINGS ON SUMMONS TO APPEAR.**

Subdivision 1. **Issuance of summons to appear.** A court may issue a summons in accordance with rule 3.01 of the Rules of Criminal Procedure to notify a person charged with a criminal offense of the need to appear at a certain time and place to answer the charge.

Subd. 2. **Service of summons.** A summons may be served in accordance with rule 3.03 of the Rules of Criminal Procedure. The court shall record the manner in which the summons was served and, if the summons was served by mailing it to the defendant's last known address, the court shall record whether the summons was returned as undeliverable.

Subd. 3. **Failure to appear; issuance of a sign and release warrant.** (a) Unless a prosecutor makes the showing described in subdivision 4, the court shall issue a sign and release warrant if:

(1) the court issued a summons;

(2) the summons was served by mailing it to the defendant's last known address and was returned as undeliverable;

(3) the defendant failed to appear at the time and place identified in the summons;

(4) the defendant had not previously failed to appear in the same case; and

(5) the defendant is charged with a misdemeanor offense other than a targeted misdemeanor, as defined in section 299C.10, subdivision 1, or a gross misdemeanor offense other than a violation of section 169A.20 (driving while impaired); 518B.01, subdivision 14 (violation of domestic abuse order for protection); 609.2231 (fourth-degree assault); 609.224 (fifth-degree assault); 609.2242 (domestic assault); 609.3451 (fifth-degree criminal sexual conduct); 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child); 609.748, subdivision 6 (violation of harassment restraining order); 609.749 (harassment or stalking); 609.78, subdivision 2 (interference with an emergency call); 617.261 (nonconsensual dissemination of private sexual images); or 629.75 (violation of domestic abuse no contact order).

(b) A sign and release warrant shall not require the defendant to post bail or comply with any other conditions of release. A sign and release warrant does not authorize the arrest of the defendant.

(c) Any court record provided or made available to a law enforcement agency shall indicate that the warrant is a sign and release warrant.

Subd. 4. **When bail may be required.** The court may issue a warrant that requires the defendant to post bail or comply with other conditions of release if a prosecutor shows, by a preponderance of the evidence, that bail is necessary:

(1) for the safety of a victim;

(2) because a defendant poses a risk to public safety; or

(3) because the defendant otherwise poses a danger to self or others.

Subd. 5. Sign and release warrant; law enforcement duties. (a) When a peace officer encounters a defendant who is the subject of a sign and release warrant, the officer shall inform the defendant of the missed court appearance and provide a new notice that includes a time to appear.

(b) Notice of the new time to appear shall be made in writing and must include the court file number or the warrant number. The defendant may be asked to sign a form acknowledging receipt of the notice. A defendant may not be required to sign the acknowledgment, but the peace officer or other employee may indicate that a notice was given and that the defendant refused to sign.

(c) After providing the notice, the peace officer shall release the defendant at the scene.

(d) As soon as practicable after providing the notice, the peace officer shall:

(1) inactivate the warrant or direct the appropriate office or department to inactivate the warrant; and

(2) submit a form or other notification that can be filed in the court's electronic filing system that includes the court case number, updates the defendant's personal contact information, and indicates that the defendant received notice of the new time to appear.

Subd. 6. Exception; lawful arrest. Nothing in this section prohibits a peace officer from arresting a defendant for any lawful reason.

Subd. 7. Procedure to notify peace officers; scheduling new court dates. (a) By January 1, 2024, the sheriff of every county, in coordination with the district court of that county, shall develop a procedure to inform peace officers about the type of warrant issued by the court and provide hearing dates for sign and release warrants.

(b) At a minimum, the procedure shall include:

(1) an office, department, or other entity that a peace officer can contact at any time to determine the type of warrant issued by a court;

(2) if the warrant is a sign and release warrant, the ability to obtain an updated time for a defendant to appear to answer the charge;

(3) the ability to inactivate a sign and release warrant after a defendant has been notified of the new time to appear; and

(4) the ability to submit a form or other notification to the court's electronic filing system updating the defendant's personal contact information and indicating that the defendant received notice of the new time.

(c) The sheriff may develop forms to provide defendants with notice of the new time to appear.

EFFECTIVE DATE. This section is effective July 1, 2021, and applies to warrants issued on or after January 1, 2024.

Sec. 31. Laws 2017, chapter 95, article 3, section 30, is amended to read:

Sec. 30. **ALTERNATIVES TO INCARCERATION PILOT PROGRAM FUND.**

(a) Agencies providing supervision to offenders on probation, parole, or supervised release are eligible for ~~grants~~ funding to facilitate access to community options including, but not limited to, inpatient chemical dependency treatment for nonviolent controlled substance offenders to address and correct behavior that is,

or is likely to result in, a technical violation of the conditions of release. For purposes of this section, "nonviolent controlled substance offender" is a person who meets the criteria described under Minnesota Statutes, section 244.0513, subdivision 2, clauses (1), (2), and (5), and "technical violation" means a violation of a court order of probation, condition of parole, or condition of supervised release, except an allegation of a subsequent criminal act that is alleged in a formal complaint, citation, or petition.

(b) The Department of Corrections shall ~~establish criteria for selecting grant recipients and the amount awarded to each grant recipient~~ issue annual funding of \$160,000 to each recipient.

(c) ~~By January 15, 2019,~~ The commissioner of corrections shall submit a an annual report to the chairs of the house of representatives and senate committees with jurisdiction over public safety policy and finance by January 15 of each year. At a minimum, the report must include:

~~(1) the total number of grants issued under this program;~~

~~(2) the average amount of each grant;~~

~~(3) (1) the community services accessed as a result of the grants funding;~~

~~(4) (2) a summary of the type of supervision offenders were under when a grant funding was used to help access a community option;~~

~~(5) (3) the number of individuals who completed, and the number who failed to complete, programs accessed as a result of this grant funding; and~~

~~(6) (4) the number of individuals who violated the terms of release following participation in a program accessed as a result of this grant funding, separating technical violations and new criminal offenses;~~

(5) the number of individuals who completed or were discharged from probation after participating in the program;

(6) the number of individuals identified in clause (5) who committed a new offense after discharge from the program;

(7) identification of barriers nonviolent controlled substance offenders face in accessing community services and a description of how the program navigates those barriers; and

(8) identification of gaps in existing community services for nonviolent controlled substance offenders.

Sec. 32. **TITLE.**

Section 29 shall be known as "Matthew's Law."

Sec. 33. **RULEMAKING AUTHORITY.**

The executive director of the Peace Officer Standards and Training Board may adopt rules to carry out the purposes of section 3.

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

Sec. 34. **REVISOR INSTRUCTION.**

In the next edition of Minnesota Statutes, the revisor of statutes shall codify the alternatives to incarceration pilot project under section 31 to reflect that it is a permanent program. The revisor may make editorial and other nonsubstantive language changes to accomplish this.

ARTICLE 10
EFFECTIVE DATESection 1. **EFFECTIVE DATES FOR CERTAIN ENACTMENTS.**

Notwithstanding Minnesota Statutes, sections 645.02 and 645.21, or any other law to the contrary, articles 1 to 9 are effective on or retroactively from July 1, 2021. If a provision in an article specifies an effective date different than July 1, 2021, for purposes of the provision the effective date specified in the article prevails. Any fiscal year 2021 appropriation made in this act is effective retroactively from June 30, 2021.

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

Presented to the governor June 30, 2021

Signed by the governor June 30, 2021, 7:24 p.m.

Exhibit B-2

2023 Minnesota Session Laws, Chapter 61, Article 5

CHAPTER 61--S.F.No. 2934

An act relating to human services; modifying provisions governing disability services, aging services, health care, behavioral health, substance use disorder, the Opioid Prescribing Improvement Program, human services licensing, and direct care and treatment; establishing the Department of Direct Care and Treatment; making technical and conforming changes; establishing certain grants; requiring reports; appropriating money; amending Minnesota Statutes 2022, sections 4.046, subdivisions 6, 7; 15.01; 15.06, subdivision 1; 43A.08, subdivision 1a; 179A.54, by adding a subdivision; 241.021, subdivision 1; 241.31, subdivision 5; 241.415; 245.037; 245.91, subdivision 4; 245A.03, subdivision 7; 245A.04, subdivision 7; 245A.07, by adding subdivisions; 245A.10, subdivision 6, by adding a subdivision; 245A.11, subdivisions 7, 7a; 245A.13, subdivisions 1, 2, 3, 5, 6, 7, 9; 245D.03, subdivision 1; 245G.02, subdivision 2; 245G.08, subdivision 3; 245G.09, subdivision 3; 245G.22, subdivision 15, as amended if enacted; 246.54, subdivisions 1a, 1b; 252.27, subdivision 2a; 252.50, subdivision 2; 253B.10, subdivision 1; 254B.01, by adding a subdivision; 254B.05, subdivisions 1, 5; 256.01, subdivision 19; 256.042, subdivisions 1, 2; 256.043, subdivisions 3, 3a; 256.975, subdivision 6; 256.9754; 256B.04, by adding a subdivision; 256B.056, subdivision 3; 256B.057, subdivision 9; 256B.0625, subdivisions 17, 17a, 17b, 18h, 22, by adding a subdivision; 256B.0638, subdivisions 1, 2, 4, 5, by adding a subdivision; 256B.0659, subdivisions 1, 12, 19, 24, by adding a subdivision; 256B.073, subdivision 3, by adding a subdivision; 256B.0759, subdivision 2; 256B.0911, subdivision 13; 256B.0913, subdivisions 4, 5; 256B.0917, subdivision 1b; 256B.092, subdivision 1a; 256B.0949, subdivision 15; 256B.14, subdivision 2; 256B.49, subdivision 13; 256B.4905, subdivision 4a; 256B.4911, by adding a subdivision; 256B.4912, by adding subdivisions; 256B.4914, subdivisions 3, as amended, 4, 5, 5a, 5b, 6, 6a, 6b, 6c, 7a, 7b, 7c, 8, 9, 10, 10a, 10c, 12, 14, by adding subdivisions; 256B.5012, by adding subdivisions; 256B.766; 256B.85, subdivision 7, by adding a subdivision; 256B.851, subdivisions 3, 5, 6; 256D.425, subdivision 1; 256I.05, by adding subdivisions; 256M.42; 256R.17, subdivision 2; 256R.25; 256R.47; 256R.53, by adding a subdivision; 256S.15, subdivision 2; 256S.18, by adding a subdivision; 256S.19, subdivision 3; 256S.21; 256S.2101, subdivision 1; 256S.211; 256S.212; 256S.213; 256S.214; 256S.215, subdivisions 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17; 268.19, subdivision 1; Laws 2019, chapter 63, article 3, section 1, as amended; Laws 2021, chapter 30, article 12, section 5, as amended; Laws 2021, First Special Session chapter 7, article 16, section 28, as amended; article 17, sections 8; 16; proposing coding for new law in Minnesota Statutes, chapters 121A; 245; 245A; 245D; 252; 254B; 256; 256B; 256I; 256R; 325F; proposing coding for new law as Minnesota Statutes, chapter 246C; repealing Minnesota Statutes 2022, sections 245G.05, subdivision 2; 245G.06, subdivision 2; 246.18, subdivisions 2, 2a; 256B.0759, subdivision 6; 256B.0917, subdivisions 1a, 6, 7a, 13; 256B.4914, subdivisions 6b, 9a; 256S.19, subdivision 4; 256S.2101, subdivision 2.

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

ARTICLE 1**DISABILITY SERVICES**

Section 1. Minnesota Statutes 2022, section 179A.54, is amended by adding a subdivision to read:

Subd. 11. **Home Care Orientation Trust.** (a) The state and an exclusive representative certified pursuant to this section may establish a joint labor and management trust, referred to as the Home Care

Sec. 25. ENROLLMENT AND REQUIREMENTS FOR PEER RECOVERY SUPPORT SERVICES VENDORS.

The commissioner of human services must consult with providers, counties, Tribes, recovery community organizations, and the recovery community at large to develop recommendations on whether entities seeking vendor eligibility for medical assistance peer recovery support services should be subject to additional provider enrollment and oversight requirements. The commissioner must submit recommendations to the chairs and ranking minority members of the committees with jurisdiction over health and human services by February 1, 2024. Recommendations must include the additional requirements that may be needed and specify which entities would be subject to the additional requirements. Recommendations must balance the goals of fostering cultures of accountability, applying supportive supervision models, and increasing access to high-quality, culturally responsive medical assistance peer recovery support services.

Sec. 26. SOBER HOME SCAN.

The commissioner of human services shall conduct a survey to identify sober home settings across the state and to collect information about the services they provide, their funding sources, whether they specialize in serving specific populations, and other information needed to inform policies to strengthen sober housing in the state. The commissioner must collaborate with the Minnesota Association of Sober Homes, sober home operators, the recovery community, behavioral health providers that work directly with sober housing, and recovery community organizations to provide input and data for this survey.

Sec. 27. REVISOR INSTRUCTION.

The revisor of statutes shall renumber Minnesota Statutes, section 245G.01, subdivision 20b, as Minnesota Statutes, section 245G.01, subdivision 20d, and make any necessary changes to cross-references.

Sec. 28. REPEALER.

(a) Minnesota Statutes 2022, sections 245G.05, subdivision 2; 245G.06, subdivision 2; and 256B.0759, subdivision 6, are repealed.

(b) Minnesota Statutes 2022, section 246.18, subdivisions 2 and 2a, are repealed.

EFFECTIVE DATE. Paragraph (a) is effective January 1, 2024. Paragraph (b) is effective July 1, 2023.

ARTICLE 5

OPIOID EPIDEMIC RESPONSE AND OVERDOSE PREVENTION

Section 1. [121A.224] OPIATE ANTAGONISTS.

(a) A school district or charter school must maintain a supply of opiate antagonists, as defined in section 604A.04, subdivision 1, at each school site to be administered in compliance with section 151.37, subdivision 12.

(b) Each school building must have at least two doses of a nasal opiate antagonist available on site.

(c) The commissioner of health shall identify resources, including at least one training video, to help schools implement an opiate antagonist emergency response and make the resources available for schools.

(d) A school board may adopt a model plan for use, storage, and administration of opiate antagonists.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 2. Minnesota Statutes 2022, section 241.021, subdivision 1, is amended to read:

Subdivision 1. **Correctional facilities; inspection; licensing.** (a) Except as provided in paragraph (b), the commissioner of corrections shall inspect and license all correctional facilities throughout the state, whether public or private, established and operated for the detention and confinement of persons confined or incarcerated therein according to law except to the extent that they are inspected or licensed by other state regulating agencies. The commissioner shall promulgate pursuant to chapter 14, rules establishing minimum standards for these facilities with respect to their management, operation, physical condition, and the security, safety, health, treatment, and discipline of persons confined or incarcerated therein. These minimum standards shall include but are not limited to specific guidance pertaining to:

- (1) screening, appraisal, assessment, and treatment for persons confined or incarcerated in correctional facilities with mental illness or substance use disorders;
- (2) a policy on the involuntary administration of medications;
- (3) suicide prevention plans and training;
- (4) verification of medications in a timely manner;
- (5) well-being checks;
- (6) discharge planning, including providing prescribed medications to persons confined or incarcerated in correctional facilities upon release;
- (7) a policy on referrals or transfers to medical or mental health care in a noncorrectional institution;
- (8) use of segregation and mental health checks;
- (9) critical incident debriefings;
- (10) clinical management of substance use disorders and opioid overdose emergency procedures;
- (11) a policy regarding identification of persons with special needs confined or incarcerated in correctional facilities;
- (12) a policy regarding the use of telehealth;
- (13) self-auditing of compliance with minimum standards;
- (14) information sharing with medical personnel and when medical assessment must be facilitated;
- (15) a code of conduct policy for facility staff and annual training;
- (16) a policy on death review of all circumstances surrounding the death of an individual committed to the custody of the facility; and
- (17) dissemination of a rights statement made available to persons confined or incarcerated in licensed correctional facilities.

No individual, corporation, partnership, voluntary association, or other private organization legally responsible for the operation of a correctional facility may operate the facility unless it possesses a current license from the commissioner of corrections. Private adult correctional facilities shall have the authority of section 624.714, subdivision 13, if the Department of Corrections licenses the facility with the authority and the facility meets requirements of section 243.52.

The commissioner shall review the correctional facilities described in this subdivision at least once every two years, except as otherwise provided, to determine compliance with the minimum standards established according to this subdivision or other Minnesota statute related to minimum standards and conditions of confinement.

The commissioner shall grant a license to any facility found to conform to minimum standards or to any facility which, in the commissioner's judgment, is making satisfactory progress toward substantial conformity and the standards not being met do not impact the interests and well-being of the persons confined or incarcerated in the facility. A limited license under subdivision 1a may be issued for purposes of effectuating a facility closure. The commissioner may grant licensure up to two years. Unless otherwise specified by statute, all licenses issued under this chapter expire at 12:01 a.m. on the day after the expiration date stated on the license.

The commissioner shall have access to the buildings, grounds, books, records, staff, and to persons confined or incarcerated in these facilities. The commissioner may require the officers in charge of these facilities to furnish all information and statistics the commissioner deems necessary, at a time and place designated by the commissioner.

All facility administrators of correctional facilities are required to report all deaths of individuals who died while committed to the custody of the facility, regardless of whether the death occurred at the facility or after removal from the facility for medical care stemming from an incident or need for medical care at the correctional facility, as soon as practicable, but no later than 24 hours of receiving knowledge of the death, including any demographic information as required by the commissioner.

All facility administrators of correctional facilities are required to report all other emergency or unusual occurrences as defined by rule, including uses of force by facility staff that result in substantial bodily harm or suicide attempts, to the commissioner of corrections within ten days from the occurrence, including any demographic information as required by the commissioner. The commissioner of corrections shall consult with the Minnesota Sheriffs' Association and a representative from the Minnesota Association of Community Corrections Act Counties who is responsible for the operations of an adult correctional facility to define "use of force" that results in substantial bodily harm for reporting purposes.

The commissioner may require that any or all such information be provided through the Department of Corrections detention information system. The commissioner shall post each inspection report publicly and on the department's website within 30 days of completing the inspection. The education program offered in a correctional facility for the confinement or incarceration of juvenile offenders must be approved by the commissioner of education before the commissioner of corrections may grant a license to the facility.

(b) For juvenile facilities licensed by the commissioner of human services, the commissioner may inspect and certify programs based on certification standards set forth in Minnesota Rules. For the purpose of this paragraph, "certification" has the meaning given it in section 245A.02.

(c) Any state agency which regulates, inspects, or licenses certain aspects of correctional facilities shall, insofar as is possible, ensure that the minimum standards it requires are substantially the same as those

required by other state agencies which regulate, inspect, or license the same aspects of similar types of correctional facilities, although at different correctional facilities.

(d) Nothing in this section shall be construed to limit the commissioner of corrections' authority to promulgate rules establishing standards of eligibility for counties to receive funds under sections 401.01 to 401.16, or to require counties to comply with operating standards the commissioner establishes as a condition precedent for counties to receive that funding.

(e) The department's inspection unit must report directly to a division head outside of the correctional institutions division.

Sec. 3. Minnesota Statutes 2022, section 241.31, subdivision 5, is amended to read:

Subd. 5. **Minimum standards.** The commissioner of corrections shall establish minimum standards for the size, area to be served, qualifications of staff, ratio of staff to client population, and treatment programs for community corrections programs established pursuant to this section. Plans and specifications for such programs, including proposed budgets must first be submitted to the commissioner for approval prior to the establishment. Community corrections programs must maintain a supply of opiate antagonists, as defined in section 604A.04, subdivision 1, at each correctional site to be administered in compliance with section 151.37, subdivision 12. Each site must have at least two doses of an opiate antagonist on site. Staff must be trained on how and when to administer opiate antagonists.

Sec. 4. Minnesota Statutes 2022, section 241.415, is amended to read:

241.415 RELEASE PLANS; SUBSTANCE ABUSE.

The commissioner shall cooperate with community-based corrections agencies to determine how best to address the substance abuse treatment needs of offenders who are being released from prison. The commissioner shall ensure that an offender's prison release plan adequately addresses the offender's needs for substance abuse assessment, treatment, or other services following release, within the limits of available resources. The commissioner must provide individuals with known or stated histories of opioid use disorder with emergency opiate antagonist rescue kits upon release.

Sec. 5. **[245.891] OPIOID OVERDOSE SURGE ALERT SYSTEM.**

The commissioner must establish a voluntary, statewide opioid overdose surge text message alert system, to prevent opioid overdose by cautioning people to refrain from substance use or to use harm reduction strategies when there is an overdose surge in their surrounding area. The alert system may include other forms of electronic alerts. The commissioner may collaborate with local agencies, other state agencies, and harm reduction organizations to promote and improve the surge alert system.

Sec. 6. **[245A.242] EMERGENCY OVERDOSE TREATMENT.**

Subdivision 1. **Applicability.** This section applies to the following licenses issued under this chapter:

- (1) substance use disorder treatment programs licensed according to chapter 245G;
- (2) children's residential facility substance use disorder treatment programs licensed according to Minnesota Rules, parts 2960.0010 to 2960.0220 and 2960.0430 to 2960.0490;
- (3) detoxification programs licensed according to Minnesota Rules, parts 9530.6510 to 9530.6590;

(4) withdrawal management programs licensed according to chapter 245F; and

(5) intensive residential treatment services or residential crisis stabilization licensed according to chapter 245I and section 245I.23.

Subd. 2. **Emergency overdose treatment.** A license holder must maintain a supply of opiate antagonists as defined in section 604A.04, subdivision 1, available for emergency treatment of opioid overdose and must have a written standing order protocol by a physician who is licensed under chapter 147, advanced practice registered nurse who is licensed under chapter 148, or physician assistant who is licensed under chapter 147A, that permits the license holder to maintain a supply of opiate antagonists on site. A license holder must require staff to undergo training in the specific mode of administration used at the program, which may include intranasal administration, intramuscular injection, or both.

Sec. 7. Minnesota Statutes 2022, section 245G.08, subdivision 3, is amended to read:

Subd. 3. ~~Standing order protocol~~ **Emergency overdose treatment.** A license holder ~~that maintains a supply of naloxone available for emergency treatment of opioid overdose must have a written standing order protocol by a physician who is licensed under chapter 147, advanced practice registered nurse who is licensed under chapter 148, or physician assistant who is licensed under chapter 147A, that permits the license holder to maintain a supply of naloxone on site. A license holder must require staff to undergo training in the specific mode of administration used at the program, which may include intranasal administration, intramuscular injection, or both.~~ must follow the emergency overdose treatment requirements in section 245A.242.

Sec. 8. Minnesota Statutes 2022, section 256.042, subdivision 1, is amended to read:

Subdivision 1. **Establishment of the advisory council.** (a) The Opiate Epidemic Response Advisory Council is established to develop and implement a comprehensive and effective statewide effort to address the opioid addiction and overdose epidemic in Minnesota. The council shall focus on:

(1) prevention and education, including public education and awareness for adults and youth, prescriber education, the development and sustainability of opioid overdose prevention and education programs, the role of adult protective services in prevention and response, and providing financial support to local law enforcement agencies for opiate antagonist programs;

(2) training on the treatment of opioid addiction, including the use of all Food and Drug Administration approved opioid addiction medications, detoxification, relapse prevention, patient assessment, individual treatment planning, counseling, recovery supports, diversion control, and other best practices;

(3) the expansion and enhancement of a continuum of care for opioid-related substance use disorders, including primary prevention, early intervention, treatment, recovery, and aftercare services; and

(4) the development of measures to assess and protect the ability of cancer patients and survivors, persons battling life-threatening illnesses, persons suffering from severe chronic pain, and persons at the end stages of life, who legitimately need prescription pain medications, to maintain their quality of life by accessing these pain medications without facing unnecessary barriers. The measures must also address the needs of individuals described in this clause who are elderly or who reside in underserved or rural areas of the state.

(b) The council shall:

- (1) review local, state, and federal initiatives and activities related to education, prevention, treatment, and services for individuals and families experiencing and affected by opioid use disorder;
- (2) establish priorities to address the state's opioid epidemic, for the purpose of recommending initiatives to fund;
- (3) recommend to the commissioner of human services specific projects and initiatives to be funded;
- (4) ensure that available funding is allocated to align with other state and federal funding, to achieve the greatest impact and ensure a coordinated state effort;
- (5) consult with the commissioners of human services, health, and management and budget to develop measurable outcomes to determine the effectiveness of funds allocated;
- (6) develop recommendations for an administrative and organizational framework for the allocation, on a sustainable and ongoing basis, of any money deposited into the separate account under section 16A.151, subdivision 2, paragraph (f), in order to address the opioid abuse and overdose epidemic in Minnesota and the areas of focus specified in paragraph (a);
- (7) review reports, data, and performance measures submitted by municipalities under subdivision 5;
~~and~~
- (8) consult with relevant stakeholders, including lead agencies and municipalities, to review and provide recommendations for necessary revisions to the reporting requirements under subdivision 5 to ensure that the required reporting accurately measures progress in addressing the harms of the opioid epidemic; and
- (9) meet with each of the 11 federally recognized Minnesota Tribal Nations individually on an annual basis in order to collaborate and communicate on shared issues and priorities.

(c) The council, in consultation with the commissioner of management and budget, and within available appropriations, shall select from projects awarded grants under section 256.043, subdivisions 3 and 3a, and municipality projects funded by direct payments received as part of a statewide opioid settlement agreement, that include promising practices or theory-based activities for which the commissioner of management and budget shall conduct evaluations using experimental or quasi-experimental design. Grant proposals and municipality projects that include promising practices or theory-based activities and are selected for an evaluation shall be administered to support the experimental or quasi-experimental evaluation. Grantees and municipalities shall collect and report information that is needed to complete the evaluation. The commissioner of management and budget, under section 15.08, may obtain additional relevant data to support the experimental or quasi-experimental evaluation studies.

(d) The council, in consultation with the commissioners of human services, health, public safety, and management and budget, shall establish goals related to addressing the opioid epidemic and determine a baseline against which progress shall be monitored and set measurable outcomes, including benchmarks. The goals established must include goals for prevention and public health, access to treatment, and multigenerational impacts. The council shall use existing measures and data collection systems to determine baseline data against which progress shall be measured. The council shall include the proposed goals, the measurable outcomes, and proposed benchmarks to meet these goals in its initial report to the legislature under subdivision 5, paragraph (a), due January 31, 2021.

Sec. 9. Minnesota Statutes 2022, section 256.042, subdivision 2, is amended to read:

Subd. 2. **Membership.** (a) The council shall consist of the following ~~19~~ 20 voting members, appointed by the commissioner of human services except as otherwise specified, and three nonvoting members:

(1) two members of the house of representatives, appointed in the following sequence: the first from the majority party appointed by the speaker of the house and the second from the minority party appointed by the minority leader. Of these two members, one member must represent a district outside of the seven-county metropolitan area, and one member must represent a district that includes the seven-county metropolitan area. The appointment by the minority leader must ensure that this requirement for geographic diversity in appointments is met;

(2) two members of the senate, appointed in the following sequence: the first from the majority party appointed by the senate majority leader and the second from the minority party appointed by the senate minority leader. Of these two members, one member must represent a district outside of the seven-county metropolitan area and one member must represent a district that includes the seven-county metropolitan area. The appointment by the minority leader must ensure that this requirement for geographic diversity in appointments is met;

(3) one member appointed by the Board of Pharmacy;

(4) one member who is a physician appointed by the Minnesota Medical Association;

(5) one member representing opioid treatment programs, sober living programs, or substance use disorder programs licensed under chapter 245G;

(6) one member appointed by the Minnesota Society of Addiction Medicine who is an addiction psychiatrist;

(7) one member representing professionals providing alternative pain management therapies, including, but not limited to, acupuncture, chiropractic, or massage therapy;

(8) one member representing nonprofit organizations conducting initiatives to address the opioid epidemic, with the commissioner's initial appointment being a member representing the Steve Rummeler Hope Network, and subsequent appointments representing this or other organizations;

(9) one member appointed by the Minnesota Ambulance Association who is serving with an ambulance service as an emergency medical technician, advanced emergency medical technician, or paramedic;

(10) one member representing the Minnesota courts who is a judge or law enforcement officer;

(11) one public member who is a Minnesota resident and who is in opioid addiction recovery;

(12) two members representing Indian tribes, one representing the Ojibwe tribes and one representing the Dakota tribes;

(13) one member representing an urban American Indian community;

~~(13)~~ (14) one public member who is a Minnesota resident and who is suffering from chronic pain, intractable pain, or a rare disease or condition;

~~(14)~~ (15) one mental health advocate representing persons with mental illness;

~~(15)~~ (16) one member appointed by the Minnesota Hospital Association;

~~(16)~~ (17) one member representing a local health department; and

~~(17)~~ (18) the commissioners of human services, health, and corrections, or their designees, who shall be ex officio nonvoting members of the council.

(b) The commissioner of human services shall coordinate the commissioner's appointments to provide geographic, racial, and gender diversity, and shall ensure that at least ~~one-half~~ one-third of council members appointed by the commissioner reside outside of the seven-county metropolitan area. Of the members appointed by the commissioner, to the extent practicable, at least one member must represent a community of color disproportionately affected by the opioid epidemic.

(c) The council is governed by section 15.059, except that members of the council shall serve three-year terms and shall receive no compensation other than reimbursement for expenses. Notwithstanding section 15.059, subdivision 6, the council shall not expire.

(d) The chair shall convene the council at least quarterly, and may convene other meetings as necessary. The chair shall convene meetings at different locations in the state to provide geographic access, and shall ensure that at least one-half of the meetings are held at locations outside of the seven-county metropolitan area.

(e) The commissioner of human services shall provide staff and administrative services for the advisory council.

(f) The council is subject to chapter 13D.

Sec. 10. Minnesota Statutes 2022, section 256.043, subdivision 3, is amended to read:

Subd. 3. **Appropriations from registration and license fee account.** (a) The appropriations in paragraphs (b) to ~~(h)~~ (n) shall be made from the registration and license fee account on a fiscal year basis in the order specified.

(b) The appropriations specified in Laws 2019, chapter 63, article 3, section 1, paragraphs (b), (f), (g), and (h), as amended by Laws 2020, chapter 115, article 3, section 35, shall be made accordingly.

(c) \$100,000 is appropriated to the commissioner of human services for grants for opiate antagonist distribution. Grantees may utilize funds for opioid overdose prevention, community asset mapping, education, and opiate antagonist distribution.

(d) \$2,000,000 is appropriated to the commissioner of human services for grants to Tribal nations and five urban Indian communities for traditional healing practices for American Indians and to increase the capacity of culturally specific providers in the behavioral health workforce.

(e) \$400,000 is appropriated to the commissioner of human services for competitive grants for opioid-focused Project ECHO programs.

(f) \$277,000 in fiscal year 2024 and \$321,000 each year thereafter is appropriated to the commissioner of human services to administer the funding distribution and reporting requirements in paragraph (o).

(g) \$3,000,000 in fiscal year 2025 and \$3,000,000 each year thereafter is appropriated to the commissioner of human services for safe recovery sites start-up and capacity building grants under section 254B.18.

(h) \$395,000 in fiscal year 2024 and \$415,000 each year thereafter is appropriated to the commissioner of human services for the opioid overdose surge alert system under section 245.891.

~~(e)~~ (i) \$300,000 is appropriated to the commissioner of management and budget for evaluation activities under section 256.042, subdivision 1, paragraph (c).

~~(d)~~ (j) ~~\$249,000-~~ \$261,000 is appropriated to the commissioner of human services for the provision of administrative services to the Opiate Epidemic Response Advisory Council and for the administration of the grants awarded under paragraph ~~(h)~~ (n).

~~(e)~~ (k) \$126,000 is appropriated to the Board of Pharmacy for the collection of the registration fees under section 151.066.

~~(f)~~ (l) \$672,000 is appropriated to the commissioner of public safety for the Bureau of Criminal Apprehension. Of this amount, \$384,000 is for drug scientists and lab supplies and \$288,000 is for special agent positions focused on drug interdiction and drug trafficking.

~~(g)~~ (m) After the appropriations in paragraphs (b) to ~~(f)~~ (l) are made, 50 percent of the remaining amount is appropriated to the commissioner of human services for distribution to county social service agencies and Tribal social service agency initiative projects authorized under section 256.01, subdivision 14b, to provide child protection services to children and families who are affected by addiction. The commissioner shall distribute this money proportionally to county social service agencies and Tribal social service agency initiative projects based on out-of-home placement episodes where parental drug abuse is the primary reason for the out-of-home placement using data from the previous calendar year. County social service agencies and Tribal social service agency initiative projects receiving funds from the opiate epidemic response fund must annually report to the commissioner on how the funds were used to provide child protection services, including measurable outcomes, as determined by the commissioner. County social service agencies and Tribal social service agency initiative projects must not use funds received under this paragraph to supplant current state or local funding received for child protection services for children and families who are affected by addiction.

~~(h)~~ (n) After the appropriations in paragraphs (b) to ~~(g)~~ (m) are made, the remaining amount in the account is appropriated to the commissioner of human services to award grants as specified by the Opiate Epidemic Response Advisory Council in accordance with section 256.042, unless otherwise appropriated by the legislature.

~~(i)~~ (o) Beginning in fiscal year 2022 and each year thereafter, funds for county social service agencies and Tribal social service agency initiative projects under paragraph ~~(g)~~ (m) and grant funds specified by the Opiate Epidemic Response Advisory Council under paragraph ~~(h)~~ (n) may be distributed on a calendar year basis.

(p) Notwithstanding section 16A.28, subdivision 3, funds appropriated in paragraphs (c), (d), (e), (g), (m), and (n) are available for three years after the funds are appropriated.

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

Sec. 11. Minnesota Statutes 2022, section 256.043, subdivision 3a, is amended to read:

Subd. 3a. **Appropriations from settlement account.** (a) The appropriations in paragraphs (b) to (e) shall be made from the settlement account on a fiscal year basis in the order specified.

(b) If the balance in the registration and license fee account is not sufficient to fully fund the appropriations specified in subdivision 3, paragraphs (b) to ~~(f)~~ (l), an amount necessary to meet any insufficiency shall be

transferred from the settlement account to the registration and license fee account to fully fund the required appropriations.

(c) \$209,000 in fiscal year 2023 and \$239,000 in fiscal year 2024 and subsequent fiscal years are appropriated to the commissioner of human services for the administration of grants awarded under paragraph (e). \$276,000 in fiscal year 2023 and \$151,000 in fiscal year 2024 and subsequent fiscal years are appropriated to the commissioner of human services to collect, collate, and report data submitted and to monitor compliance with reporting and settlement expenditure requirements by grantees awarded grants under this section and municipalities receiving direct payments from a statewide opioid settlement agreement as defined in section 256.042, subdivision 6.

(d) After any appropriations necessary under paragraphs (b) and (c) are made, an amount equal to the calendar year allocation to Tribal social service agency initiative projects under subdivision 3, paragraph ~~(g)~~ (m), is appropriated from the settlement account to the commissioner of human services for distribution to Tribal social service agency initiative projects to provide child protection services to children and families who are affected by addiction. The requirements related to proportional distribution, annual reporting, and maintenance of effort specified in subdivision 3, paragraph ~~(g)~~ (m), also apply to the appropriations made under this paragraph.

(e) After making the appropriations in paragraphs (b), (c), and (d), the remaining amount in the account is appropriated to the commissioner of human services to award grants as specified by the Opiate Epidemic Response Advisory Council in accordance with section 256.042.

(f) Funds for Tribal social service agency initiative projects under paragraph (d) and grant funds specified by the Opiate Epidemic Response Advisory Council under paragraph (e) may be distributed on a calendar year basis.

(g) Notwithstanding section 16A.28, subdivision 3, funds appropriated in paragraphs (d) and (e) are available for three years after the funds are appropriated.

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

Sec. 12. **[256I.052] OPIATE ANTAGONISTS.**

(a) Site-based or group housing support settings must maintain a supply of opiate antagonists as defined in section 604A.04, subdivision 1, at each housing site to be administered in compliance with section 151.37, subdivision 12.

(b) Each site must have at least two doses of an opiate antagonist on site.

(c) Staff on site must have training on how and when to administer opiate antagonists.

Sec. 13. Laws 2019, chapter 63, article 3, section 1, as amended by Laws 2020, chapter 115, article 3, section 35, and Laws 2022, chapter 53, section 12, is amended to read:

Section 1. **APPROPRIATIONS.**

(a) **Board of Pharmacy; administration.** \$244,000 in fiscal year 2020 is appropriated from the general fund to the Board of Pharmacy for onetime information technology and operating costs for administration of licensing activities under Minnesota Statutes, section 151.066. This is a onetime appropriation.

(b) **Commissioner of human services; administration.** \$309,000 in fiscal year 2020 is appropriated from the general fund and \$60,000 in fiscal year 2021 is appropriated from the opiate epidemic response fund to the commissioner of human services for the provision of administrative services to the Opiate Epidemic Response Advisory Council and for the administration of the grants awarded under paragraphs (f), (g), and (h). The opiate epidemic response fund base for this appropriation is \$60,000 in fiscal year 2022, \$60,000 in fiscal year 2023, \$60,000 in fiscal year 2024, and \$0 in fiscal year 2025 .

(c) **Board of Pharmacy; administration.** \$126,000 in fiscal year 2020 is appropriated from the general fund to the Board of Pharmacy for the collection of the registration fees under section 151.066.

(d) **Commissioner of public safety; enforcement activities.** \$672,000 in fiscal year 2020 is appropriated from the general fund to the commissioner of public safety for the Bureau of Criminal Apprehension. Of this amount, \$384,000 is for drug scientists and lab supplies and \$288,000 is for special agent positions focused on drug interdiction and drug trafficking.

(e) **Commissioner of management and budget; evaluation activities.** \$300,000 in fiscal year 2020 is appropriated from the general fund and \$300,000 in fiscal year 2021 is appropriated from the opiate epidemic response fund to the commissioner of management and budget for evaluation activities under Minnesota Statutes, section 256.042, subdivision 1, paragraph (c).

(f) **Commissioner of human services; grants for Project ECHO.** \$400,000 in fiscal year 2020 is appropriated from the general fund and \$400,000 in fiscal year 2021 is appropriated from the opiate epidemic response fund to the commissioner of human services for grants of \$200,000 to CHI St. Gabriel's Health Family Medical Center for the opioid-focused Project ECHO program and \$200,000 to Hennepin Health Care for the opioid-focused Project ECHO program. The opiate epidemic response fund base for this appropriation is \$400,000 in fiscal year 2022, \$400,000 in fiscal year 2023, ~~\$400,000 in fiscal year 2024,~~ and \$0 in fiscal year ~~2025~~ 2024.

(g) **Commissioner of human services; opioid overdose prevention grant.** \$100,000 in fiscal year 2020 is appropriated from the general fund and \$100,000 in fiscal year 2021 is appropriated from the opiate epidemic response fund to the commissioner of human services for a grant to a nonprofit organization that has provided overdose prevention programs to the public in at least 60 counties within the state, for at least three years, has received federal funding before January 1, 2019, and is dedicated to addressing the opioid epidemic. The grant must be used for opioid overdose prevention, community asset mapping, education, and overdose antagonist distribution. The opiate epidemic response fund base for this appropriation is \$100,000 in fiscal year 2022, \$100,000 in fiscal year 2023, ~~\$100,000 in fiscal year 2024,~~ and \$0 in fiscal year ~~2025~~ 2024.

(h) **Commissioner of human services; traditional healing.** \$2,000,000 in fiscal year 2020 is appropriated from the general fund and \$2,000,000 in fiscal year 2021 is appropriated from the opiate epidemic response fund to the commissioner of human services to award grants to Tribal nations and five urban Indian communities for traditional healing practices to American Indians and to increase the capacity of culturally specific providers in the behavioral health workforce. The opiate epidemic response fund base for this appropriation is \$2,000,000 in fiscal year 2022, \$2,000,000 in fiscal year 2023, ~~\$2,000,000 in fiscal year 2024,~~ and \$0 in fiscal year ~~2025~~ 2024.

(i) **Board of Dentistry; continuing education.** \$11,000 in fiscal year 2020 is appropriated from the state government special revenue fund to the Board of Dentistry to implement the continuing education requirements under Minnesota Statutes, section 214.12, subdivision 6.

(j) **Board of Medical Practice; continuing education.** \$17,000 in fiscal year 2020 is appropriated from the state government special revenue fund to the Board of Medical Practice to implement the continuing education requirements under Minnesota Statutes, section 214.12, subdivision 6.

(k) **Board of Nursing; continuing education.** \$17,000 in fiscal year 2020 is appropriated from the state government special revenue fund to the Board of Nursing to implement the continuing education requirements under Minnesota Statutes, section 214.12, subdivision 6.

(l) **Board of Optometry; continuing education.** \$5,000 in fiscal year 2020 is appropriated from the state government special revenue fund to the Board of Optometry to implement the continuing education requirements under Minnesota Statutes, section 214.12, subdivision 6.

(m) **Board of Podiatric Medicine; continuing education.** \$5,000 in fiscal year 2020 is appropriated from the state government special revenue fund to the Board of Podiatric Medicine to implement the continuing education requirements under Minnesota Statutes, section 214.12, subdivision 6.

(n) **Commissioner of health; nonnarcotic pain management and wellness.** \$1,250,000 is appropriated in fiscal year 2020 from the general fund to the commissioner of health, to provide funding for:

(1) statewide mapping and assessment of community-based nonnarcotic pain management and wellness resources; and

(2) up to five demonstration projects in different geographic areas of the state to provide community-based nonnarcotic pain management and wellness resources to patients and consumers.

The demonstration projects must include an evaluation component and scalability analysis. The commissioner shall award the grant for the statewide mapping and assessment, and the demonstration project grants, through a competitive request for proposal process. Grants for statewide mapping and assessment and demonstration projects may be awarded simultaneously. In awarding demonstration project grants, the commissioner shall give preference to proposals that incorporate innovative community partnerships, are informed and led by people in the community where the project is taking place, and are culturally relevant and delivered by culturally competent providers. This is a onetime appropriation.

(o) **Commissioner of health; administration.** \$38,000 in fiscal year 2020 is appropriated from the general fund to the commissioner of health for the administration of the grants awarded in paragraph (n).

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

Sec. 14. **PUBLIC AWARENESS CAMPAIGN.**

(a) The commissioner of human services must establish a multitiered public awareness and educational campaign on substance use disorders. The campaign must include strategies to prevent substance use disorder, reduce stigma, and ensure people know how to access treatment, recovery, and harm reduction services.

(b) The commissioner must consult with communities disproportionately impacted by substance use disorder to ensure the campaign focuses on lived experience and equity. The commissioner may also consult and establish relationships with media and communication experts, behavioral health professionals, state and local agencies, and community organizations to design and implement the campaign.

(c) The campaign must include awareness-raising and educational information using multichannel marketing strategies, social media, virtual events, press releases, reports, and targeted outreach. The commissioner must evaluate the effectiveness of the campaign and modify outreach and strategies as needed.

Sec. 15. **HARM REDUCTION AND CULTURALLY SPECIFIC GRANTS.**

(a) The commissioner of human services must establish grants for Tribal Nations or culturally specific organizations to enhance and expand capacity to address the impacts of the opioid epidemic in their respective communities. Grants may be used to purchase and distribute harm reduction supplies, develop organizational capacity, and expand culturally specific services.

(b) Harm reduction grant funds must be used to promote safer practices and reduce the transmission of infectious disease. Allowable expenses include syringes, fentanyl testing supplies, disinfectants, opiate antagonist rescue kits, safe injection kits, safe smoking kits, sharps disposal, wound-care supplies, medication lock boxes, FDA-approved home testing kits for viral hepatitis and HIV, written educational and resource materials, and other supplies approved by the commissioner.

(c) Culturally specific organizational capacity grant funds must be used to develop and improve organizational infrastructure to increase access to culturally specific services and community building. Allowable expenses include funds for organizations to hire staff or consultants who specialize in fundraising, grant writing, business development, and program integrity or other identified organizational needs as approved by the commissioner.

(d) Culturally specific service grant funds must be used to expand culturally specific outreach and services. Allowable expenses include hiring or consulting with cultural advisors, resources to support cultural traditions, and education to empower individuals and providers, develop a sense of community, and develop a connection to ancestral roots.

(e) Opiate antagonist training grant funds may be used to provide information and training on safe storage and use of opiate antagonists. Training may be conducted via multiple modalities, including but not limited to in-person, virtual, written, and video recordings.

ARTICLE 6

OPIOID PRESCRIBING IMPROVEMENT PROGRAM

Section 1. Minnesota Statutes 2022, section 256B.0638, subdivision 1, is amended to read:

Subdivision 1. **Program established.** The commissioner of human services, in conjunction with the commissioner of health, shall coordinate and implement an opioid prescribing improvement program to reduce opioid dependency and substance use by Minnesotans due to the prescribing of opioid analgesics by health care providers and to support patient-centered, compassionate care for Minnesotans who require treatment with opioid analgesics.

Sec. 2. Minnesota Statutes 2022, section 256B.0638, subdivision 2, is amended to read:

Subd. 2. **Definitions.** (a) For purposes of this section, the terms defined in this subdivision have the meanings given them.

(b) "Commissioner" means the commissioner of human services.

(c) "Commissioners" means the commissioner of human services and the commissioner of health.

(d) "DEA" means the United States Drug Enforcement Administration.

Exhibit B-3

2025 Minnesota Session Laws, Chapter 35, Article 5

CHAPTER 35--H.F.No. 2432

An act relating to state government; providing for certain policy for the judiciary, courts, public safety, crime, corrections, data practices, and civil law; providing for crime victims policy; modifying certain financial crimes and fraud investigations law; modifying certain crime victims policy; modifying certain mortgage foreclosure policy; modifying certain statutes of limitation; modifying certain fees; providing for grants; providing for a task force; providing for reports; establishing criminal penalties; establishing Minnesota victims of crime account; appropriating money for judiciary, public safety, corrections, Board of Civil Legal Aid, Guardian ad Litem Board, Tax Court, Uniform Laws Commission, Board on Judicial Standards, Board of Public Defense, Human Rights, Office of Appellate Counsel and Training, Minnesota Competency Attainment Board, Cannabis Expungement Board, Secretary of State, Sentencing Guidelines, Peace Officer Standards and Training (POST) Board, Private Detective Board, Ombudsperson for Corrections, Clemency Review Commission, and Office of Higher Education; amending Minnesota Statutes 2024, sections 13.03, subdivisions 3, 6; 13.32, subdivisions 2, 5; 13.43, subdivision 2; 13.82, subdivision 1; 13.821; 13.825, subdivision 4; 13.991; 43A.17, subdivision 13; 45.0135, subdivisions 2b, 6, 7, 8, 9, by adding a subdivision; 60A.951, subdivision 2; 60A.952, subdivisions 2, 4, 5; 60A.954, subdivision 2; 60A.956; 65B.84; 121A.038, subdivision 7; 121A.06; 144.223; 144.296; 144E.123, subdivision 3; 152.021, subdivision 2; 152.022, subdivision 2; 152.023, subdivision 2; 152.025, subdivision 2; 152.137, subdivisions 1, 2; 241.01, subdivision 3a; 241.021, subdivision 1, by adding a subdivision; 241.80; 244.18, subdivisions 1, 7, 9; 244.19, subdivisions 1c, 1d, 5, 5a; 244.20; 244.41, subdivision 6; 244.44; 244.46, subdivision 1; 246B.04, subdivision 2; 260C.419, subdivisions 2, 3, 4; 268.19, subdivision 1; 268B.30; 272.45; 297I.11, subdivision 2; 299C.055; 299C.40, subdivision 1; 299C.52, subdivision 1; 299C.80, subdivision 6; 299F.47, subdivision 2; 326.338, subdivision 4; 357.021, subdivision 2; 388.23, subdivision 1; 401.03; 401.10, subdivisions 1, 4, by adding a subdivision; 401.11, subdivision 1; 401.14; 401.15, subdivision 2; 401.17, subdivisions 1, 5; 480.243, by adding a subdivision; 480.35, by adding a subdivision; 480.40, subdivisions 1, 3; 480.45, subdivision 2; 484.44; 484.51; 517.04; 517.08, subdivisions 1a, 1b, 1c; 517.09, subdivision 1; 517.10; 518.68, subdivision 1; 518B.01, subdivision 2; 524.5-120; 524.5-311; 524.5-313; 524.5-420; 580.07, subdivisions 1, 2; 580.10; 580.225; 580.24; 580.25; 580.26; 580.28; 581.02; 582.03, subdivisions 1, 2; 582.043, subdivision 6; 595.02, subdivision 1; 609.101, subdivision 2; 609.2231, subdivision 2; 609.2232; 609.322, subdivision 1; 609.527, subdivision 3; 609.531, subdivision 1; 609.593, subdivision 1; 609.78, subdivision 2c; 611.24, subdivision 4; 611.45, subdivision 3; 611.46, subdivision 2; 611.49, subdivisions 2, 3; 611.55, subdivision 3; 611.56, subdivision 1; 611.59, subdivisions 1, 4; 611A.02; 611A.0315; 611A.06, by adding a subdivision; 611A.90; 617.246, subdivisions 1, 2, 3, 4, 6; 617.247; 624.714, subdivision 7a; 626.05, subdivision 2; 626.19, subdivision 3; 626.84, subdivision 1; 626A.35, subdivision 2b, by adding a subdivision; 628.26; 629.341, subdivision 3; 634.35; Laws 2023, chapter 52, article 2, section 3, subdivisions 2, 3, 8, as amended; article 4, section 24, subdivision 7, as amended; article 11, section 31; Laws 2023, chapter 68, article 1, section 4, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 144; 241; 299A; 299C; 401; 480; 517; 609; 617; 626; repealing Minnesota Statutes 2024, sections 45.0135, subdivisions 2a, 2c, 2d, 2e, 2f, 3, 4, 5; 253.21; 253.23; 325E.21, subdivision 2b; 325F.02; 325F.03; 325F.04; 325F.05; 325F.06; 325F.07; 517.05; 517.18.

of the same county, the sentence was either ordered to be served consecutively to the vacated conviction or the criminal history calculation for that sentence included the vacated sentence, and the changes made pursuant to paragraph (d) would have resulted in a different criminal history score being used at the time of sentencing.

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

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

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

(k) If a conviction is entered under this subdivision, the date of that conviction by operation of law is deemed to be the same as that of the original conviction for violating section 609.185, paragraph (a), clause (3), or 609.19, subdivision 2, clause (1).

EFFECTIVE DATE. This section is effective the day following final enactment and applies retroactively from August 1, 2023.

Sec. 16. **REVISOR INSTRUCTION.**

The revisor of statutes shall update headnote cross-references in Minnesota Statutes and Minnesota Rules to reflect the changes made in this article.

ARTICLE 5

PUBLIC SAFETY POLICY

Section 1. Minnesota Statutes 2024, section 13.03, subdivision 6, is amended to read:

Subd. 6. **Discoverability of not public data.** If a government entity opposes discovery of government data or release of data pursuant to court order on the grounds that the data are classified as not public, the party that seeks access to the data may bring before the appropriate presiding judicial officer, arbitrator, or administrative law judge an action to compel discovery or an action in the nature of an action to compel discovery.

The presiding officer shall first decide whether the data are discoverable or releasable pursuant to the rules of evidence and of criminal, civil, or administrative procedure appropriate to the action.

If the data are discoverable the presiding officer shall decide whether the benefit to the party seeking access to the data outweighs any harm to the confidentiality interests of the entity maintaining the data, or of any person who has provided the data or who is the subject of the data, or to the privacy interest of an

individual identified in the data. In making the decision, the presiding officer shall consider whether notice to the subject of the data is warranted and, if warranted, what type of notice must be given. The presiding officer may fashion and issue any protective orders necessary to assure proper handling of the data by the parties. If the data are a videotape recording of a child victim or alleged victim alleging, explaining, denying, or describing an act of physical or sexual abuse, the presiding officer shall consider the provisions of section 611A.90, subdivision 2, paragraph (b). If the data are data subject to the protections under chapter 5B or section 13.045, the presiding officer shall consider the provisions of section 5B.11.

Sec. 2. Minnesota Statutes 2024, section 13.821, is amended to read:

13.821 VIDEOTAPES RECORDINGS OF CHILD ABUSE VICTIMS.

(a) Notwithstanding section 13.04, subdivision 3, an individual subject of data may not obtain a copy of a videotape recording in which a child victim or alleged victim is alleging, explaining, denying, or describing an act of physical or sexual abuse without a court order under section 13.03, subdivision 6, or 611A.90. The definitions of physical abuse and sexual abuse in section 260E.03, apply to this section, except that abuse is not limited to acts by a person responsible for the child's care or in a significant relationship with the child or position of authority.

(b) This section does not limit other rights of access to data by an individual under section 13.04, subdivision 3, other than the right to obtain a copy of the videotape recording, nor prohibit rights of access pursuant to discovery in a court proceeding.

Sec. 3. Minnesota Statutes 2024, section 121A.038, subdivision 7, is amended to read:

Subd. 7. **Violence prevention.** (a) A school district or charter school conducting an active shooter drill must provide students in middle school and high school at least one hour, or one standard class period, of violence prevention training annually.

(b) The violence prevention training must be evidence-based and may be delivered in-person, virtually, or digitally. Training must, at a minimum, teach students the following:

(1) how to identify observable warning signs and signals of an individual who may be at risk of harming oneself or others;

(2) the importance of taking threats seriously and seeking help; and

(3) the steps to report dangerous, violent, threatening, harmful, or potentially harmful activity, including providing information about the Department of Public Safety's statewide anonymous threat reporting system and any local threat reporting systems.

(c) By July 1, 2024, the commissioner of public safety and the commissioner of education must jointly develop a list of evidence-based trainings that a school district or charter school may use to fulfill the requirements of this section, including no-cost programming, if any. The agencies must:

(1) post the list publicly on the Minnesota School Safety Center's website; and

(2) update the list every two years.

(d) A school district or charter school must ensure that students have the opportunity to contribute to their school's safety and violence prevention planning, aligned with the recommendations for multihazard planning for schools, including but not limited to:

- (1) student opportunities for leadership related to prevention and safety;
- (2) encouragement and support to students in establishing clubs and programs focused on safety; and
- (3) providing students with the opportunity to seek help from adults and to learn about prevention connected to topics including bullying, sexual harassment, sexual assault, and suicide.

Sec. 4. Minnesota Statutes 2024, section 121A.06, is amended to read:

121A.06 REPORTS OF DANGEROUS WEAPON INCIDENTS AND ACTIVE SHOOTER INCIDENTS IN SCHOOL ZONES.

Subdivision 1. **Definitions.** As used in this section:

- (1) "active shooter incident" means an event involving an armed individual or individuals on campus or an armed assailant in the immediate vicinity of the school;
- (2) "active shooter threat" means a real or perceived threat that an active shooter incident will occur;
- ~~(3)~~ (3) "dangerous weapon" has the meaning given ~~it~~ in section 609.02, subdivision 6;
- ~~(4)~~ (4) "school" has the meaning given ~~it~~ in section 120A.22, subdivision 4; and
- ~~(5)~~ (5) "school zone" has the meaning given ~~it~~ in section 152.01, subdivision 14a, clauses (1) and (3).

Subd. 2. **Dangerous weapons reports; content.** School districts must electronically report to the commissioner of education incidents involving the use or possession of a dangerous weapon in school zones. The form report must include the following information:

- (1) a description of each incident, including a description of the dangerous weapon involved in the incident;
- (2) where, at what time, and under what circumstances the incident occurred;
- (3) information about the offender, other than the offender's name, including the offender's age; whether the offender was a student and, if so, where the offender attended school; and whether the offender was under school expulsion or suspension at the time of the incident;
- (4) information about the victim other than the victim's name, if any, including the victim's age; whether the victim was a student and, if so, where the victim attended school; and if the victim was not a student, whether the victim was employed at the school;
- (5) the cost of the incident to the school and to the victim; and
- (6) the action taken by the school administration to respond to the incident.

The commissioner shall provide an electronic reporting format that allows school districts to provide aggregate data.

Subd. 2a. **Active shooter reports; content.** (a) A school district, charter school, or cooperative unit under section 123A.24, subdivision 2, that serves students must electronically file an after-action review report for active shooter incidents and active shooter threats to the Minnesota Fusion Center. The report must include the following information:

- (1) a description of each incident or threat;

(2) how the active shooter threat was communicated, including whether the threat was communicated through social media or email;

(3) information about the individual, other than the individual's name, including the individual's age; whether the individual was a student and, if so, where the individual attended school; and whether the individual was under school expulsion or suspension at the time of the incident;

(4) the immediate cost of the incident to the school, if any;

(5) the action taken by the school administration to respond to the incident or threat, including any referrals to law enforcement or mental health professionals; and

(6) the law enforcement agency or agencies with jurisdiction over the school, even if the incident did not result in a referral to law enforcement.

(b) Reports required under paragraph (a) must be submitted on a form provided by the Minnesota Fusion Center and in a manner consistent with the reporting school's safety plan. The Minnesota Fusion Center must consult with the Minnesota School Safety Center in creation of the reporting form.

Subd. 3. **Reports; filing requirements.** By July 31 of each year, each public school shall report incidents involving the use or possession of a dangerous weapon in school zones to the commissioner. The reports must be submitted using the electronic reporting system developed by the commissioner under subdivision 2. The commissioner shall compile the information it receives from the schools and report it annually to the commissioner of public safety and the legislature.

Sec. 5. Minnesota Statutes 2024, section 144.296, is amended to read:

144.296 COPIES OF ~~VIDEOTAPES~~ RECORDINGS.

A provider may not release a copy of a ~~videotape~~ recording of a child victim or alleged victim of physical or sexual abuse without a court order under section 13.03, subdivision 6, or as provided in section 611A.90. This section does not limit the right of a patient to view or listen to the videotape recording.

Sec. 6. Minnesota Statutes 2024, section 241.021, subdivision 1, is amended to read:

Subdivision 1. **Correctional facilities; inspection; licensing.** (a) Except as provided in paragraph (b), the commissioner of corrections shall inspect and license all correctional facilities throughout the state, whether public or private, established and operated for the detention and confinement of persons confined or incarcerated therein according to law except to the extent that they are inspected or licensed by other state regulating agencies. The commissioner shall promulgate pursuant to chapter 14, rules establishing minimum standards for these facilities with respect to their management, operation, physical condition, and the security, safety, health, treatment, and discipline of persons confined or incarcerated therein. These minimum standards shall include but are not limited to specific guidance pertaining to:

(1) screening, appraisal, assessment, and treatment for persons confined or incarcerated in correctional facilities with mental illness or substance use disorders;

(2) a policy on the involuntary administration of medications, including a process for determining on intake whether a Jarvis Order is in place and ensuring it will be followed during the confinement or incarceration;

(3) suicide prevention plans and training;

- (4) verification of medications in a timely manner;
- (5) well-being checks;
- (6) discharge planning, including providing prescribed medications to persons confined or incarcerated in correctional facilities upon release;
- (7) a policy on referrals or transfers to medical or mental health care in a noncorrectional institution;
- (8) use of segregation and mental health checks;
- (9) critical incident debriefings;
- (10) clinical management of substance use disorders and opioid overdose emergency procedures;
- (11) a policy regarding identification of persons with special needs confined or incarcerated in correctional facilities;
- (12) a policy regarding the use of telehealth;
- (13) self-auditing of compliance with minimum standards;
- (14) information sharing with medical personnel and when medical assessment must be facilitated;
- (15) a code of conduct policy for facility staff and annual training;
- (16) a policy on death review of all circumstances surrounding the death of an individual committed to the custody of the facility; and
- (17) dissemination of a rights statement made available to persons confined or incarcerated in licensed correctional facilities.

No individual, corporation, partnership, voluntary association, or other private organization legally responsible for the operation of a correctional facility may operate the facility unless it possesses a current license from the commissioner of corrections. Private adult correctional facilities shall have the authority of section 624.714, subdivision 13, if the Department of Corrections licenses the facility with the authority and the facility meets requirements of section 243.52.

The commissioner shall review the correctional facilities described in this subdivision at least once every two years, except as otherwise provided, to determine compliance with the minimum standards established according to this subdivision or other Minnesota statute related to minimum standards and conditions of confinement.

The commissioner shall grant a license to any facility found to conform to minimum standards or to any facility which, in the commissioner's judgment, is making satisfactory progress toward substantial conformity and the standards not being met do not impact the interests and well-being of the persons confined or incarcerated in the facility. A limited license under subdivision 1a may be issued for purposes of effectuating a facility closure. The commissioner may grant licensure up to two years. Unless otherwise specified by statute, all licenses issued under this chapter expire at 12:01 a.m. on the day after the expiration date stated on the license.

The commissioner shall have access to the buildings, grounds, books, records, staff, and to persons confined or incarcerated in these facilities. The commissioner may require the officers in charge of these facilities to furnish all information and statistics the commissioner deems necessary, at a time and place

designated by the commissioner. Notwithstanding chapter 13 or any other state law classifying or restricting access to data, the officers in charge of these facilities must furnish all data available to the facility that the commissioner deems necessary to conduct a review of any emergency or unusual occurrence at the facility. Failure to provide or grant access to relevant information or statistics necessary to fulfill inspection or emergency or unusual occurrence reviews, as requested by the commissioner, may be grounds for the commissioner to take action against a correctional facility's license under subdivision 1a, 1b, or 1c.

All facility administrators of correctional facilities are required to report all deaths of individuals who died while committed to the custody of the facility, regardless of whether the death occurred at the facility or after removal from the facility for medical care stemming from an incident or need for medical care at the correctional facility, as soon as practicable, but no later than 24 hours of receiving knowledge of the death, including any demographic information as required by the commissioner.

All facility administrators of correctional facilities are required to report all other emergency or unusual occurrences as defined by rule, including uses of force by facility staff that result in substantial bodily harm or suicide attempts, to the commissioner of corrections within ten days from the occurrence, including any demographic information as required by the commissioner. The commissioner of corrections shall consult with the Minnesota Sheriffs' Association and a representative from the Minnesota Association of Community Corrections Act Counties who is responsible for the operations of an adult correctional facility to define "use of force" that results in substantial bodily harm for reporting purposes.

The commissioner may require that any or all such information be provided through the Department of Corrections detention information system. The commissioner shall post each inspection report publicly and on the department's website within 30 days of completing the inspection. The education program offered in a correctional facility for the confinement or incarceration of juvenile offenders must be approved by the commissioner of education before the commissioner of corrections may grant a license to the facility.

(b) For juvenile facilities licensed by the commissioner of human services, the commissioner may inspect and certify programs based on certification standards set forth in Minnesota Rules. For the purpose of this paragraph, "certification" has the meaning given it in section 245A.02.

(c) Any state agency which regulates, inspects, or licenses certain aspects of correctional facilities shall, insofar as is possible, ensure that the minimum standards it requires are substantially the same as those required by other state agencies which regulate, inspect, or license the same aspects of similar types of correctional facilities, although at different correctional facilities.

(d) Nothing in this section shall be construed to limit the commissioner of corrections' authority to promulgate rules establishing standards of eligibility for counties to receive funds under chapter 401, or to require counties to comply with operating standards the commissioner establishes as a condition precedent for counties to receive that funding.

(e) The department's inspection unit must report directly to a division head outside of the correctional institutions division.

Sec. 7. Minnesota Statutes 2024, section 241.021, is amended by adding a subdivision to read:

Subd. 4f. **Provision of medications in correctional facilities.** (a) Correctional facilities licensed by the commissioner shall administer to confined and incarcerated persons the same medications prescribed to those individuals prior to their confinement or incarceration.

(b) Unless a confined or incarcerated person is subject to a Jarvis order that dictates otherwise, paragraph (a) does not apply when:

(1) a licensed health care professional determines, after consulting with the licensed health care professional who prescribed the medication, that the prescribed medication is not medically appropriate for the person based on the person's medical condition or status;

(2) a licensed health care professional determines a medication that is at least as effective as the current medication the person is prescribed is available to treat the condition and the licensed health care professional who prescribed the current medication approves the change in medications; or

(3) the person provides written notice to the licensed health care professional who is responsible for inmate health care at the correctional facility that the person no longer desires to take the medication.

(c) As used in this subdivision, "licensed health care professional" means a physician licensed under chapter 147, physician assistant licensed under chapter 147A, or advanced practice registered nurse as defined in section 148.171, subdivision 3.

Sec. 8. Minnesota Statutes 2024, section 246B.04, subdivision 2, is amended to read:

Subd. 2. **Ban on obscene material or ~~pornographic work~~ child sexual abuse material.** The executive board shall prohibit persons civilly committed as sexual psychopathic personalities or sexually dangerous persons under chapter 253D from having or receiving material that is obscene as defined under section 617.241, subdivision 1, material that depicts sexual conduct as defined under section 617.241, subdivision 1, or ~~pornographic work~~ child sexual abuse material as defined under section 617.246, subdivision 1, while receiving services in any secure treatment facilities operated by the Minnesota Sex Offender Program or any other facilities operated by the executive board.

Sec. 9. Minnesota Statutes 2024, section 299C.055, is amended to read:

299C.055 LEGISLATIVE REPORT ON FUSION CENTER ACTIVITIES.

(a) The superintendent must prepare an annual report for the public and the legislature on the Minnesota Fusion Center (MNFC) that includes general information about the MNFC; the types of activities it monitors; the scale of information it collects; the local, state, and federal agencies with which it shares information; and the quantifiable benefits it produces. None of the reporting requirements in this section supersede chapter 13 or any other state or federal law. The superintendent must report on activities for the preceding calendar year unless another time period is specified. The report must include the following information, to the extent allowed by other law:

(1) the MNFC's operating budget for the current biennium, number of staff, and staff duties;

(2) the number of publications generated and an overview of the type of information provided in the publications, including products such as law enforcement briefs, partner briefs, risk assessments, threat assessments, and operational reports;

(3) a summary of audit findings for the MNFC and what corrective actions were taken pursuant to audits;

(4) the number of data requests received by the MNFC and a general description of those requests;

(5) the types of surveillance and data analysis technologies utilized by the MNFC, such as artificial intelligence or social media analysis tools;

(6) a description of the commercial and governmental databases utilized by the MNFC to the extent permitted by law;

(7) the number of suspicious activity reports (SARs) received and processed by the MNFC;

(8) the number of SARs received and processed by the MNFC that were converted into Bureau of Criminal Apprehension case files, that were referred to the Federal Bureau of Investigation, or that were referred to local law enforcement agencies;

(9) the number of SARs received and processed by the MNFC that involve an individual on the Terrorist Screening Center watchlist;

(10) the number of requests for information (RFIs) that the MNFC received from law enforcement agencies and the number of responses to federal requests for RFIs;

(11) the names of the federal agencies the MNFC received data from or shared data with;

(12) the names of the agencies that submitted SARs;

(13) a summary description of the MNFC's activities with the Joint Terrorism Task Force; ~~and~~

(14) the number of investigations aided by the MNFC's use of SARs and RFIs;

(15) the number of tips received through the Department of Public Safety's anonymous threat reporting system, including the See It, Say It, Send It application, and the number of those tips that the MNFC processed; and

(16) the number of active shooter incident reports received from school districts pursuant to section 121A.06, subdivision 2a, paragraph (b); a summary of the reports; and the number of reports that were converted into Bureau of Criminal Apprehension case files, that were referred to the Federal Bureau of Investigation, or that were referred to local law enforcement agencies.

(b) The report shall be provided to the chairs and ranking minority members of the committees of the house of representatives and senate with jurisdiction over data practices and public safety issues, and shall be posted on the MNFC website by February 15 each year beginning on February 15, 2024.

Sec. 10. Minnesota Statutes 2024, section 299C.52, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** As used in sections 299C.52 to 299C.565, the following terms have the meanings given them:

(a) "Child" means any person under the age of 18 years or any person certified or known to be mentally incompetent.

(b) "DNA" means deoxyribonucleic acid from a human biological specimen.

(c) "Endangered" means that a law enforcement official has received sufficient evidence that the missing person is at risk of physical injury or death. The following circumstances indicate that a missing person is at risk of physical injury or death:

(1) the person is missing as a result of a confirmed abduction or under circumstances that indicate that the person's disappearance was not voluntary;

(2) the person is missing under known dangerous circumstances;

(3) the person is missing more than 30 days;

(4) the person is under the age of 21 and at least one other factor in this paragraph is applicable;

(5) there is evidence the person is in need of medical attention or prescription medication such that it will have a serious adverse effect on the person's health if the person does not receive the needed care or medication;

(6) the person does not have a pattern of running away or disappearing;

(7) the person is mentally impaired;

(8) the person has been diagnosed with dementia, a traumatic brain injury, Alzheimer's disease, or other cognitive impairments;

(9) the person has been diagnosed with autism;

(10) there is evidence that the person may have been abducted by a noncustodial parent;

~~(9)~~ (11) the person has been the subject of past threats or acts of violence;

~~(10)~~ (12) there is evidence the person is lost in the wilderness, backcountry, or outdoors where survival is precarious and immediate and effective investigation and search and rescue efforts are critical; or

~~(11)~~ (13) any other factor that the law enforcement agency deems to indicate that the person may be at risk of physical injury or death, including a determination by another law enforcement agency that the person is missing and endangered.

(d) "Missing" means the status of a person after a law enforcement agency that has received a report of a missing person has conducted a preliminary investigation and determined that the person cannot be located.

(e) "NCIC" means National Crime Information Center.

Sec. 11. Minnesota Statutes 2024, section 299F.47, subdivision 2, is amended to read:

Subd. 2. **Charter school inspections; fees.** The state fire marshal shall charge charter schools ~~\$100~~ \$0.014 per square foot for each school building inspected. ~~This rate~~ These rates shall include two follow-up inspections or on-site consultations. If additional follow-up inspections or consultations are needed, the state fire marshal shall charge ~~\$50~~ \$0.005 per square foot for each additional follow-up inspection to each applicable building in which a follow-up inspection is needed.

Sec. 12. Minnesota Statutes 2024, section 388.23, subdivision 1, is amended to read:

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

(1) any records of:

(i) telephone companies, cellular phone companies, paging companies, and subscribers of private computer networks including Internet service providers or computer bulletin board systems;

(ii) electric companies, gas companies, and water utilities;

(iii) chemical suppliers;

(iv) hotels and motels;₂

(v) pawn shops;₂

(vi) airlines, buses, taxis, and other entities engaged in the business of transporting people;₂ and

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

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

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

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

(5) wage and employment records of an applicant or recipient of public assistance who is the subject of a welfare fraud investigation relating to eligibility information for public assistance programs; and

(6) any of the following records of an employer or business entity who is the subject of or has information related to a wage theft investigation:

(i) accounting and financial records such as books, registers, payrolls, banking records, credit card records, securities records, and records of money transfers;

(ii) records required to be kept pursuant to section 177.30, paragraph (a); and

(iii) other records that in any way relate to wages or other income paid, hours worked, and other conditions of employment of any employee or of work performed by persons identified as independent contractors, and records of any payments to contractors, and records of workers' compensation insurance.

(b) Subpoenas may only be issued for records that are relevant to an ongoing legitimate law enforcement investigation. Administrative subpoenas may only be issued in wage theft, welfare fraud, and identity theft cases if there is probable cause to believe a crime has been committed.

(c) This ~~provision~~ subdivision applies only to the records of business entities and does not extend to private individuals or their dwellings.

(d) As used in this subdivision, "business entity" has the meaning given in section 308B.005.

EFFECTIVE DATE. This section is effective August 1, 2025.

Sec. 13. Minnesota Statutes 2024, section 595.02, subdivision 1, is amended to read:

Subdivision 1. **Competency of witnesses.** Every person of sufficient understanding, including a party, may testify in any action or proceeding, civil or criminal, in court or before any person who has authority to receive evidence, except as provided in this subdivision:

(a) A husband cannot be examined for or against his wife without her consent, nor a wife for or against her husband without his consent, nor can either, during the marriage or afterwards, without the consent of the other, be examined as to any communication made by one to the other during the marriage. This exception

does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other or against a child of either or against a child under the care of either spouse, nor to a criminal action or proceeding in which one is charged with homicide or an attempt to commit homicide and the date of the marriage of the defendant is subsequent to the date of the offense, nor to an action or proceeding for nonsupport, neglect, dependency, or termination of parental rights.

(b) An attorney cannot, without the consent of the attorney's client, be examined as to any communication made by the client to the attorney or the attorney's advice given thereon in the course of professional duty; nor can any employee of the attorney be examined as to the communication or advice, without the client's consent.

(c) A member of the clergy or other minister of any religion shall not, without the consent of the party making the confession, be allowed to disclose a confession made to the member of the clergy or other minister in a professional character, in the course of discipline enjoined by the rules or practice of the religious body to which the member of the clergy or other minister belongs; nor shall a member of the clergy or other minister of any religion be examined as to any communication made to the member of the clergy or other minister by any person seeking religious or spiritual advice, aid, or comfort or advice given thereon in the course of the member of the clergy's or other minister's professional character, without the consent of the person.

(d) A licensed physician or surgeon, dentist, or chiropractor shall not, without the consent of the patient, be allowed to disclose any information or any opinion based thereon which the professional acquired in attending the patient in a professional capacity, and which was necessary to enable the professional to act in that capacity; after the decease of the patient, in an action to recover insurance benefits, where the insurance has been in existence two years or more, the beneficiaries shall be deemed to be the personal representatives of the deceased person for the purpose of waiving this privilege, and no oral or written waiver of the privilege shall have any binding force or effect except when made upon the trial or examination where the evidence is offered or received.

(e) A public officer shall not be allowed to disclose communications made to the officer in official confidence when the public interest would suffer by the disclosure.

(f) Persons of unsound mind and persons intoxicated at the time of their production for examination are not competent witnesses if they lack capacity to remember or to relate truthfully facts respecting which they are examined.

(g) A registered nurse, psychologist, consulting psychologist, or licensed social worker engaged in a psychological or social assessment or treatment of an individual at the individual's request shall not, without the consent of the professional's client, be allowed to disclose any information or opinion based thereon which the professional has acquired in attending the client in a professional capacity, and which was necessary to enable the professional to act in that capacity. Nothing in this clause exempts licensed social workers from compliance with the provisions of section 626.557 and chapter 260E.

(h) An interpreter for a person disabled in communication shall not, without the consent of the person, be allowed to disclose any communication if the communication would, if the interpreter were not present, be privileged. For purposes of this section, a "person disabled in communication" means a person who, because of a hearing, speech or other communication disorder, or because of the inability to speak or comprehend the English language, is unable to understand the proceedings in which the person is required to participate. The presence of an interpreter as an aid to communication does not destroy an otherwise existing privilege.

(i) Licensed chemical dependency counselors shall not disclose information or an opinion based on the information which they acquire from persons consulting them in their professional capacities, and which was necessary to enable them to act in that capacity, except that they may do so:

(1) when informed consent has been obtained in writing, except in those circumstances in which not to do so would violate the law or would result in clear and imminent danger to the client or others;

(2) when the communications reveal the contemplation or ongoing commission of a crime; or

(3) when the consulting person waives the privilege by bringing suit or filing charges against the licensed professional whom that person consulted.

(j) A parent or the parent's minor child may not be examined as to any communication made in confidence by the minor to the minor's parent. A communication is confidential if made out of the presence of persons not members of the child's immediate family living in the same household. This exception may be waived by express consent to disclosure by a parent entitled to claim the privilege or by the child who made the communication or by failure of the child or parent to object when the contents of a communication are demanded. This exception does not apply to a civil action or proceeding by one spouse against the other or by a parent or child against the other, nor to a proceeding to commit either the child or parent to whom the communication was made or to place the person or property or either under the control of another because of an alleged mental or physical condition, nor to a criminal action or proceeding in which the parent is charged with a crime committed against the person or property of the communicating child, the parent's spouse, or a child of either the parent or the parent's spouse, or in which a child is charged with a crime or act of delinquency committed against the person or property of a parent or a child of a parent, nor to an action or proceeding for termination of parental rights, nor any other action or proceeding on a petition alleging child abuse, child neglect, abandonment or nonsupport by a parent.

(k) Sexual assault counselors may not be allowed to disclose any opinion or information received from or about the victim without the consent of the victim. However, a counselor may be compelled to identify or disclose information in investigations or proceedings related to neglect or termination of parental rights if the court determines good cause exists. In determining whether to compel disclosure, the court shall weigh the public interest and need for disclosure against the effect on the victim, the treatment relationship, and the treatment services if disclosure occurs. Nothing in this clause exempts sexual assault counselors from compliance with the provisions of section 626.557 and chapter 260E.

"Sexual assault counselor" for the purpose of this section means a person who has undergone at least 40 hours of crisis counseling training and works under the direction of a supervisor in a crisis center, whose primary purpose is to render advice, counseling, or assistance to victims of sexual assault.

(l) A domestic abuse advocate ~~may~~ shall not, without the consent of the victim, be compelled ~~allowed~~ to disclose any opinion or information received from or about the victim ~~without the consent of the victim unless ordered by the court~~ that the advocate acquired in attending to the victim in a professional capacity. ~~In determining whether to compel disclosure, the court shall weigh the public interest and need for disclosure against the effect on the victim, the relationship between the victim and domestic abuse advocate, and the services if disclosure occurs.~~ Nothing in this paragraph (1) exempts domestic abuse advocates from compliance with the provisions of section 626.557 and chapter 260E, or (2) modifies a prosecutor's obligation to disclose material and information to the defense when the information is in the possession or control of members of the prosecution staff and of any others who have participated in the investigation or evaluation of the case and who either regularly report, or with reference to the particular case have reported, to the prosecutor's office.

For the purposes of this section, "domestic abuse advocate" means an employee or supervised volunteer from a community-based ~~battered women's shelter and~~ domestic abuse program eligible to receive grants under section 611A.32; that provides information, advocacy, crisis intervention, emergency shelter, or support to victims of domestic abuse and who is not employed by or under the direct supervision of a law enforcement agency, a prosecutor's office, or by a city, county, or state agency.

(m) A person cannot be examined as to any communication or document, including work notes, made or used in the course of or because of mediation pursuant to an agreement to mediate or a collaborative law process pursuant to an agreement to participate in collaborative law. This does not apply to the parties in the dispute in an application to a court by a party to have a mediated settlement agreement or a stipulated agreement resulting from the collaborative law process set aside or reformed. A communication or document otherwise not privileged does not become privileged because of this paragraph. This paragraph is not intended to limit the privilege accorded to communication during mediation or collaborative law by the common law.

(n) A child under ten years of age is a competent witness unless the court finds that the child lacks the capacity to remember or to relate truthfully facts respecting which the child is examined. A child describing any act or event may use language appropriate for a child of that age.

(o) A communication assistant for a telecommunications relay system for persons who have communication disabilities shall not, without the consent of the person making the communication, be allowed to disclose communications made to the communication assistant for the purpose of relaying.

Sec. 14. Minnesota Statutes 2024, section 609.527, subdivision 3, is amended to read:

Subd. 3. **Penalties.** A person who violates subdivision 2 may be sentenced as follows:

(1) if the offense involves a single direct victim and the total, combined loss to the direct victim and any indirect victims is \$250 or less, the person may be sentenced as provided in section 609.52, subdivision 3, clause (5);

(2) if the offense involves a single direct victim and the total, combined loss to the direct victim and any indirect victims is more than \$250 but not more than \$500, the person may be sentenced as provided in section 609.52, subdivision 3, clause (4);

(3) if the offense involves two or three direct victims or the total, combined loss to the direct and indirect victims is more than \$500 but not more than \$2,500, the person may be sentenced as provided in section 609.52, subdivision 3, clause (3);

(4) if the offense involves more than three but not more than seven direct victims, or if the total combined loss to the direct and indirect victims is more than \$2,500, the person may be sentenced as provided in section 609.52, subdivision 3, clause (2);

(5) if the offense involves eight or more direct victims, or if the total, combined loss to the direct and indirect victims is more than \$35,000, the person may be sentenced as provided in section 609.52, subdivision 3, clause (1); and

(6) if the offense is related to possession or distribution of ~~pornographic work~~ child sexual abuse material in violation of section 617.246 or 617.247, the person may be sentenced as provided in section 609.52, subdivision 3, clause (1).

Sec. 15. Minnesota Statutes 2024, section 611.24, subdivision 4, is amended to read:

Subd. 4. **Appeal by prosecuting attorney; attorney fees.** (a) When a prosecuting attorney appeals to the court of appeals, in any criminal case, from any pretrial order of the district court, reasonable attorney fees and costs incurred shall be allowed to the defendant on the appeal which shall be paid by the governmental unit responsible for the prosecution involved in accordance with paragraph (b).

(b) On or before January 15 of each year, the chief judge of the judicial district, after consultation with city and county attorneys, the chief public defender, and members of the private bar in the district, shall establish a reimbursement rate for attorney fees and costs associated with representation of a defendant on appeal. The compensation to be paid to an attorney for such service rendered to a defendant under this subdivision may not exceed \$10,000, exclusive of reimbursement for expenses reasonably incurred, unless payment in excess of that limit is certified by the chief judge of the district as necessary to provide fair compensation for services of an unusual character or duration.

Sec. 16. Minnesota Statutes 2024, section 611A.90, is amended to read:

611A.90 RELEASE OF VIDEOTAPES RECORDINGS OF CHILD ABUSE VICTIMS.

Subdivision 1. **Definition.** For purposes of this section, "physical abuse" and "sexual abuse" have the meanings given in section 260E.03, except that abuse is not limited to acts by a person responsible for the child's care or in a significant relationship with the child or position of authority.

Subd. 2. **Court order required.** (a) A custodian of a videotape recording of a child victim or alleged victim alleging, explaining, denying, or describing an act of physical or sexual abuse as part of an investigation or evaluation of the abuse may not release a copy of the videotape recording without a court order, notwithstanding that the subject has consented to the release of the videotape recording or that the release is authorized under law.

(b) The court order may govern the purposes for which the videotape recording may be used, reproduction, release to other persons, retention and return of copies, and other requirements reasonably necessary for protection of the privacy and best interests of the child.

Subd. 3. **Petition.** An individual subject of data, as defined in section 13.02, or a patient, as defined in sections 144.291 to 144.298, who is seeking a copy of a videotape recording governed by this section may petition the district court in the county where the alleged abuse took place or where the custodian of the videotape recording resides for an order releasing a copy of the videotape recording under subdivision 2. Nothing in this section establishes a right to obtain access to a videotape recording by any other person nor limits a right of a person to obtain access if access is otherwise authorized by law or pursuant to discovery in a court proceeding.

Sec. 17. Minnesota Statutes 2024, section 617.246, subdivision 2, is amended to read:

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

Any person who violates this paragraph is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

(b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$40,000, or both, if:

(1) the person has a prior conviction or delinquency adjudication for violating this section or section 617.247;

(2) the violation occurs when the person is a registered predatory offender under section 243.166; or

(3) the violation involved a minor under the age of 14 years.

Sec. 18. Minnesota Statutes 2024, section 617.246, subdivision 3, is amended to read:

Subd. 3. **Operation or ownership of business.** (a) A person who owns or operates a business in which ~~a pornographic work~~ child sexual abuse material, as defined in this section, is disseminated to an adult or a minor or is reproduced, and who knows the content and character of the ~~pornographic work~~ child sexual abuse material disseminated or reproduced, is guilty of a felony and may be sentenced to imprisonment for not more than ten years, or to payment of a fine of not more than \$20,000, or both.

(b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$40,000, or both, if:

(1) the person has a prior conviction or delinquency adjudication for violating this section or section 617.247;

(2) the violation occurs when the person is a registered predatory offender under section 243.166; or

(3) the violation involved a minor under the age of 14 years.

Sec. 19. Minnesota Statutes 2024, section 617.246, subdivision 4, is amended to read:

Subd. 4. **Dissemination.** (a) A person who, knowing or with reason to know its content and character, disseminates for profit to an adult or a minor ~~a pornographic work~~ child sexual abuse material, as defined in this section, is guilty of a felony and may be sentenced to imprisonment for not more than ten years, or to payment of a fine of not more than \$20,000, or both.

(b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$40,000, or both, if:

(1) the person has a prior conviction or delinquency adjudication for violating this section or section 617.247;

(2) the violation occurs when the person is a registered predatory offender under section 243.166; or

(3) the violation involved a minor under the age of 14 years.

Sec. 20. Minnesota Statutes 2024, section 617.246, subdivision 6, is amended to read:

Subd. 6. **Affirmative defense.** It shall be an affirmative defense to a charge of violating this section that the sexual performance or ~~pornographic work~~ child sexual abuse material was produced using only persons who were 18 years or older.

Sec. 21. Minnesota Statutes 2024, section 617.247, is amended to read:

617.247 POSSESSION OF PORNOGRAPHIC WORK INVOLVING MINORS CHILD SEXUAL ABUSE MATERIAL.

Subdivision 1. **Policy; purpose.** It is the policy of the legislature in enacting this section to protect minors from the physical and psychological damage caused by their being used in ~~pornographic work~~ child sexual abuse material depicting sexual conduct which involves minors. It is therefore the intent of the legislature to penalize possession of ~~pornographic work~~ child sexual abuse material depicting sexual conduct which involve minors or appears to involve minors in order to protect the identity of minors who are victimized by involvement in the ~~pornographic work~~ child sexual abuse material, and to protect minors from future involvement in ~~pornographic work~~ child sexual abuse material depicting sexual conduct.

Subd. 2. **Definitions.** For purposes of this section, the following terms have the meanings given ~~them~~:

(a) ~~"Pornographic work"~~ "Child sexual abuse material" has the meaning given ~~to it~~ in section 617.246.

(b) "Sexual conduct" has the meaning given ~~to it~~ in section 617.246.

Subd. 3. **Dissemination prohibited.** (a) A person who disseminates ~~pornographic work~~ child sexual abuse material to an adult or a minor, knowing or with reason to know its content and character, is guilty of a felony and may be sentenced to imprisonment for not more than seven years or to payment of a fine of not more than \$10,000, or both.

(b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$20,000, or both, if:

(1) the person has a prior conviction or delinquency adjudication for violating this section or section 617.246;

(2) the violation occurs when the person is a registered predatory offender under section 243.166; or

(3) the violation involved a minor under the age of 14 years.

Subd. 4. **Possession prohibited.** (a) A person who possesses a ~~pornographic work~~ child sexual abuse material or a computer disk or computer or other electronic, magnetic, or optical storage system or a storage system of any other type, containing a ~~pornographic work~~ child sexual abuse material, knowing or with reason to know its content and character, is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both.

(b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both, if:

(1) the person has a prior conviction or delinquency adjudication for violating this section or section 617.246;

(2) the violation occurs when the person is a registered predatory offender under section 243.166; or

(3) the violation involved a minor under the age of 14 years.

Subd. 5. **Exception.** This section does not apply to the performance of official duties by peace officers, court personnel, or attorneys, nor to licensed physicians, psychologists, or social workers or persons acting at the direction of a licensed physician, psychologist, or social worker in the course of a bona fide treatment or professional education program.

Subd. 6. **Consent.** Consent to sexual performance by a minor or the minor's parent, guardian, or custodian is not a defense to a charge of violation of this section.

Subd. 7. **Second offense.** If a person is convicted of a second or subsequent violation of this section within 15 years of the prior conviction, the court shall order a mental examination of the person. The examiner shall report to the court whether treatment of the person is necessary.

Subd. 8. **Affirmative defense.** It shall be an affirmative defense to a charge of violating this section that the ~~pornographic work~~ child sexual abuse material was produced using only persons who were 18 years or older.

Subd. 9. **Conditional release term.** Notwithstanding the statutory maximum sentence otherwise applicable to the offense or any provision of the sentencing guidelines, when a court commits a person to the custody of the commissioner of corrections for violating this section, the court shall provide that after the person has been released from prison, the commissioner shall place the person on conditional release for five years. If the person has previously been convicted of a violation of this section, section 609.342, 609.343, 609.344, 609.345, 609.3451, 609.3453, or 617.246, or any similar statute of the United States, this state, or any state, the commissioner shall place the person on conditional release for 15 years. The terms of conditional release are governed by section 609.3455, subdivision 8.

Sec. 22. Minnesota Statutes 2024, section 624.714, subdivision 7a, is amended to read:

Subd. 7a. **Change of address or legal name; loss or destruction of permit.** (a) Within 30 days after changing the permit holder's legal name or permanent address, or within 30 days of having lost or destroyed the permit card, the permit holder must notify the issuing sheriff of the change, loss, or destruction. Failure to provide notification as required by this subdivision is a petty misdemeanor. The fine for a first offense must not exceed \$25. Notwithstanding section 609.531, a firearm carried in violation of this paragraph is not subject to forfeiture.

(b) After notice is given under paragraph (a), a permit holder may obtain a replacement permit card by paying \$10 to the sheriff. The request for a replacement permit card must be made on an official, standardized application adopted for this purpose under section 624.7151, and, except in the case of a legal name or an address change, must include a notarized statement that the permit card has been lost or destroyed.

Sec. 23. Minnesota Statutes 2024, section 626.19, subdivision 3, is amended to read:

Subd. 3. **Authorized use.** A law enforcement agency may use a UAV:

(1) during or in the aftermath of an emergency situation that involves the risk of death or bodily harm to a person;

(2) to document evidence that is at imminent risk of destruction;

~~(2)~~ (3) over a public event where there is a heightened risk to the safety of participants or bystanders;

~~(3)~~ (4) to counter the risk of a terrorist attack by a specific individual or organization if the agency determines that credible intelligence indicates a risk;

~~(4)~~ (5) to prevent the loss of life and property in natural or man-made disasters and to facilitate operational planning, rescue, and recovery operations in the aftermath of these disasters;

~~(5)~~ (6) to conduct a threat assessment in anticipation of a specific event;

~~(6)~~ (7) to collect information from a public area if there is reasonable suspicion of criminal activity;

~~(7)~~ (8) to collect information for crash reconstruction purposes after a serious or deadly collision occurring on a public road;

~~(8)~~ (9) over a private area with the written consent of the occupant or a public area, for officer training or public relations purposes; ~~and~~

~~(9)~~ (10) for purposes unrelated to law enforcement at the request of a government entity provided that the government entity makes the request in writing to the law enforcement agency and specifies the reason for the request and proposed period of use; and

(11) to facilitate the active search for a missing person.

Sec. 24. Minnesota Statutes 2024, section 626A.35, subdivision 2b, is amended to read:

Subd. 2b. **Exception; stolen motor vehicles.** (a) The prohibition under subdivision 1 does not apply to the use of a mobile tracking device on a stolen motor vehicle when:

(1) the consent of the owner of the vehicle has been obtained; or

(2) the owner of the motor vehicle has reported to law enforcement that the vehicle is stolen, ~~and the vehicle is occupied when the tracking device is installed~~ and the stolen vehicle is not on private property.

(b) Within ~~24~~ 12 hours of a tracking device being attached to a vehicle pursuant to the authority granted in paragraph (a), clause (2), an officer employed by the agency that attached the tracking device to the vehicle must remove the device, disable the device, or obtain a search warrant granting approval to continue to use the device in the investigation.

(c) A peace officer employed by the agency that attached a tracking device to a stolen motor vehicle must remove the tracking device if the vehicle is recovered and returned to the owner.

(d) Any tracking device evidence collected after the motor vehicle is returned to the owner is inadmissible.

(e) When a peace officer attaches a tracking device to a stolen vehicle pursuant to paragraph (a), clause (2), the peace officer must prepare a report that includes the evidence relied upon to establish the vehicle was reported stolen, the date and time the device was attached to the vehicle, the method used to attach the device to the vehicle, the duration for which the tracking device was attached to the vehicle, and an explanation of how the device impacted the outcome of the investigation. Reports created under this paragraph must be retained as part of the criminal investigation file.

(f) By August 1, 2024, and each year thereafter, the chief law enforcement officer of an agency that obtains a search warrant under paragraph (b), must provide notice to the superintendent of the Bureau of Criminal Apprehension of the number of search warrants the agency obtained under this subdivision in the preceding 12 months. The superintendent must provide a summary of the data received pursuant to this paragraph in the bureau's biennial report to the legislature required under section 299C.18.

Sec. 25. Minnesota Statutes 2024, section 626A.35, is amended by adding a subdivision to read:

Subd. 2c. **Exception; fleeing motor vehicles.** (a) The prohibition under subdivision 1 does not apply to the use of a mobile tracking device on a fleeing motor vehicle.

(b) If a mobile tracking device is attached to a vehicle pursuant to the authority granted in paragraph (a) and the vehicle is not in the custody of law enforcement within 12 hours of the mobile tracking device being attached to the vehicle, an officer employed by the agency that attached the tracking device to the vehicle must remove the device, disable the device, or obtain a search warrant granting approval to continue to use the device in the investigation.

(c) A peace officer employed by the agency that attached a tracking device to a fleeing motor vehicle must remove the tracking device if the vehicle is recovered, determined to be stolen, and returned to the owner. Any tracking device evidence collected after the motor vehicle is returned to the owner is inadmissible.

(d) When a peace officer attaches a tracking device to a fleeing vehicle pursuant to paragraph (a), the peace officer must prepare a report that includes the evidence relied upon to establish the vehicle was fleeing, the date and time the device was attached to the vehicle, the method used to attach the device to the vehicle, the duration for which the tracking device was attached to the vehicle, and an explanation of how the device impacted the outcome of the investigation. Reports created under this paragraph must be retained as part of the criminal investigation file.

(e) By August 1, 2026, and each year thereafter, the chief law enforcement officer of an agency that obtains a search warrant under paragraph (b) must provide notice to the superintendent of the Bureau of Criminal Apprehension of the number of search warrants the agency obtained under this subdivision in the preceding 12 months. The superintendent must provide a summary of the data received pursuant to this paragraph in the bureau's biennial report to the legislature required under section 299C.18.

(f) For purposes of this subdivision, "flee" has the meaning given in section 609.487, subdivision 1.

Sec. 26. Minnesota Statutes 2024, section 634.35, is amended to read:

634.35 VIDEOTAPES RECORDINGS OF CHILD VICTIMS; CONDITIONS OF DISCLOSURE.

(a) If a ~~videotaped~~ recorded interview of a child victim of physical or sexual abuse is disclosed by a prosecuting attorney to a defendant or the defendant's attorney, the following applies:

(1) no more than two copies of the ~~tape~~ recording or any portion of the ~~tape~~ recording may be made by the defendant or the defendant's attorney, investigator, expert, or any other representative or agent of the defendant;

(2) the ~~tapes~~ recordings may not be used for any purpose other than to prepare for the defense in the criminal action against the defendant;

(3) the ~~tapes~~ recordings may not be publicly exhibited, shown, displayed, used for educational, research, or demonstrative purposes, or used in any other fashion, except in judicial proceedings in the criminal action against the defendant;

(4) the ~~tapes~~ recordings may be viewed only by the defendant, the defendant's attorney, and the attorney's employees, investigators, and experts;

(5) no transcript of the ~~tapes~~ recordings, nor the substance of any portion of the ~~tapes~~ recordings, may be divulged to any person not authorized to view or listen to the tapes recordings;

(6) no person may be granted access to the ~~tapes~~ recordings, any transcription of the ~~tapes~~ recordings, or the substance of any portion of the ~~tapes~~ recordings unless the person has first signed a written agreement

that the person is aware of this statute and acknowledges that the person is subject to the court's contempt powers for any violation of it; and

(7) upon final disposition of the criminal case against the defendant, the ~~tapes~~ recordings and any transcripts of the ~~tapes~~ recordings must be returned to the prosecuting attorney.

(b) The court may hold a person who violates this section in contempt.

Sec. 27. **REVISOR INSTRUCTION.**

The revisor of statutes shall update headnote cross-references in Minnesota Statutes and Minnesota Rules to reflect the changes made in this article.

Sec. 28. **REPEALER.**

Minnesota Statutes 2024, sections 325F.02; 325F.03; 325F.04; 325F.05; 325F.06; and 325F.07, are repealed.

ARTICLE 6

CRIME VICTIMS PROVISIONS

Section 1. Minnesota Statutes 2024, section 609.101, subdivision 2, is amended to read:

Subd. 2. **Minimum fines.** Notwithstanding any other law, when a court sentences a person convicted of violating section 609.221, 609.222, 609.223, 609.2231, 609.224, 609.2242, 609.267, 609.2671, 609.2672, 609.342, 609.343, 609.344, or 609.345, it must impose a fine of not less than 30 percent of the maximum fine authorized by law nor more than the maximum fine authorized by law.

The court shall collect the portion of the fine mandated by this subdivision and forward 70 percent of it to a local victim assistance program that provides services locally in the county in which the crime was committed. The court shall forward the remaining 30 percent to the commissioner of management and budget to be credited to the general fund. If more than one victim assistance program serves the county in which the crime was committed, the court may designate on a case-by-case basis which program will receive the fine proceeds, giving consideration to the nature of the crime committed, the types of victims served by the program, and the funding needs of the program. If no victim assistance program serves that county, the court shall forward 100 percent of the fine proceeds to the commissioner of management and budget to be credited to the general fund. Fine proceeds received by a local victim assistance program must be used to provide direct services to crime victims.

The minimum fine required by this subdivision is in addition to the surcharge or assessment required by section 357.021, subdivision 6, and is in addition to any sentence of imprisonment or restitution imposed or ordered by the court.

As used in this subdivision, "victim assistance program" means victim witness programs within county attorney offices or any of the following programs: crime victim crisis centers, victim-witness programs, ~~battered women~~ domestic abuse victim shelters and nonshelter programs, ~~and~~ sexual assault programs, and children's advocacy centers as defined in section 260E.02, subdivision 5.

Exhibit B-4

Minn. Stat. § 241.021

241.021 LICENSING AND SUPERVISION OF FACILITIES.

Subdivision 1. **Correctional facilities; inspection; licensing.** (a) Except as provided in paragraph (b), the commissioner of corrections shall inspect and license all correctional facilities throughout the state, whether public or private, established and operated for the detention and confinement of persons confined or incarcerated therein according to law except to the extent that they are inspected or licensed by other state regulating agencies. The commissioner shall promulgate pursuant to chapter 14, rules establishing minimum standards for these facilities with respect to their management, operation, physical condition, and the security, safety, health, treatment, and discipline of persons confined or incarcerated therein. These minimum standards shall include but are not limited to specific guidance pertaining to:

(1) screening, appraisal, assessment, and treatment for persons confined or incarcerated in correctional facilities with mental illness or substance use disorders;

(2) a policy on the involuntary administration of medications, including a process for determining on intake whether a Jarvis Order is in place and ensuring it will be followed during the confinement or incarceration;

(3) suicide prevention plans and training;

(4) verification of medications in a timely manner;

(5) well-being checks;

(6) discharge planning, including providing prescribed medications to persons confined or incarcerated in correctional facilities upon release;

(7) a policy on referrals or transfers to medical or mental health care in a noncorrectional institution;

(8) use of segregation and mental health checks;

(9) critical incident debriefings;

(10) clinical management of substance use disorders and opioid overdose emergency procedures;

(11) a policy regarding identification of persons with special needs confined or incarcerated in correctional facilities;

(12) a policy regarding the use of telehealth;

(13) self-auditing of compliance with minimum standards;

(14) information sharing with medical personnel and when medical assessment must be facilitated;

(15) a code of conduct policy for facility staff and annual training;

(16) a policy on death review of all circumstances surrounding the death of an individual committed to the custody of the facility; and

(17) dissemination of a rights statement made available to persons confined or incarcerated in licensed correctional facilities.

No individual, corporation, partnership, voluntary association, or other private organization legally responsible for the operation of a correctional facility may operate the facility unless it possesses a current license from the commissioner of corrections. Private adult correctional facilities shall have the authority

of section 624.714, subdivision 13, if the Department of Corrections licenses the facility with the authority and the facility meets requirements of section 243.52.

The commissioner shall review the correctional facilities described in this subdivision at least once every two years, except as otherwise provided, to determine compliance with the minimum standards established according to this subdivision or other Minnesota statute related to minimum standards and conditions of confinement.

The commissioner shall grant a license to any facility found to conform to minimum standards or to any facility which, in the commissioner's judgment, is making satisfactory progress toward substantial conformity and the standards not being met do not impact the interests and well-being of the persons confined or incarcerated in the facility. A limited license under subdivision 1a may be issued for purposes of effectuating a facility closure. The commissioner may grant licensure up to two years. Unless otherwise specified by statute, all licenses issued under this chapter expire at 12:01 a.m. on the day after the expiration date stated on the license.

The commissioner shall have access to the buildings, grounds, books, records, staff, and to persons confined or incarcerated in these facilities. The commissioner may require the officers in charge of these facilities to furnish all information and statistics the commissioner deems necessary, at a time and place designated by the commissioner. Notwithstanding chapter 13 or any other state law classifying or restricting access to data, the officers in charge of these facilities must furnish all data available to the facility that the commissioner deems necessary to conduct a review of any emergency or unusual occurrence at the facility. Failure to provide or grant access to relevant information or statistics necessary to fulfill inspection or emergency or unusual occurrence reviews, as requested by the commissioner, may be grounds for the commissioner to take action against a correctional facility's license under subdivision 1a, 1b, or 1c.

All facility administrators of correctional facilities are required to report all deaths of individuals who died while committed to the custody of the facility, regardless of whether the death occurred at the facility or after removal from the facility for medical care stemming from an incident or need for medical care at the correctional facility, as soon as practicable, but no later than 24 hours of receiving knowledge of the death, including any demographic information as required by the commissioner.

All facility administrators of correctional facilities are required to report all other emergency or unusual occurrences as defined by rule, including uses of force by facility staff that result in substantial bodily harm or suicide attempts, to the commissioner of corrections within ten days from the occurrence, including any demographic information as required by the commissioner. The commissioner of corrections shall consult with the Minnesota Sheriffs' Association and a representative from the Minnesota Association of Community Corrections Act Counties who is responsible for the operations of an adult correctional facility to define "use of force" that results in substantial bodily harm for reporting purposes.

The commissioner may require that any or all such information be provided through the Department of Corrections detention information system. The commissioner shall post each inspection report publicly and on the department's website within 30 days of completing the inspection. The education program offered in a correctional facility for the confinement or incarceration of juvenile offenders must be approved by the commissioner of education before the commissioner of corrections may grant a license to the facility.

(b) For juvenile facilities licensed by the commissioner of human services, the commissioner may inspect and certify programs based on certification standards set forth in Minnesota Rules. For the purpose of this paragraph, "certification" has the meaning given it in section 245A.02.

(c) Any state agency which regulates, inspects, or licenses certain aspects of correctional facilities shall, insofar as is possible, ensure that the minimum standards it requires are substantially the same as those required by other state agencies which regulate, inspect, or license the same aspects of similar types of correctional facilities, although at different correctional facilities.

(d) Nothing in this section shall be construed to limit the commissioner of corrections' authority to promulgate rules establishing standards of eligibility for counties to receive funds under chapter 401, or to require counties to comply with operating standards the commissioner establishes as a condition precedent for counties to receive that funding.

(e) The department's inspection unit must report directly to a division head outside of the correctional institutions division.

Subd. 1a. **Correction order; conditional license.** (a) When the commissioner finds that any facility described in subdivision 1, except foster care facilities for delinquent children and youth as provided in subdivision 2, does not substantially conform to the minimum standards established by the commissioner and is not making satisfactory progress toward substantial conformance and the nonconformance does not present an imminent risk of life-threatening harm or serious physical injury to the persons confined or incarcerated in the facility, the commissioner shall promptly notify the facility administrator and the governing board of the facility of the deficiencies and must issue a correction order or a conditional license order that the deficiencies be remedied within a reasonable and specified period of time.

The conditional license order may restrict the use of any facility which does not substantially conform to minimum standards, including imposition of conditions limiting operation of the facility or parts of the facility, reducing facility capacity, limiting intake, limiting length of detention for individuals, or imposing detention limitations based on the needs of the individuals being confined or incarcerated therein.

The correction order or conditional license order must clearly state the following:

- (1) the specific minimum standards violated, noting the implicated rule or law;
- (2) the findings that constitute a violation of minimum standards;
- (3) the corrective action needed;
- (4) time allowed to correct each violation; and
- (5) if a license is made conditional, the length and terms of the conditional license, any conditions limiting operation of the facility, and the reasons for making the license conditional.

(b) The facility administrator may request review of the findings noted in the conditional license order on the grounds that satisfactory progress toward substantial compliance with minimum standards has been made, supported by evidence of correction, and, if appropriate, may include a written schedule for compliance. The commissioner shall review the evidence of correction and the progress made toward substantial compliance with minimum standards within a reasonable period of time, not to exceed ten business days. When the commissioner has assurance that satisfactory progress toward substantial compliance with minimum standards is being made, the commissioner shall lift any conditions limiting operation of the facility or parts of the facility or remove the conditional license order.

(c) Nothing in this section prohibits the commissioner from ordering a revocation under subdivision 1b prior to issuing a correction order or conditional license order.

Subd. 1b. **License revocation order.** (a) When, after due notice to the facility administrator of the commissioner's intent to issue a revocation order, the commissioner finds that any facility described in this subdivision, except county jails and lockups subject to active condemnation proceedings or orders as provided in sections 641.26, 642.10, and 642.11, does not conform to minimum standards, or is not making satisfactory progress toward substantial compliance with minimum standards, and the nonconformance does not present an imminent risk of life-threatening harm or serious physical injury to the persons confined or incarcerated in the facility, the commissioner may issue an order revoking the license of that facility.

The notice of intent to issue a revocation order shall include:

- (1) the citation to minimum standards that have been violated;
- (2) the nature and severity of each violation;
- (3) whether the violation is recurring or nonrecurring;
- (4) the effect of the violation on persons confined or incarcerated in the correctional facility;
- (5) an evaluation of the risk of harm to persons confined or incarcerated in the correctional facility;
- (6) relevant facts, conditions, and circumstances concerning the operation of the licensed facility, including at a minimum:
 - (i) specific facility deficiencies that endanger the health or safety of persons confined or incarcerated in the correctional facility;
 - (ii) substantiated complaints relating to the correctional facility; or
 - (iii) any other evidence that the correctional facility is not in compliance with minimum standards.

(b) The facility administrator must submit a written response within 30 days of receipt of the notice of intent to issue a revocation order with any information related to errors in the notice, ability to conform to minimum standards within a set period of time including but not limited to a written schedule for compliance, and any other information the facility administrator deems relevant for consideration by the commissioner. The written response must also include a written plan indicating how the correctional facility will ensure the transfer of confined or incarcerated individuals and records if the correctional facility closes. Plans must specify arrangements the correctional facility will make to transfer confined or incarcerated individuals to another licensed correctional facility for continuation of detention.

(c) When revoking a license, the commissioner shall consider the nature, chronicity, or severity of the violation of law or rule and the effect of the violation on the health, safety, or rights of persons confined or incarcerated in the correctional facility.

(d) If the facility administrator does not respond within 30 days to the notice of intent to issue a revocation order or if the commissioner does not have assurance that satisfactory progress toward substantial compliance with minimum standards will be made, the commissioner shall issue a revocation order. The revocation order must be sent to the facility administrator and the governing board of the facility, clearly stating:

- (1) the specific minimum standards violated, noting the implicated rule or law;
- (2) the findings that constitute a violation of minimum standards and the nature, chronicity, or severity of those violations;
- (3) the corrective action needed;

- (4) any prior correction or conditional license orders issued to correct violations; and
- (5) the date at which the license revocation shall take place.

A revocation order may authorize use until a certain date, not to exceed the duration of the current license, unless a limited license is issued by the commissioner for purposes of effectuating a facility closure and continued operation does not present an imminent risk of life-threatening harm or is not likely to result in serious physical injury to the persons confined or incarcerated in the facility.

(e) After revocation of the facility's licensure, that facility shall not be used until the license is renewed. When the commissioner is satisfied that satisfactory progress toward substantial compliance with minimum standards is being made, the commissioner may, at the request of the facility administrator supported by a written schedule for compliance, reinstate the license.

Subd. 1c. **Temporary license suspension.** The commissioner shall act immediately to temporarily suspend a license issued under this chapter if:

(1) the correctional facility's failure to comply with applicable minimum standards or the conditions in the correctional facility pose an imminent risk of life-threatening harm or serious physical injury to persons confined or incarcerated in the facility, staff, law enforcement, visitors, or the public; and

(i) if the imminent risk of life-threatening harm or serious physical injury cannot be promptly corrected through a different type of order under this section; and

(ii) the correctional facility cannot or has not corrected the violation giving rise to the imminent risk of life-threatening harm or serious physical injury; or

(2) while the correctional facility continues to operate pending due notice and opportunity for written response to the commissioner's notice of intent to issue an order of revocation, the commissioner identifies one or more subsequent violations of minimum standards which may adversely affect the health or safety of persons confined or incarcerated in the facility, staff, law enforcement, visitors, or the public.

A notice stating the reasons for the immediate suspension informing the facility administrator must be delivered by personal service to the correctional facility administrator and the governing board of the facility.

Subd. 1d. **Public notice of restriction, revocation, or suspension.** If the license of a facility under this section is revoked or suspended, or use of the facility is restricted for any reason under a conditional license order, or a correction order is issued to a facility, the commissioner shall post the facility, the status of the facility's license, and the reason for the correction order, restriction, revocation, or suspension publicly and on the department's website.

Subd. 1e. **Reconsideration of orders; appeals.** (a) If the facility administrator believes the correction order, conditional license order, or revocation order is in error, the facility administrator may ask the Department of Corrections to reconsider the parts of the order or action that are alleged to be in error. The request for reconsideration must:

(1) be made in writing;

(2) be postmarked and sent to the commissioner no later than 30 calendar days after receipt of the correction order, conditional license order, or revocation order;

(3) specify the parts of the order that are alleged to be in error;

- (4) explain why the correction order, conditional license order, or revocation order is in error; and
- (5) include documentation to support the allegation of error.

The commissioner shall issue a disposition within 60 days of receipt of the facility administrator's response to correction, conditional license, or revocation order violations. A request for reconsideration does not stay any provisions or requirements of the order.

(b) The facility administrator may request reconsideration of an order immediately suspending a license. The request for reconsideration of an order immediately suspending a license must be made in writing and sent by certified mail, personal service, or other means expressly stated in the commissioner's order. If mailed, the request for reconsideration must be postmarked and sent to the commissioner no later than five business days after the facility administrator receives notice that the license has been immediately suspended. If a request is made by personal service, it must be received by the commissioner no later than five business days after the facility administrator received the order. The request for reconsideration must:

- (1) specify the parts of the order that are alleged to be in error;
- (2) explain why they are in error; and
- (3) include documentation to support the allegation of error.

A facility administrator and the governing board of the facility shall discontinue operation of the correctional facility upon receipt of the commissioner's order to immediately suspend the license.

(c) Within five business days of receipt of the facility administrator's timely request for reconsideration of a temporary immediate suspension, the commissioner shall review the request for reconsideration. The scope of the review shall be limited solely to the issue of whether the temporary immediate suspension order should remain in effect pending the written response to commissioner's notice of intent to issue a revocation order.

The commissioner's disposition of a request for reconsideration of correction, conditional license, temporary immediate suspension, or revocation order is final and subject to appeal. The facility administrator must request reconsideration as required by this section of any correction, conditional license, temporary immediate suspension, or revocation order prior to appeal.

No later than 60 days after the postmark date of the mailed notice of the commissioner's decision on a request for reconsideration, the facility administrator may appeal the decision by filing for a writ of certiorari with the court of appeals under section 606.01 and Minnesota Rules of Civil Appellate Procedure, Rule 115.

Subd. 1f. **Report.** By February 15, 2022, and by February 15 each year thereafter, the commissioner of corrections shall report to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over public safety and judiciary on the status of the implementation of the provisions in this section over the prior year, particularly the health and safety of individuals confined or incarcerated in a state correctional facility and a facility licensed by the commissioner. This report shall include but not be limited to data regarding:

- (1) the number of confined or incarcerated persons who died while committed to the custody of the facility, regardless of whether the death occurred at the facility or after removal from the facility for medical care stemming from an incident or need for medical care at the correctional facility, including aggregated demographic information and the correctional facilities' most recent inspection reports and any corrective orders or conditional licenses issued;

(2) the aggregated results of the death reviews by facility as required by subdivision 8, including any implemented policy changes;

(3) the number of uses of force by facility staff on persons confined or incarcerated in the correctional facility, including but not limited to whether those uses of force were determined to be justified by the facility, for which the commissioner of corrections shall consult with the Minnesota Sheriffs' Association and a representative from the Minnesota Association of Community Corrections Act Counties who is responsible for the operations of an adult correctional facility to develop criteria for reporting and define reportable uses of force;

(4) the number of suicide attempts, number of people transported to a medical facility, and number of people placed in segregation;

(5) the number of persons committed to the commissioner of corrections' custody that the commissioner is housing in facilities licensed under subdivision 1, including but not limited to:

(i) aggregated demographic data of those individuals;

(ii) length of time spent housed in a licensed correctional facility; and

(iii) any contracts the Department of Corrections has with correctional facilities to provide housing; and

(6) summary data from state correctional facilities regarding complaints involving alleged on-duty staff misconduct, including but not limited to the:

(i) total number of misconduct complaints and investigations;

(ii) total number of complaints by each category of misconduct, as defined by the commissioner of corrections;

(iii) number of allegations dismissed as unfounded;

(iv) number of allegations dismissed on grounds that the allegation was unsubstantiated; and

(v) number of allegations substantiated, any resulting disciplinary action, and the nature of the discipline.

Subd. 1g. **Biennial assessment and audit of security practices; state correctional facilities.** (a) Beginning in 2022, the commissioner shall have the department's inspection unit conduct biennial security audits of each state correctional facility using the standards promulgated by the state correctional facilities security audit group. The unit must prepare a report for each assessment and audit and submit the report to the state correctional facilities security audit group within 30 days of completion of the audit.

(b) Corrections and detention confidential data, as defined in section 13.85, subdivision 3, and nonpublic security information, as defined in section 13.37, subdivision 1, that is contained in reports and records of the group maintain that classification, regardless of the data's classification in the hands of the person who provided the data, and are not subject to discovery or introduction into evidence in a civil or criminal action against the state arising out of the matters the group is reviewing. Information, documents, and records otherwise available from other sources are not immune from discovery or use in a civil or criminal action solely because they were acquired during the group's audit. This section does not limit a person who presented information to the group or who is a member of the group from testifying about matters within the person's knowledge. However, in a civil or criminal proceeding, a person may not be questioned about the person's good faith presentation of information to the group or opinions formed by the person as a result of the group's audits.

Subd. 1h. **State correctional facilities security audit group.** (a) Beginning in fiscal year 2022, the commissioner shall form a state correctional facilities security audit group. The group must consist of the following members:

(1) a Department of Corrections employee who is not assigned to the correctional institutions division, appointed by the commissioner;

(2) the ombudsperson for corrections or a designee;

(3) an elected sheriff or designee nominated by the Minnesota Sheriffs' Association and appointed by the commissioner;

(4) an individual with expertise in security related to infrastructure and operational logistics of correctional facilities who is not required to reside in Minnesota, appointed by the governor;

(5) the commissioner of health or a designee;

(6) the commissioner of administration or a designee;

(7) two senators, one appointed by the senate majority leader and one appointed by the minority leader; and

(8) two representatives, one appointed by the speaker of the house and one appointed by the minority leader of the house of representatives.

(b) The ombudsperson or a designee shall chair the group. The group shall establish security audit standards for state correctional facilities. In developing the standards, the group, or individual members of the group, may gather information from state correctional facilities and state correctional staff and inmates. The security audit group must periodically review the standards and modify them as needed. The group must report the standards to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over public safety policy and finance whenever the standards are updated.

(c) The group shall meet twice a year to review facility audit reports submitted to the group by the agency's inspection unit. Notwithstanding any law to the contrary, the group is entitled to review the full audit reports including nonpublic security information and corrections and detention confidential data. Within 60 days of meeting to review audit reports from the department's inspection unit, the group must make recommendations to the commissioner. Within 45 days of receiving the group's recommendations, the commissioner must reply in writing to the group's findings and recommendations. The commissioner's response must explain whether the agency will implement the group's recommendations, the timeline for implementation of the changes, and, if not, why the commissioner will not or cannot implement the group's recommendations.

(d) Beginning in 2023, the commissioner must include a written aggregate of the group's recommendations based on each security audit and assessment of a state correctional facility and the commissioner's responses to the recommendations in the biennial report required under section 241.016, subdivision 1. The commissioner shall not include corrections and detention confidential data, as defined in section 13.85, subdivision 3, and nonpublic security information, as defined in section 13.37, subdivision 1, in the commissioner's report to the legislature.

(e) The commissioner shall provide staffing and administrative support to the group.

(f) The state correctional facilities security audit group is not subject to chapter 13D.

(g) Except as otherwise provided in this paragraph, the terms, compensation, and removal of members of the group are governed by section 15.059. Members of the group serve without compensation but shall receive expense reimbursement. Notwithstanding section 15.059, subdivision 6, the group does not expire.

Subd. 1i. **Definition.** As used in this section, "correctional facility" means any facility, including a group home, having a residential component, the primary purpose of which is to serve persons placed in facilities by a court, court services department, parole authority, or other correctional agency having dispositional power over persons charged with, convicted, or adjudicated guilty or delinquent.

Subd. 2. **Facilities for delinquent children and youth; licenses; supervision.** Notwithstanding any provisions in sections 142B.05; 142B.10; 245A.03; 245A.04; and 256.01, subdivision 2, paragraph (a), clause (2), and chapter 245C to the contrary, but subject to the municipality notification requirements of subdivision 2a, the commissioner of corrections shall review all county, municipal, or other publicly established and operated facilities for the detention, care and training of delinquent children and youth at least once every biennium, and if such facility conforms to reasonable standards established by the commissioner or in the commissioner's judgment is making satisfactory progress toward substantial conformity therewith, and the commissioner is satisfied that the interests and well-being of children and youth received therein are protected, the commissioner shall grant a license to the county, municipality or agency thereof operating such facility. The commissioner may grant licensure up to two years. Each such facility shall cooperate with the commissioner to make available all facts regarding its operation and services as the commissioner requires to determine its conformance to standards and its competence to give the services needed and which it purports to give. Every such facility as herein described is subject to visitation and supervision by the commissioner and shall receive from the commissioner consultation as needed to strengthen services to the children and youth received therein.

Subd. 2a. **Affected municipality; notice.** The commissioner must not grant a license without giving 30 calendar days' written notice to any affected municipality or other political subdivision unless the facility has a licensed capacity of six or fewer persons and is occupied by either the licensee or the group foster home parents. The notification must be given before the license is first granted and annually after that time if annual notification is requested in writing by any affected municipality or other political subdivision. State funds must not be made available to or be spent by an agency or department of state, county, or municipal government for payment to a foster care facility licensed under subdivision 2 until the provisions of this subdivision have been complied with in full.

Subd. 2b. **Licensing; facilities; juveniles from outside state.** The commissioner may not:

(1) grant a license under this section to operate a correctional facility for the detention or confinement of juvenile offenders if the facility accepts juveniles who reside outside of Minnesota without an agreement with the entity placing the juvenile at the facility that obligates the entity to pay the educational expenses of the juvenile; or

(2) renew a license under this section to operate a correctional facility for the detention or confinement of juvenile offenders if the facility accepts juveniles who reside outside of Minnesota without an agreement with the entity placing the juvenile at the facility that obligates the entity to pay the educational expenses of the juvenile.

Subd. 3. **Revocation of license.** When after due notice and hearing the commissioner of corrections determines that any facility described in subdivision 2 does not substantially conform to the reasonable standards therein provided or is not making satisfactory progress toward substantial compliance therewith, the commissioner may, with the consent of the judge of the district court, issue an order revoking the license

of that facility. After revocation of its license, that facility shall not be used for the care and training of delinquent children, or for their detention until its license is renewed.

Subd. 4. **Health care.** The commissioner of corrections shall provide professional health care to persons confined in institutions under the control of the commissioner of corrections and pay the costs of their care in hospitals and other medical facilities not under the control of the commissioner of corrections. All reimbursements for these health care services shall be deposited in the general fund. The commissioner of corrections is authorized to contract with or reimburse entities, including health care management companies, to provide health care to inmates, at reimbursement rates equal to medical assistance unless otherwise negotiated. With respect to these contracts, these entities shall not be regulated as, or otherwise considered to be, health plan companies as defined in section 62Q.01, subdivision 4.

Subd. 4a. **Substance use disorder treatment programs.** All residential substance use disorder treatment programs operated by the commissioner of corrections to treat adults committed to the commissioner's custody shall comply with the standards mandated in chapter 245G for treatment programs operated by community-based treatment facilities. When the commissioners of corrections and human services agree that these established standards for community-based programs cannot reasonably apply to correctional facilities, alternative equivalent standards shall be developed by the commissioners and established through an interagency agreement.

Subd. 4b. **Health care peer review committee.** The commissioner of corrections shall establish a health care peer review committee. Sections 145.61 to 145.67 apply to the committee. The committee shall gather, review, and evaluate information relating to the on-site and off-site quality of care and treatment of offenders. The committee shall consist of:

- (1) the department medical director;
 - (2) the regional medical director of the contracted health care vendor;
 - (3) the department director of nursing or a designee;
 - (4) a physician from the contracting hospital provider;
 - (5) another physician who provides health care to offenders on site at a correctional facility;
 - (6) one or more licensed physicians or nurse practitioners from the community, in person or by telephone, with expertise in the most appropriate clinical area;
 - (7) the director of psychiatry of the contracted vendor;
 - (8) the pharmacist liaison of the contracted vendor's pharmacy vendor;
 - (9) the clinical pharmacist of the contracted vendor;
 - (10) in cases of suicide or unanticipated death, a representative from the Office of Special Investigations;
- and
- (11) other ad hoc members as indicated at the discretion of the Department of Corrections medical director or chief medical officer.

Subd. 4c. **Duration of peer review committee.** The peer review committee under subdivision 4b does not expire.

Subd. 4d. **Feminine hygiene.** Feminine hygiene products, including at a minimum sanitary napkins and tampons, shall be provided at no cost to individuals housed in state correctional facilities used for the general confinement of female inmates. The commissioner of corrections shall develop a written policy to implement a process whereby a reasonable number of feminine hygiene products are available to female inmates.

Subd. 4e. **Language access.** The commissioner of corrections shall take reasonable steps to provide meaningful access to limited English proficient (LEP) individuals incarcerated, detained, or supervised by the Department of Corrections. The commissioner shall develop written policy and annual training to implement language access for LEP individuals.

Subd. 4f. **Provision of medications in correctional facilities.** (a) Correctional facilities licensed by the commissioner shall administer to confined and incarcerated persons the same medications prescribed to those individuals prior to their confinement or incarceration.

(b) Unless a confined or incarcerated person is subject to a Jarvis order that dictates otherwise, paragraph (a) does not apply when:

(1) a licensed health care professional determines, after consulting with the licensed health care professional who prescribed the medication, that the prescribed medication is not medically appropriate for the person based on the person's medical condition or status;

(2) a licensed health care professional determines a medication that is at least as effective as the current medication the person is prescribed is available to treat the condition and the licensed health care professional who prescribed the current medication approves the change in medications; or

(3) the person provides written notice to the licensed health care professional who is responsible for inmate health care at the correctional facility that the person no longer desires to take the medication.

(c) As used in this subdivision, "licensed health care professional" means a physician licensed under chapter 147, physician assistant licensed under chapter 147A, or advanced practice registered nurse as defined in section 148.171, subdivision 3.

Subd. 5. [Repealed, 2007 c 54 art 6 s 20]

Subd. 6. **Background studies.** (a) The commissioner of corrections is authorized to do background studies on personnel employed by any facility serving children or youth that is licensed under this section. The commissioner of corrections shall contract with the commissioner of human services to conduct background studies of individuals providing services in secure and nonsecure residential facilities and detention facilities who have direct contact, as defined under section 245C.02, subdivision 11, with persons served in the facilities. A disqualification of an individual in this section shall disqualify the individual as provided in chapter 245C.

(b) A clerk or administrator of any court, the Bureau of Criminal Apprehension, a prosecuting attorney, a county sheriff, or a chief of a local police department, shall assist in these studies by providing to the commissioner of human services, or the commissioner's representative, all criminal conviction data available from local, state, and national criminal history record repositories, including the criminal justice data communications network, pertaining to the following individuals: applicants, operators, all persons living in the household, and all staff of any facility subject to background studies under this subdivision.

(c) The Department of Human Services shall conduct the background studies required by paragraph (a) in compliance with the provisions of chapter 245C. For the purpose of this subdivision, the term "secure and nonsecure residential facility and detention facility" shall include programs licensed or certified under

subdivision 2. The Department of Human Services shall provide necessary forms and instructions, shall conduct the necessary background studies of individuals, and shall provide notification of the results of the studies to the facilities, individuals, and the commissioner of corrections. Individuals shall be disqualified under the provisions of chapter 245C.

If an individual is disqualified, the Department of Human Services shall notify the facility and the individual and shall inform the individual of the right to request a reconsideration of the disqualification by submitting the request to the Department of Corrections.

(d) The commissioner of corrections shall review and decide reconsideration requests, including the granting of variances, in accordance with the procedures and criteria contained in chapter 245C. The commissioner's decision shall be provided to the individual and to the Department of Human Services. The commissioner's decision to grant or deny a reconsideration of disqualification is the final administrative agency action.

(e) Facilities described in paragraph (a) shall be responsible for cooperating with the departments in implementing the provisions of this subdivision. The responsibilities imposed on applicants and licensees under chapters 245A and 245C shall apply to these facilities.

Subd. 7. Intake release of information. All correctional facilities that confine or incarcerate adults are required at intake to provide each person an authorization form to release information related to that person's health or mental health condition and when that information should be shared. This release form shall allow the individual to select if the individual wants to require the correctional facility to make attempts to contact the designated person to facilitate the sharing of health condition information upon incapacitation or if the individual becomes unable to communicate or direct the sharing of this information, so long as contact information was provided and the incapacitated individual or individual who is unable to communicate or direct the sharing of this information is not subject to a court order prohibiting contact with the designated person.

Subd. 8. Death review teams. In the event a correctional facility receives information of the death of an individual while committed to the custody of the facility, regardless of whether the death occurred at the facility or after removal from the facility for medical care stemming from an incident or need for medical care at the correctional facility, the administrator of the facility, minimally including a medical expert of the facility's choosing who did not provide medical services to the individual, and, if appropriate, a mental health expert, shall review the circumstances of the death and assess for preventable mortality and morbidity, including recommendations for policy or procedure change, within 90 days of death. The investigating law enforcement agency may provide documentation, participate in, or provide documentation and participate in the review in instances where criminal charges were not brought. A preliminary autopsy report must be provided as part of the review and any subsequent autopsy findings as available. The facility administrator shall provide notice to the commissioner of corrections via the Department of Corrections detention information system that the correctional facility has conducted a review and identify any recommendations for changes in policy, procedure, or training that will be implemented. Any report or other documentation created for purposes of a facility death review is confidential as defined in section 13.02, subdivision 3. Nothing in this section relieves the facility administrator from complying with the notice of death to the commissioner as required by subdivision 1, paragraph (a).

History: 1961 c 750 s 27 subd 2; 1969 c 493 s 1; 1976 c 299 s 1,2; 1978 c 778 s 1; 1980 c 417 s 1; 1980 c 580 s 1; 1980 c 618 s 18; 1981 c 360 art 1 s 16; 1Sp1981 c 4 art 1 s 99; 1982 c 424 s 130; 1985 c 262 s 1; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1987 c 252 s 1; 1987 c 333 s 22; 1992 c 571 art 11 s 1; 1993 c 266 s 29; 1994 c 636 art 6 s 1,2; 1995 c 12 s 1,2; 1998 c 367 art 10 s 1; 1999 c 241 art 2 s 52; 2000 c 299

s 1; 2001 c 197 s 2; 2001 c 210 s 4-8; 2002 c 374 art 10 s 2; 2003 c 15 art 1 s 33; 2003 c 130 s 12; 2004 c 288 art 2 s 1; 2007 c 133 art 2 s 13; 2008 c 252 s 2-4; 2014 c 286 art 8 s 29; 2015 c 78 art 4 s 61; 2016 c 158 art 1 s 82; 2018 c 182 art 2 s 5; 2020 c 110 s 2; 1Sp2021 c 11 art 9 s 5-16; 2022 c 98 art 4 s 51; 2023 c 52 art 11 s 3-6; art 17 s 34; 2023 c 61 art 5 s 2; 2024 c 123 art 8 s 2-4; 2025 c 21 s 28; 2025 c 35 art 5 s 6,7