Bill Summary

H.F. 4608

As amended by H4608DE2

Subject	Public Safety Omnibus
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Date	April 5, 2022

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Overview

This bill is the proposed public safety omnibus budget bill. It includes appropriations to the various agencies, boards, and commissions subject to the jurisdiction of the public safety policy and finance committee. Several policy articles on topics impacting entities subject to the committee's jurisdiction are also included.

Article 1: Appropriations

Section	Description – Article 1: Appropriations
1	**Public safety appropriations.** Establishes the fiscal years used for purposes of the appropriations provided in this bill and notes that many of the appropriations are supplemental to appropriations from the previous legislative session.

Section	Description – Article 1: Appropriations
2-11	**Appropriations.** Provides supplemental appropriations to the various agencies, boards, and entities subject to the jurisdiction of the public safety policy and finance committee. Specific appropriation amounts are provided in the fiscal tracking spreadsheet.
12	**Transfers; MINNCOR.** Transfers $7,000,000 in fiscal year 2023 from the MINNCOR fund to the general fund.
13	**Transfer; opiate epidemic response.** Transfers $10,000,000 in fiscal year 2023 from the general fund to the opiate epidemic response fund.
14	**Fund transfer.** Transfers responsibility for issuing grants to the Minnesota Firefighter Initiative to manage the hometown heroes assistance program from the Office of Justice Programs to the state fire marshal. **[HF 2746]**

Article 2: General Crimes and Public Safety Policy

This article contains provisions establishing or modifying criminal penalties and addressing public safety.

Section	Description – Article 2: General Crimes and Public Safety Policy
1	**Body camera data classification.** Establishes timelines for law enforcement agencies to disclose body camera recordings of incidents involving the use of deadly force that result in death to (1) the decedent's family and legal representatives, and (2) the public.
2	**Commissioner; powers and duties.** Requires the commissioner of corrections to prioritize public safety and human rights when implementing their missions and duties. Creates a definition of "public safety." **[H.F. 2433]**
3	**Promulgation of sentencing guidelines.** Requires the Sentencing Guidelines Commission to prioritize public safety and human rights when implementing their missions and duties. Creates a definition of "public safety." **[H.F. 2433]**

Section	Description – Article 2: General Crimes and Public Safety Policy
4	**Victim notification of petition and release; right to submit statement.** Modifies the requirement for county attorneys to provide victim notice in civil commitment proceedings to those victims who have submitted a written request to receive notice. **[H.F. 3957]**
5	**Notice of filing petition.** Conforming change related to section 4. **[H.F. 3957]**
6	**Domestic abuse programs.** Clarifies that the Office of Justice Programs, not the Department of Corrections, is the designated agency responsible for domestic abuse funding. **[H.F. 3957]**
7	**Mandated reports; annual audit.** Requires that the commissioner annually report to the legislature a list of reports that the commissioner is obligated to submit to the legislature. Provides that if the legislature does not repeal or otherwise modify by law a reporting requirement, the commissioner must continue to provide each mandated report as required by law. **[H.F. 3957]**
8	**Duties of commissioner.** Requires the commissioner of public safety to prioritize public safety and human rights when implementing their missions and duties. Creates a definition of "public safety." **[H.F. 2433]**
9	**Public safety officer soft body armor reimbursement.** Authorizes firefighters and qualified emergency medical service providers (i.e., EMTs) to participate in the state's soft body armor reimbursement program. Currently, only peace officers are eligible to participate. **[HF 2867]**
10	**Hazardous materials response.** Changes the name of "chemical assessment teams" to "hazardous materials response teams." **[H.F. 3957]**
11	**Elements of plan; rules.** Directs the commissioner of public safety to consult with his/her agency when preparing the statewide hazardous materials incident response team. **[H.F. 3957]**
12	**Liability and worker's compensation.** Removes an obsolete term. **[H.F. 3957]**

Section	Description – Article 2: General Crimes and Public Safety Policy
13	**Public Safety Innovation Board.**

Subd. 1. Establishment. Establishes the Public Safety Innovation Board within the Office of Justice Programs in the Department of Public Safety.

Subd. 2. Membership. Establishes the membership for the board, including three academics, five individuals appointed by the governor, four members appointed by the community-specific boards, and three members representing law enforcement. Directs the members to elect a chair.

Subd. 3. Terms; removal; vacancy. Provides that members serve three-year terms following an initial staggered-term determination. Provides that compensation is governed by section 15.0575.

Subd. 4. Powers and duties. Establishes the powers and duties of the board including monitoring trends and research on crime, identifying gaps and imbalances in grant funds and programs, coordinating with OJP to properly target grants, advising the commissioner of public safety, and making recommendations to the legislature.

Subd. 5. Meetings. Requires the board to meet at least quarterly and provides that meetings are subject to the open meeting requirements in chapter 13D. Requires at least two meetings in a year take place outside of the metro area.

Subd. 6. Report. Requires the board to submit a report by January 15 of each year. The report must describe the work of the board, a description of grants issued to address public safety, a review of grants related to portable recording systems, and recommendations to the legislature.

[H.F. 4200]

14 **Definitions.**

Deletes the definition of “blackmail.” **[H.F. 4078]**

15 **Public awareness initiative.**

Makes a conforming change to remove the term “blackmail.” **[H.F. 4078]**

16 **Reward fund for information on MMIR.**

Creates a reward fund for information on missing and murdered Indigenous relatives. The bill establishes a reward advisory group to make recommendations for payment of rewards from the fund and limits award to no more than $1,000,000. **[H.F. 3055]**

Section	Description – Article 2: General Crimes and Public Safety Policy
17	**Office for missing and murdered Black women and girls.**

Subd. 1. Establishment. Establishes an office dedicated to preventing and ending the targeting of violence against Black women and girls within the Office of Justice Programs in the Department of Public Safety.

Subd. 2. Director; staff. Directs the commissioner of public safety to appoint a director of the office. Establishes that the director must be closely connected to the Black community and have familiarity with criminal investigations. Encourages the commissioner to consider individuals recommended by members of the Black community. Permits the director to hire employees as necessary. Provides that the director and staff are members of the Minnesota State Retirement Association.

Subd. 3. Duties. Establishes the duties of the new office, including facilitating research, collecting data, advocating for action by the legislature and state agencies to address violence against Black women and girls, proposing legislation, and maintaining communication with other departments and offices regarding cases involving missing Black women and girls.

Subd. 4. Coordination with other organizations. Directs the office to coordinate with stakeholders, community members, state agencies, local law enforcement agencies, prosecutors, and survivors to fulfill its duties.

Subd. 5. Reports. Directs the office to provide an annual report on its actions, data related to missing and murdered Black women and girls, and objectives for the coming year.

Subd. 6. Grants. Permits the office to apply for and receive grants from public and private entities.

Subd. 7. Access to data. States that the office has access to confidential and private corrections, detention, and medical data maintained by an agency in order for the office to perform its duties.

[H.F. 2849]

18 **Questioned identity process.**

Creates a questioned identity (QI) statute in chapter 299C to codify the BCA's QI process. Details how a person can challenge data contained in BCA databases that is wrongfully associated with their name and the steps the BCA must take to disassociate wrongful information from a person's file. **[H.F. 3957]**

Section	Description – Article 2: General Crimes and Public Safety Policy
19	**Establishment.** Permits the BCA to approve authorized agencies to access necessary systems or services for additional criminal justice uses of the criminal justice data communications network. **[H.F. 3772]**
20	**Membership; duties.** Amends the name of the Criminal and Juvenile Justice Advisory Group to include a reference to the Bureau of Criminal Apprehension and adds duties including advising the superintendent on emerging technology, privacy interests, and other bureau initiatives. **[H.F. 3772]**
21	**Report.** Makes a conforming change to the contents of the report by the Criminal and Juvenile Justice Advisory Group. **[H.F. 3772]**
22	**Smoke alarm; installation; rules; penalty.** Changes references to “smoke detectors” to “smoke alarms” in statute. **[H.F. 3957]**
23	**Required contents.** Requires the Board of Private Detective and Protective Agent Services to accept proof of the required preassignment training from employees of licensed private detectives and protective agents if the training was provided by another Minnesota license holder within the past three years. Requires license holders to provide a certificate of preassignment training to employees even when the license holder paid for the training. **[H.F. 3955]**
24	**Qualified domestic violence-related offense.** Expands the list of qualified domestic violence-related offenses to include first-degree manslaughter, second-degree manslaughter, kidnapping, and false imprisonment. **[H.F. 2734]**
25	**Debt bondage.** Amends the definition of “debt bondage” by removing references to a pledge by a debtor and defining the term as the status of a person who provides labor or services for a real or alleged debt when the value of the labor or services is not deducted from the debt or the length and nature of the services is not limited or defined. **[H.F. 4078]**
26	**Forced labor or services.** Makes changes to the definition of “forced labor or services” to specify the types of harm or threat of harm that qualifies as forcing labor or services. **[H.F. 4078]**

Section	Description – Article 2: General Crimes and Public Safety Policy
27	**Labor trafficking.** Amends the definition of "labor trafficking" to include actions done in furtherance of prohibited conduct and makes additional technical changes. **[H.F. 4078]**
28	**Labor trafficking resulting in death.** Establishes the crime of labor trafficking resulting in death. Provides that a person who knowingly engages in the labor trafficking of an individual may be sentenced to up to 25 years in prison if the labor trafficking victim dies and the death arose out of and in the course of the trafficking. **[H.F. 4078]**
29	**Individuals under age 18; extended period of time; great bodily harm.** Establishes an enhanced crime of labor trafficking a person over an extended period of time or when the victim suffers great bodily harm. Includes the existing crime of trafficking a person under age 18 in the new subdivision. Establishes a maximum penalty of 20 years for the offense. **[H.F. 4078]**
30	**Data.** Defines the term "data" for purposes of the state's computer crime statutes. **[H.F. 3957]**
31	**Acts.** Expands the list of computer related criminal conduct to include the unauthorized use and retention of computer software and data. **[H.F. 3957]**
32	**Rules required.** Requires the POST Board to prioritize public safety and human rights when implementing their missions and duties. Creates a definition of "public safety." **[H.F. 2433]**
33	**Exception; stolen motor vehicles.** Permits law enforcement officers to attach a mobile tracking device to stolen vehicles without prior court approval if the owner of the vehicle either grants consent or reported to law enforcement that the vehicle was stolen. **[H.F. 2910]**
34	**Limitations.** Establishes that the statute of limitations for the crime of surreptitious intrusion is the later of three years from the date of offense or three years from when the offense was reported to law enforcement. **[H.F. 2815]**

Section	Description – Article 2: General Crimes and Public Safety Policy
35	**Notice of rights.** Clarifies that the Office of Justice Programs, not the Department of Corrections, is the designated agency responsible for domestic abuse funding. **[H.F. 3957]**
36	**Report required.** Clarifies that the Office of Justice Programs, not the Department of Corrections, is the designated agency responsible for domestic abuse funding. **[H.F. 3957]**
37	**Notice; release of arrested person.** Removes an obsolete term. **[H.F. 3957]**
38	**Hometown heroes assistance program.** **Subd. 1. Definitions.** Defines "critical illness." **Subd. 2. Program established.** Clarifies which firefighters with critical illness diagnoses are eligible for payments from the assistance program. Contains additional clarifying language. **Subd. 3. Critical illness monetary support program.** Clarifies that a firefighter is eligible for financial payments for a critical illness only if the diagnosis was made on or after August 1, 2021. **[H.F. 2746]**
39	**Task force on a coordinated approach to juvenile wellness and justice.** Establishes a task force that includes professionals and youth to examine the juvenile justice system, identify underlying factors that contribute to delinquent behavior, and propose policies and legislative changes that both hold juveniles accountable and increase their connection with the community. Requires a report by January 1, 2024.
40	**Emergency community safety grants.** Establishes grants to cities, towns, Tribal governments, and law enforcement agencies for crime prevention programs. Requires that requests for proposals be available by July 15 and provides for awarding grants on a first come, first served basis. Requires grant recipients to file a report on the use of funds by December 15. **[H.F. 4200]**
41	**Local co-responder grants.** Establishes grants to cities, towns, Tribal governments, and law enforcement agencies for embedded social workers, mobile crisis teams, or violence interrupters who work with law enforcement agencies. Requires that requests for proposals be available by July 15 and provides for awarding grants on a first come, first served

Section	Description – Article 2: General Crimes and Public Safety Policy
	basis. Requires grant recipients to file a report on the use of funds by December 15. **[H.F. 4200]**
42	**Local community innovation grants.** Establishes grants to cities, towns, and Tribal governments with high rates of crime or rapid increases in crime rates. Requires award decisions to be made within six months of an appropriation to fund the grants and directs the Office of Justice Programs to establish a final review panel to make decisions on awards. Requires that funds be used for programs designed to reduce crime. Requires recipients to undergo a standardized evaluation every two years. **[H.F. 4200]**
43	**Local community policing grants.** Establishes grants to cities, towns, and Tribal governments with high rates of crime or rapid increases in crime rates. Requires award decisions to be made within six months of an appropriation to fund the grants and directs the Office of Justice Programs to establish a final review panel to make decisions on awards. Requires that funds be used for programs designed to reduce crime by increasing the capacity, efficiency, and effectiveness of law enforcement community policing efforts. Requires recipients to undergo a standardized evaluation every two years. **[H.F. 4200]**
44	**Local investigation grants.** Establishes grants to cities, towns, and Tribal governments with high rates of crime or rapid increases in crime rates. Requires award decisions to be made within six months of an appropriation to fund the grants and directs the Office of Justice Programs to establish a final review panel to make decisions on awards. Requires that funds be used for programs designed to reduce crime by increasing the capacity, efficiency, and effectiveness of law enforcement investigations. Requires recipients to undergo a standardized evaluation every two years. **[H.F. 4200]**
45	**Repealer.** Repeals the crimes of sodomy, fornication, and adultery. Repeals the definition of “blackmail.” Deletes an obsolete term (“regional hazardous materials response team”) from statute. **[H.F. 2770; H.F. 4078; H.F. 3957]**

Article 3: Law Enforcement Policy

This article contains provisions related to peace officers and the POST Board.

Section	Description – Article 3: Law Enforcement Policy
1	**Board of Peace Officer Standards and Training; receipt of complaint.** Permits, rather than requires, POST to order a law enforcement agency to conduct an inquiry into a written statement or complaint that alleges a violation of a statute or rule that the board is empowered to enforce. **[H.F. 4200]**
2	**Limitations period.** Provides that an action for damages based on sexual abuse may be brought at any time in the case of alleged sexual abuse by a peace officer. Makes the elimination retroactive, but requires actions that would otherwise be time-barred under a previous version of the statute must be brought within five years of the effective date of the section. **[H.F. 717]**
3	**Death action.** Provides that an action for damages based on wrongful death may be brought at any time in the case of alleged act by a peace officer. Makes the elimination retroactive, but requires actions that would otherwise be time-barred under a previous version of the statute must be brought within five years of the effective date of the section. **[H.F. 717]**
4	**Physical strength and agility examinations.** Requires law enforcement agencies to use only scientifically content-validated, job related physical strength and agility screening exams for peace officer applicants. Authorizes agencies to seek reimbursement from the state for administering screening exams that comply with this section and appropriates $250,000 for this purpose. **[H.F. 3785]**
5	**Rules governing certain misconduct.** Directs POST to adopt rules under chapter 14 that permit POST to take action on a licensee for a violation of a standard of conduct whether or not criminal charges have been filed and in accordance with the standards and processes for boards under chapter 214. **[H.F. 4200]**
6	**Written policies and procedures required.** Adds additional requirements that must be included in body camera policies adopted by law enforcement agencies that have officers who use portable recording systems (a.k.a. body cameras). **[H.F. 4200]**
7	**Civilian review.** Authorizes local units of government to establish civilian oversight councils and grant an oversight council the authority to make findings of fact and impose discipline on officers. **[H.F. 4200]**

Section	Description – Article 3: Law Enforcement Policy
8	**Exception; Leech Lake Band of Ojibwe.** Provides that the Leech Lake Band of Ojibwe has concurrent jurisdictional law enforcement authority with the local sheriff within the boundaries of their reservation regardless of whether a cooperative agreement exists, provided it meets the requirements set forth in Minnesota Statutes, section 626.93, subdivision 2. **[H.F. 1378]**
9	**Peace officer training assistance Philando Castile memorial training fund.** Amends the appropriation of $6,000,000 to reimburse peace officer training expenses that passed in the 2021 First Special Session to limit the use of the appropriation to training courses that qualify for reimbursement under sections 626.8469 (training in crisis response, conflict management, and cultural diversity) and 626.8474 (autism training). **[H.F. 4200]**
10	**Task Force on Alternative Courses to Peace Officer Licensure.** **Subd. 1. Establishment.** Establishes a task force to increase recruitment of new peace officers, increase the diversity of the racial makeup and professional background of licensed peace officers, promote education and training in community policing models, maintain the high standards of education and training required for licensure, and make policy and funding recommendations to the legislature. **Subd. 2. Membership.** Establishes the task force membership. Requires appointments to be made by August 30, 2022. Provides that members serve without compensation. **Subd. 3. Officers; meetings.** Requires the members to elect a chair and vice-chair from among its members. Requires the first meeting to be called by September 15, 2022. Directs the task force to meet at least monthly and provides that meetings are subject to chapter 13D (the Open Meetings Law). **Subd. 4. Duties.** Lists the duties of the task force including development of policies and strategies to recruit new peace officers with a diverse professional background. **Subd. 5. Report.** Requires the task force to submit a report by January 15, 2024. **Subd. 6. Expiration.** Provides that the task force expires upon submission of its report. **[H.F. 4200]**

Section	Description – Article 3: Law Enforcement Policy
11	**Title.** Provides that the sections relating to amending the statutes of limitations for certain offenses committed by a peace officer may be known as "Justin Teigen's Law." **[H.F. 717]**

Article 4: Controlled Substance Policy

This article contains provisions related to controlled substance policy.

Section	Description – Article 4: Controlled Substance Policy
1	**Mixture.** Makes a conforming change to remove a reference to the definition of "small amount." **[H.F. 1355]**
2	**Marijuana flower.** Creates a new definition of "marijuana flower" that means the flower, leaves, stems, seeds, or plant form of marijuana. **[H.F. 1355]**
3	**Nonflower marijuana.** Creates a new definition of "nonflower marijuana" that means the resinous form of marijuana. **[H.F. 1355]**
4	**Small amount.** Amends the definition of "small amount" in relation to marijuana to include nonflower marijuana mixtures that weigh eight grams or less and prohibits combining the weight of nonflower marijuana to determine the weight of flower marijuana. **[H.F. 1355]**
5	**Drug paraphernalia.** Changes the definition of "drug paraphernalia" by eliminating products that are intended for "testing the strength, effectiveness, or purity of a controlled substance." **[H.F. 883]**
6	**Drug paraphernalia.** Specifies that the permitted uses of controlled substance includes the permitted uses of marijuana. **[H.F. 1355]**

Section	Description – Article 4: Controlled Substance Policy
7	**Possession crimes.** Provides that the weight of fluid used in a water pipe may not be considered in measuring the weight of a marijuana mixture and makes a conforming change to clarify that existing law permitting the weight of water to be considered in determining the weight of other mixtures when the mixture contains four or more fluid ounces is unchanged. **[H.F. 1355]**
8	**Possession crimes.** Provides that the weight of fluid used in a water pipe may not be considered in measuring the weight of a marijuana mixture and makes a conforming change to clarify that existing law permitting the weight of water to be considered in determining the weight of other mixtures when the mixture contains four or more fluid ounces is unchanged. **[H.F. 1355]**
9	**Possession crimes.** Provides that the weight of fluid used in a water pipe may not be considered in measuring the weight of a marijuana mixture and makes a conforming change to clarify that existing law permitting the weight of water to be considered in determining the weight of other mixtures when the mixture contains four or more fluid ounces is unchanged. **[H.F. 1355]**
10	**Penalty.** Amends the penalty provision for a first-time offender convicted of possession of a controlled substance in the fifth degree to establish a gross misdemeanor penalty for a first-time offender who possesses between 42.5 grams and 85 grams of leaf marijuana, or between eight grams and 16 grams of any nonflower marijuana mixture. **[H.F. 1355]**
11	**Possession or sale of small amounts of marijuana.** Removes the provisions that require a person sentenced to a petty misdemeanor for possession of a small amount of marijuana to participate in a drug education program. **[H.F. 1355]**
12	**Notice of drug convictions; driver's license revocation.** Removes a conviction for possessing or giving away a small amount of marijuana from the list of convictions that trigger a driver's license revocation. **[H.F. 1355]**
13	**Prohibited acts; penalties.** Amends the prohibition on conspiring to commit a controlled substance offense to apply to only felony offenses. **[H.F. 1355]**

Section	Description – Article 4: Controlled Substance Policy
14	**Expungement of certain marijuana offenses.** Amends the provision providing for expungement of certain marijuana offenses adopted when Minnesota's laws changed in the 1970s to provide that a person convicted of fifth degree possession of a controlled substance before August 1, 2022, can petition for expungement based on the change in law effective August 1, 2022. Requires restoration of the right to possess firearms to an individual whose conviction is expunged. **[H.F. 1355]**
15	**Criminal affirmative defense.** Establishes an affirmative defense to charges of fifth degree possession of marijuana and possession of a small amount of marijuana for patients enrolled in the registry program ("medical marijuana program"). **[H.F. 1355]**
16	**Court order; findings, remedies, treatment.** Amends the available dispositions for a child found to be delinquent by removing an adjudication for possessing or giving away a small amount of marijuana from the list of adjudications that trigger a driver's license revocation. **[H.F. 1355]**
17	**Certain convicted felons ineligible to possess firearms.** Makes a conforming change related to the restoration of an individual's right to possess firearms under the new retroactive expungement provisions. **[H.F. 1355]**
18	**Violation and penalty.** Makes a conforming change related to the restoration of an individual's right to possess firearms under the new retroactive expungement provisions. **[H.F. 1355]**
19	**Certain petty misdemeanor controlled substance.** Requires the record of petty misdemeanor violations of the law prohibiting possession of a small amount of marijuana to be sealed following an automatic expungement. **[H.F. 1355]**
20	**No petition required for certain petty misdemeanor controlled substance violations after one-year waiting period.** Requires courts to issue orders sealing judicial and administration records related to a charge involving possession of a small amount of marijuana. Directs the court to take action immediately following a dismissal or one year after a conviction provided the person pays any required fines and fees, and completes any required drug education program. **[H.F. 1355]**
21	**Task Force on Abuse of Controlled Substances.** Establishes the Task Force on Abuse of Controlled Substances to review the ways in which the state's justice, social service, and health systems respond to substance

Section	Description – Article 4: Controlled Substance Policy
	abuse issues, examine approaches taken in other jurisdictions, and make policy and funding recommendations to the legislature. **[H.F. 2958]**

Article 5: Corrections and Sentencing

This article contains provisions that affect sentencing and corrections policies.

Section	Description – Article 5: Corrections and Sentencing
1	**Expungement.** Makes a conforming change in chapter 13 clarifying that certain data related to automatic expungements is classified in Minnesota Statutes, sections 609A.015 and 299C.007. **[H.F.1152]**
2	**Deferring prosecution for certain first-time offenders.** Directs the BCA to provide notice to the arresting or citing local law enforcement agency when a case is discharged and dismissed pursuant to Minnesota Statutes, section 152.18. The notice must direct the local law enforcement agency to seal its records. **[H.F. 1152]**
3	**Affected municipality; notice.** Makes a technical conforming change. **[H.F. 947]**
4	**Licensing; facilities; juveniles from outside state.** Makes a technical conforming change. **[H.F. 947]**
5	**Searches.** Provides that the commissioner of corrections shall not grant a license to operate a facility for the detention, care, and training of delinquent children unless the facility adopts a policy prohibiting the visual inspection of the breasts, buttocks, or genitalia of children received by the facility except during a health care procedure by a medically licensed person. **[H.F. 947]**
6	**Disciplinary room time.** Provides that the commissioner of corrections shall not grant a license to operate a facility for the detention, care, and training of delinquent children unless the facility adopts a policy prohibiting the use of disciplinary room time for children received by the facility. **[H.F. 947]**

Section	Description – Article 5: Corrections and Sentencing
7	**Office of ombudsperson; creation; qualifications; function.** Requires that the governor have just cause prior to removing the ombudsperson for corrections. **[H.F. 3949]**
8	**Charges to counties.** Provides that counties must pay 100 percent of the cost of confinement of juveniles at Red Wing or for females committed to another facility. Currently they pay 65 percent. Directs that the additional 35 percent be deposited in a special revenue fund to provide grants to programs for preventative services and for services to youth in both the juvenile justice and child welfare systems.
9	**Indeterminate Sentence Release Board.** Establishes the Indeterminate Sentence Release Board and describes the members and duties. **Subd. 1. Establishment; members.** Establishes a board, the Indeterminate Sentence Release Board, to review eligible cases and make release determinations for inmates serving indeterminate sentences. States that the board consists of five members including the commissioner of corrections and four individuals appointed by the governor from recommendations by the majority and minority leaders of each legislative body. Establishes minimum criteria for the members. **Subd. 2. Terms; compensation.** Provides that members of the board serve four-year staggered terms except that two initial members will be appointed to two-year terms. Provides for compensation and removal consistent with Minnesota Statutes, section 15.0575. **Subd. 3. Quorum; administrative duties.** States that a majority of members constitutes a quorum. Directs the commissioner of corrections to provide administrative services, meeting space, and other administrative support. **Subd. 4. Limitation.** Asserts that nothing in the new section of law supersedes the commissioner of corrections' ability to revoke an inmate's release or the authority of the Board of Pardons to grant a pardon or commute a sentence. **Subd. 5. Report.** Requires the board to submit a report regarding inmates reviewed and identifying individuals granted release. Further directs the board to make recommendations for legislative action. **[H.F. 1369]**

Section	Description – Article 5: Corrections and Sentencing
10	**Supervised release, life sentence.** Replaces the term "commissioner" with "board," establishes a majority vote of the board as the basis for releasing an inmate, and defines "board" as the Indeterminate Sentence Release Board established in section 1 of the bill. **[H.F. 1369]**
11	**Research director.** Removes a reference to the staff of the Minnesota Sentencing Guidelines Commission, establishing that only the director will be in the unclassified service. Makes a conforming change to clarify that the compensation of staff remain subject to chapter 43A. **[H.F. 3013]**
12	**General.** Removes the statutory requirement that the court open hearings in juvenile proceedings when a child is alleged to have committed an offense that would be a felony if committed by an adult and the child is at least 16 years old. **[H.F. 922]**
13	**Risk assessment instrument.** Requires a peace officer or parole officer who does not release a child to communicate with a secure detention facility to determine whether the child should be detained. The facility must use an objective juvenile detention risk assessment instrument developed in coordination with the Minnesota Juvenile Detention Alternative Initiative. Requires that the risk assessment instrument assess the likelihood that a juvenile will return to court or be a danger to others. Further directs the instrument to identify appropriate noncustodial community-based supervision that will minimize the risk the child poses to others and increase the probability that the child will return to court. Requires release of the child pursuant to existing law if, after use of the assessment, a decision is made that release is appropriate. **[H.F. 922]**
14	**Reason for detention.** Provides that no child may be detained in a secure detention facility after being taken into custody for a delinquent act unless the child is over the age of 12. **[H.F. 947]**
15	**Child in need of protection or services.** Amends the definition of "child in need of protection or services" to include children who commit a juvenile petty offense or delinquent act before becoming 13 years old. Current law defines the term as including children under the age of ten. **[H.F. 947]**
16	**Database for identifying individuals eligible for expungement.** Directs the BCA to store data on petty misdemeanor and misdemeanor offenses that may become eligible for expungement, do not require fingerprinting, and are not

Section	Description – Article 5: Corrections and Sentencing
	currently stored in the criminal history system. Classifies the data as private data on individuals. **[H.F. 1152]**
17	**Required fingerprinting.** Adds a violation of Minnesota Statutes, section 609.749, (obscene or harassing telephone calls) to the definition of "targeted misdemeanor" which is a misdemeanor for which fingerprinting is required. **[H.F. 1152]**
18	**Suspense file reporting.** Makes a conforming change to clarify that fingerprints are not required for records other than those related to a felony, gross misdemeanor, or petty misdemeanor. **[H.F. 1152]**
19	**Report by court administrator.** Expands the list of offenses for which court administrators must send a disposition report to the BCA to include all misdemeanors and petty misdemeanors. **[H.F. 1152]**
20	**Exception.** Establishes a limitation on liability for certain murders committed by another. The limitation applies to murder in the first degree under section 609.185, paragraph (a), clause (3) and provides that a person is only liable for a murder committed by another if the person intentionally aided and abetted the person who caused the death and did so with the intent to cause the death of a human being. The limitation also applies to murder in the second degree under section 609.19, subdivision 2, clause (1) and provides that a person is only liable for a murder committed by another if the person was a major participant in the underlying felony and acted with extreme indifference to human life. **[H.F. 4174]**
21	**Expungement of criminal records.** Makes a conforming change to reference the new automatic expungement provisions. **[H.F. 1152]**
22	**Automatic expungement of records.** **Subd. 1. Eligibility; dismissal; exoneration.** Establishes that a criminal record is eligible for dismissal without the filing of a petition if the person was arrested and all charges were dismissed or if all pending actions were resolved in the person's favor. Establishes an exception if dismissal is based on a determination that the person is incompetent or if the action was resolved in the person's favor under the theory that the person is not guilty by reason of mental illness. **Subd. 2. Eligibility; diversion and stay of adjudication.** Establishes that a person is eligible for expungement if the person completes the terms of a diversion or

Section	Description – Article 5: Corrections and Sentencing

stay of adjudication for an offense other than a felony and is not convicted of, or charged with, a new offense for one year.

Subd. 3. Eligibility; certain criminal and delinquency proceedings. Provides that a person is eligible for expungement relief if the underlying offense is a listed qualifying offense, the person has not been convicted of a new offense in Minnesota during the applicable waiting period, and the person is not charged with a new offense in Minnesota at the end of the waiting period. Defines qualifying offense to include any petty misdemeanor other than a traffic or parking violation; misdemeanors other than specified offenses including assault, domestic violence offenses, and DWI; and gross misdemeanors other than specified offenses including assault, burglary, domestic violence offenses, and DWI. Defines "applicable waiting period" as two years for an eligible petty misdemeanor or misdemeanor and four years for an eligible gross misdemeanor. Provides that felony offenses and gross misdemeanor offenses that are deemed to be lesser charges based on the sentence imposed do not become eligible for automatic expungement because of the sentence imposed.

Subd. 4. Notice. Requires the court to notify a defendant that an offense is eligible for automatic expungement at the time a case is dismissed or resolved in the person's favor, or when the court sentences a person to a qualifying offense. Directs prosecutors, defense attorneys, supervising agents, and diversion supervisors or coordinators to notify individuals of their eligibility to the extent possible. Notice must inform the person that an expunged record may be used for background studies performed by the Department of Human Services and background checks performed by the Professional Educator Licensing and Standards Board, and that the person may file for a statutory expungement to request that the records not be usable for those purposes.

Subd. 5. Bureau of Criminal Apprehension (BCA) to identify eligible persons and grant expungement relief. Directs the BCA to identify individuals who may be eligible for a grant of expungement relief. Directs the BCA to use finger and thumbprints to identify individuals when those prints are available. Directs the BCA to use an individual's name and date of birth when prints are not available. Establishes a presumption that records with the same names and dates of birth identify the same individual unless other evidence demonstrates, by a preponderance of the evidence, that the two are not the same. Provides that the BCA does not need to review additional information when making this determination. Directs the BCA to identify records eligible for expungement and to seal those records 60 days after sending notice to the judicial branch unless an order or additional information informs the BCA that the records should not be sealed. Requires nonpublic copies of the record to indicate that they were expunged pursuant to this section. Requires the BCA to inform the judicial branch

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of records that have been identified and directs the judicial branch to seal those records and issue any other necessary order. Directs the BCA to notify the law enforcement agency that cited or arrested an individual that records must be sealed unless an order of the court previously notified the agency. Establishes that data on the expunged offense, including any notice sent by the BCA, is private data on individuals. Directs the prosecutor to notify any victim of an offense of the expungement. Permits expunged offenses to be used in a later criminal action against the person. Directs the BCA to develop or expand a system to provide criminal justice agencies with uniform access to records that have been expunged.

Subd. 6. Immunity from civil liability. Establishes that the BCA and its employees are immune from civil suits based on the exercise or failure to exercise the powers and duties under this section.

Effective date. Establishes that the new section is effective January 1, 2024, and applies retroactively to offenses that are stored in the BCA's criminal history system on that date.

[H.F. 1152]

23 **Nature of remedy; standard.**

Makes a conforming change in the section of law related to petitions for expungement to clarify that orders issued under the section do not apply to orders issued based on an automatic expungement. **[H.F. 1152]**

24 **Limitations of order effective January 1, 2015, and later.**

Provides that prosecutors may request and obtain a certified copy of a record of expungement and may introduce the record in criminal proceedings. Establishes that the subject of expunged records may request and obtain certified or uncertified copies of an expunged record. Makes a conforming change to clarify that the subdivision applies to records expunged under the automatic expungement process. **[H.F. 1152]**

25 **Stay of order; appeal.**

Makes a conforming change to clarify that this section applies to orders issued under the statutory expungement section, not the automatic expungement section. **[H.F. 1152]**

26 **Plea agreements; notification of victims.**

Makes a conforming change requiring that prosecutors notify victims when an offense is eligible for automatic expungement. **[H.F. 1152]**

Section	Description – Article 5: Corrections and Sentencing
27	**Board of Pardons; how constituted; duties.** Grants additional voting authority to the governor in pardon board votes. Currently, the three members of the board—chief justice, attorney general, and governor—have equal authority in the board's decisions. **[H.F. 3464]**
28	**Clemency Review Commission.** Establishes a nine member Clemency Review Commission to screen petitions submitted to the board and make disposition recommendations on the petitions to the board. The governor, attorney general**,** and chief justice each appoint three members. **[H.F. 3464]**
29	**Pardons and commutations.** Establishes standards, eligibility criteria, filing requirements, and reapplication procedures for pardons and commutations. (The language in this section is a revised version of current law, which is repealed in section 12.) **[H.F. 3464]**
30	**Applications.** Establishes standards and requirements for applications for pardons and commutations. **[H.F. 3464]**
31	**Notifications.** Requires notice of pardon and commutation applications be provided to victims, the sentencing judge, and the prosecuting attorney. **[H.F. 3464]**
32	**Meetings.** **Subd. 1. Commission meetings.** Requires the commission to meet at least four times per year to review petitions. Mandates that meetings be open to the public. Requires applicants to appear in person before the commission. Directs the commission to notify applicants of the commission's decision within ten working days of the hearing. **Subd. 2. Board meetings.** Requires the commission to meet at least two times per year to review referred petitions. Mandates that meetings be open to the public. Prohibits live testimony unless a board member requests testimony beyond what was provided to the commission. Directs the board to notify applicants of the board's decision within ten working days of the hearing. **[H.F. 3464]**

Section	Description – Article 5: Corrections and Sentencing
33	**Grounds for recommending clemency.** Establishes the factors for the commission to consider in reviewing applications. Establishes grounds for the commission to reject an application without a hearing. **[H.F. 3464]**
34	**Access to records; issuance of process.** Grants the board and the commission the authority to (1) access relevant documents held by the courts, prosecutors, and state agencies, and (2) to require the presence of persons and officers with information that is necessary for the commission to resolve pending matters. **[H.F. 3464]**
35	**Rules.** Grants the board and commission rulemaking authority. **[H.F. 3464]**
36	**Records.** Establishes record retention standards. **[H.F. 3464]**
37	**Report to legislature.** Directs the commission to assume responsibility for filing the mandated report to the legislature and expands the list of information that must be addressed in the report. **[H.F. 3464]**
38	**Medical aid.** Prohibits counties from charging jail inmates for external phone calls made by inmates to mental health care providers. **[H.F. 3857]**
39	**Task force on the collection of charges and related data.** Establishes a Task Force on the Collection of Charging and Related Data to identify data that should be collected and analyzed to determine the ways in which individuals are charged and prosecuted in Minnesota. **[H.F. 1369]**
40	**Liability for murder committed by another; retroactive application.** **Subd. 1. Purpose.** Provides that a person convicted of murder in the first degree under section 609.185, paragraph (a), clause (3) or murder in the second degree under section 609.19, subdivision 2, clause (1) may petition to have the conviction vacated under this section. **Subd. 2. Notification.** Directs the Department of Corrections to notify individuals who might be eligible to have a conviction vacated of the right to file a preliminary application in Ramsey County District Court.

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	Subd. 3. Preliminary application. Requires individuals seeking to have a conviction vacated to file a preliminary application in Ramsey County District Court. Establishes that the application must include the applicant's name and date of birth, the relevant case number, a statement as to whether the person entered a plea of guilty or was convicted at a trial, a statement as to whether the person filed an appeal or petition for postconviction relief, and a brief statement explaining why the person is entitled to relief. Permits an applicant to provide additional information about any other person involved in the underlying offense. Permits the judicial branch to establish a standardized form. Requires preliminary applications to be filed by October 1, 2023, and provides that no fee will be charged for the application.
	Subd. 3. Review of preliminary application. Directs the Ramsey County District Court to assign preliminary applications to a judge and permits the appointment of a special master and additional staff as needed to review the applications. Requires the reviewing judge to determine whether there is a reasonable probability that the applicant is entitled to relief based on the preliminary application and any other materials contained in judicial records that the judge chooses to review. Permits a judge to summarily deny an application that clearly does not meet the requirements of the section or for an applicant who previously had an application rejected. Directs the reviewing judge to send notice to the applicant and the applicant's attorney, if any, if the judge denies the application, and to send notice to those individuals and the relevant prosecutor if the application is approved. Directs the court to send notice to the Office of the Public Defender if the judge approves the application and the applicant does not have an attorney.
	Subd. 5. Petition for relief; hearing. Directs a person whose application was approved to file a petition for relief within 60 days of receiving notice that the application was approved and provides that the petition and any subsequent filings are without any costs or fees. Directs a county attorney to respond to the petition within 30 days and provides that the response may indicate an intent to support the petition or include a statement explaining why the petitioner is not entitled to relief. Provides that the response and any subsequent filings are without cost to the prosecutor. Directs the court to either issue an order dismissing the charge and scheduling the matter for resentencing if the prosecutor supports the petition, deny the petition if additional information demonstrates that there is not a reasonable probability that the applicant is entitled to relief, or schedule the matter for a hearing. Provides that the hearing shall be conducted in a matter consistent with a hearing on a petition for postconviction relief.

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	Subd. 6. Determination; order; resentencing. Establishes the requirements for relief under this section. Permits a court to issue an order denying or granting relief. Requires the court to resentence the petitioner if the court grants relief and requires that resentencing must be held at a time that gives a victim an opportunity to be present or submit a statement. Prohibits imposing a greater sentence than the sentence that was vacated and requires that the person receive credit for any time served in custody on the sentence that was vacated. Provides that relief granted shall not be treated as an exoneration for the purposes of the Incarceration and Exoneration Remedies Act.
	[H.F. 4174]
41	**Task force on Aiding and Abetting Felony Murder.**
	Continues the Task Force on Aiding and Abetting Felony Murder until January 16, 2023. **[H.F. 4174]**
42	**Staff transition to classified service.**
	Provides that staff of the Minnesota Sentencing Guidelines Commission, other than the director, who are in the unclassified service shall be placed in the classified service without loss of seniority. Provides that staff employed in the same position on January 1, 2022 shall not be required to complete a probationary period. **[H.F. 3013]**
43	**Repealer.**
	Repeals most of the current statutes governing the pardon board. **[H.F. 3464]**

Article 6: Interstate Compacts

This article combines the State Advisory Council for the Interstate Compact for Juveniles with the Advisory Council on Interstate Adult Supervision. **[HF 3308]**

Article 7: Community Supervision Reform

This article modifies the state's community supervision system and funding model. **[H.F. 4609]**

Section	Description – Article 7: Community Supervision Reform
1	**Conditional release.**
	Strikes language related to (1) community service for offenders and (2) revocation of community supervision for nonviolent drug offenders.

Section	Description – Article 7: Community Supervision Reform
2	**Sanctions for violation.** Modifies provisions regulating revocation of community supervision for technical violations.
3	**Appointment; joint services; state services.** Establishes criteria for designating "CPO counties" for purposes of receiving a state community supervision reimbursement grant.
4	**Compensation.** Removes the district court in counties with populations in excess of 200,000 from the process of compensating probation officers. Repeals language related to calculating probation reimbursement costs. (This process is consolidated in section 16 of the bill.)
5	**Definitions.** Adds definitions of "probation agency" and "probation officer" to chapter 244.
6	**Intermediate sanctions.** Recodifies language stricken in section 11.
7	**Contacts.** Authorizes supervision contacts to be conducted over video conference.
8	**Probation supervision.** Strikes a reference related to probation services being dictated by local judicial policy.
9	**Information on offenders under supervision; reports.** Amends reporting requirements for counties that receive state community supervision reimbursement grants.
10	**Purpose and definition; assistance grants.** Defines "CPO county" and "Tribal government" for purposes of state community supervision reimbursement grants.
11	**Counties or regions; services includable.** Provides that Tribal governments are eligible for community supervision reimbursement grants. Strikes language related to intermediate sanctions. (Recodified in section 6.)

Section	Description – Article 7: Community Supervision Reform
12	**Acquisition of property; selection of administrative structure; employees.** Contains a conforming change.
13	**Comprehensive plan; standards of eligibility; compliance.** Directs the commissioner of corrections to develop a comprehensive community supervision plan for counties that elect not to provide local supervision services.
14	**Other subsidy programs; purchase of state services.** Contains conforming changes.
15	**Community corrections aid.** Modifies the process of determining funding for community supervision of offenders. Establishes one funding formula and dictates a schedule for reviewing and adjusting the formula.
16	**Comprehensive plan items; grant review.** Contains conforming changes.
17	**Continuation of current spending level by counties.** Contains conforming changes.
18	**Payment.** Contains conforming changes.
19	**Installment payments.** Repeals obsolete language.
20	**Ranking reviews.** Contains a conforming change.
21	**Withdrawal from program.** Strikes language related to counties withdrawing from the state community supervision grant program.
22	**Supervision standards committee.** Establishes a supervision standards committee to develop standards for probation, supervised release, and community supervision.
23	**Repealer.** Repeals obsolete language or language that is made obsolete by the bill's proposed changes.

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