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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. **2856**

02/20/2018 Authored by Johnson, B.,  
The bill was read for the first time and referred to the Committee on Public Safety and Security Policy and Finance  
04/19/2018 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act

1.2 relating to public safety; modifying certain provisions relating to courts, public

1.3 safety, corrections, and crime; increasing amount of surcharge credited to training

1.4 account of Peace Officer Standards and Training (POST) Board; providing for a

1.5 task force and working group; requesting reports; providing for penalties;

1.6 appropriating money for public safety, courts, corrections, Guardian Ad Litem

1.7 Board, Board of Public Defense, and Human Services; amending Minnesota

1.8 Statutes 2016, sections 168B.16; 169.64, subdivision 4; 169.92, subdivision 4;

1.9 169A.24, subdivision 1; 169A.55, subdivision 4; 171.07, subdivision 1a; 171.16,

1.10 subdivisions 2, 3; 171.18, subdivision 1; 171.24, by adding a subdivision; 242.192;

1.11 243.166, subdivisions 1a, 1b, 2, 4, 4a, 4b, 4c, 5, 6, 7, 7a, by adding a subdivision;

1.12 257.57, subdivisions 1, 2, by adding a subdivision; 257.75, subdivision 4; 299C.091,

1.13 subdivision 5; 299C.093; 299C.17; 357.021, subdivision 7; 388.23, subdivision

1.14 1; 518.145, subdivision 2; 549.09, subdivision 1; 590.11, subdivisions 1, 2, 5, 7;

1.15 609.015, subdivision 1; 609.095; 609.2112, subdivision 1; 609.2113, subdivisions

1.16 1, 2, 3; 609.2114, subdivisions 1, 2; 609.2231, subdivisions 1, 2, 3a; 609.324,

1.17 subdivisions 3, 4, by adding a subdivision; 609.341, subdivision 10, by adding

1.18 subdivisions; 609.342, subdivisions 1, 2; 609.343, subdivisions 1, 2; 609.344,

1.19 subdivisions 1, 2; 609.345, subdivisions 1, 2; 609.3451, subdivisions 1, 3; 609.3455,

1.20 subdivisions 6, 8, by adding subdivisions; 609.52, subdivision 3; 609.74; 609.855,

1.21 subdivision 2; 611.365, subdivisions 2, 3; 611.367; 611.368; 617.246, subdivisions

1.22 2, 3, 4, 7, by adding a subdivision; 617.247, subdivisions 3, 4, 9, by adding a

1.23 subdivision; 626.8452, by adding a subdivision; 626A.08, subdivision 2; 626A.37,

1.24 subdivision 4; 631.40, subdivision 1a; Minnesota Statutes 2017 Supplement,

1.25 sections 171.30, subdivisions 1, 2a; 171.306, subdivisions 1, 2; 171.3215,

1.26 subdivisions 2, 3; 260C.163, subdivisions 3, 10; 357.021, subdivision 2; proposing

1.27 coding for new law in Minnesota Statutes, chapters 243; 299A; 299C; 631;

1.28 repealing Minnesota Statutes 2016, sections 401.13; 609.349.

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

1.30 **ARTICLE 1**

1.31 **APPROPRIATIONS**

1.32 Section 1. **APPROPRIATIONS.**







5.1 (1) at any time for the purpose of declaring the existence of the father and child  
5.2 relationship presumed under section 257.55, subdivision 1, paragraph (a), (b), or (c); or

5.3 (2) for the purpose of declaring the nonexistence of the father and child relationship  
5.4 presumed under section 257.55, subdivision 1, paragraph (a), (b), or (c), only if the action  
5.5 is brought within ~~two~~ three years after the person bringing the action has reason to believe  
5.6 that the presumed father is not the father of the child, ~~but in no event later than three years~~  
5.7 ~~after the child's birth~~. However, if the presumed father was divorced from the child's mother  
5.8 and if, on or before the 280th day after the judgment and decree of divorce or dissolution  
5.9 became final, he did not know that the child was born during the marriage or within 280  
5.10 days after the marriage was terminated, the action is not barred until ~~one year after the child~~  
5.11 ~~reaches the age of majority or one year~~ three years after the presumed father knows or  
5.12 reasonably should have known of the birth of the child, ~~whichever is earlier~~. After the  
5.13 presumption has been rebutted, paternity of the child by another man may be determined  
5.14 in the same action, if he has been made a party.

5.15 Sec. 2. Minnesota Statutes 2016, section 257.57, subdivision 2, is amended to read:

5.16 Subd. 2. **Actions under other paragraphs of section 257.55, subdivision 1.** The child,  
5.17 the mother, or personal representative of the child, the public authority chargeable by law  
5.18 with the support of the child, the personal representative or a parent of the mother if the  
5.19 mother has died or is a minor, a man alleged or alleging himself to be the father, or the  
5.20 personal representative or a parent of the alleged father if the alleged father has died or is  
5.21 a minor may bring an action:

5.22 (1) at any time for the purpose of declaring the existence of the father and child  
5.23 relationship presumed under sections 257.55, subdivision 1, paragraph (d), (e), (g), or (h),  
5.24 and 257.62, subdivision 5, paragraph (b), ~~or the nonexistence of the father and child~~  
5.25 ~~relationship presumed under section 257.55, subdivision 1, clause (d);~~

5.26 (2) for the purpose of declaring the nonexistence of the father and child relationship  
5.27 presumed under section 257.55, subdivision 1, paragraph (d), only if the action is brought  
5.28 within three years from when the presumed father began holding the child out as his own;

5.29 (3) for the purpose of declaring the nonexistence of the father and child relationship  
5.30 presumed under section 257.55, subdivision 1, paragraph (e) or (g), only if the action is  
5.31 brought within ~~six months~~ three years after the person bringing the action ~~obtains the results~~  
5.32 of blood or genetic tests that indicate that the presumed father is not the father of the child  
5.33 has reason to believe that the presumed father is not the biological father;

6.1 ~~(3)~~ (4) for the purpose of declaring the nonexistence of the father and child relationship  
6.2 presumed under section 257.62, subdivision 5, paragraph (b), only if the action is brought  
6.3 within three years after the party bringing the action, or the party's attorney of record, has  
6.4 been provided ~~the blood or~~ genetic test results; or

6.5 ~~(4)~~ (5) for the purpose of declaring the nonexistence of the father and child relationship  
6.6 presumed under section 257.75, subdivision 9, only if the action is brought by the minor  
6.7 signatory within ~~six months~~ three years after the youngest minor signatory reaches the age  
6.8 of 18 or three years after the person bringing the action has reason to believe that the father  
6.9 is not the biological father of the child, whichever is later. In the case of a recognition of  
6.10 parentage executed by two minor signatories, the action to declare the nonexistence of the  
6.11 father and child relationship must be brought within six months after the youngest signatory  
6.12 reaches the age of 18.

6.13 Sec. 3. Minnesota Statutes 2016, section 257.57, is amended by adding a subdivision to  
6.14 read:

6.15 Subd. 7. **Nonexistence of father-child relationship.** (a) An action to declare the  
6.16 nonexistence of the father-child relationship must be personally served on all parties and  
6.17 meet the requirements of either subdivision 1 or 2. An action must be brought by a petition,  
6.18 except that a motion may be filed in an underlying action regarding parentage, custody, or  
6.19 parenting time.

6.20 (b) An action to declare the nonexistence of the father-child relationship cannot proceed  
6.21 if the court finds that in a previous proceeding:

6.22 (1) the father-child relationship was contested and a court order determined the existence  
6.23 of the father-child relationship; or

6.24 (2) the father-child relationship was determined based upon a court order as a result of  
6.25 a stipulation or joint petition of the parties.

6.26 (c) Nothing in this subdivision precludes a party from relief under section 518.145,  
6.27 subdivision 2, clauses (1) to (3), if applicable, or the Minnesota Rules of Civil Procedure.

6.28 (d) In evaluating whether or not to declare the nonexistence of the father-child  
6.29 relationship, the court must consider, evaluate, and make written findings on the following  
6.30 factors:

6.31 (1) the length of time between the paternity adjudication or presumption of paternity  
6.32 and the time that the moving party knew or should have known that the presumed or  
6.33 adjudicated father might not be the biological father;

7.1 (2) the length of time during which the presumed or adjudicated father has assumed the  
7.2 role of father of the child;

7.3 (3) the facts surrounding the moving party's discovery of the presumed or adjudicated  
7.4 father's possible nonpaternity;

7.5 (4) the nature of the relationship between the child and the presumed or adjudicated  
7.6 father;

7.7 (5) the current age of the child;

7.8 (6) the harm or benefit that may result to the child if the court ends the father-child  
7.9 relationship of the current presumed or adjudicated father;

7.10 (7) the nature of the relationship between the child and any presumed or adjudicated  
7.11 father;

7.12 (8) the parties' agreement to the nonexistence of the father-child relationship and  
7.13 adjudication of paternity in the same action;

7.14 (9) the extent to which the passage of time reduces the chances of establishing paternity  
7.15 of another man and a child support order for that parent;

7.16 (10) the likelihood of adjudication of the biological father if not already joined in this  
7.17 action; and

7.18 (11) any additional factors deemed to be relevant by the court.

7.19 (e) The burden of proof shall be on the petitioner to show by clear and convincing  
7.20 evidence that, after consideration of the factors in paragraph (d), declaring the nonexistence  
7.21 of the father-child relationship is in the child's best interests.

7.22 (f) The court may grant the relief in the petition or motion upon finding that:

7.23 (1) the moving party has met the requirements of this section;

7.24 (2) the genetic testing results were properly conducted in accordance with section 257.62;

7.25 (3) the presumed or adjudicated father has not adopted the child;

7.26 (4) the child was not conceived by artificial insemination that meets the requirements  
7.27 under section 257.56 or that the presumed or adjudicated father voluntarily agreed to the  
7.28 artificial insemination; and

7.29 (5) the presumed or adjudicated father did not act to prevent the biological father of the  
7.30 child from asserting his parental rights with respect to the child.

8.1 (g) Upon granting the relief sought in the petition or motion, the court shall order the  
8.2 following:

8.3 (1) the father-child relationship has ended and the presumed or adjudicated father's  
8.4 parental rights and responsibilities end upon the granting of the petition;

8.5 (2) the presumed or adjudicated father's name shall be removed from the minor child's  
8.6 birth record and a new birth certificate shall be issued upon the payment of any fees;

8.7 (3) the presumed or adjudicated father's obligation to pay ongoing child support shall  
8.8 be terminated, effective on the first of the month after the petition or motion was served;

8.9 (4) any unpaid child support due prior to service of the petition or motion remains due  
8.10 and owing absent an agreement of all parties including the public authority, or the court  
8.11 determines other relief is appropriate under the Rules of Civil Procedure; and

8.12 (5) the presumed or adjudicated father has no right to reimbursement of past child support  
8.13 paid to the mother, the public authority, or any other assignee of child support.

8.14 The order must include the provisions of section 257.66 if another party to the action is  
8.15 adjudicated as the father of the child.

8.16 Sec. 4. Minnesota Statutes 2016, section 257.75, subdivision 4, is amended to read:

8.17 Subd. 4. **Action to vacate recognition.** (a) An action to vacate a recognition of paternity  
8.18 may be brought by the mother, father, husband or former husband who executed a joinder,  
8.19 or the child. An action to vacate a recognition of parentage may be brought by the public  
8.20 authority. A mother, father, or husband or former husband who executed a joinder must  
8.21 bring the action within ~~one year of the execution of the recognition or within six months~~  
8.22 ~~after the person bringing the action obtains the results of blood or genetic tests that indicate~~  
8.23 ~~that the man who executed the recognition is not the father of the child~~ three years after the  
8.24 person bringing the action has reason to believe that the father is not the biological father  
8.25 of the child. A child must bring an action to vacate within ~~six months~~ three years after the  
8.26 ~~child obtains the result of blood or genetic tests that indicate that~~ has reason to believe the  
8.27 man who executed the recognition is not the biological father of the child, or within one  
8.28 year of reaching the age of majority, whichever is later. If the court finds a prima facie basis  
8.29 for vacating the recognition, the court shall order the child, mother, father, and husband or  
8.30 former husband who executed a joinder to submit to blood genetic tests. If the court issues  
8.31 an order for the taking of blood genetic tests, the court shall require the party seeking to  
8.32 vacate the recognition to make advance payment for the costs of the blood genetic tests,  
8.33 unless the parties agree and the court finds that the previous genetic test results exclude the

9.1 man who executed the recognition as the biological father of the child. If the party fails to  
9.2 pay for the costs of the ~~blood~~ genetic tests, the court shall dismiss the action to vacate with  
9.3 prejudice. The court may also order the party seeking to vacate the recognition to pay the  
9.4 other party's reasonable attorney fees, costs, and disbursements. If the results of the ~~blood~~  
9.5 genetic tests establish that the man who executed the recognition is not the father, the court  
9.6 shall vacate the recognition. Notwithstanding the vacation of the recognition, the court may  
9.7 adjudicate the man who executed the recognition under any other applicable paternity  
9.8 presumption under section 257.55. If a recognition is vacated, any joinder in the recognition  
9.9 under subdivision 1a is also vacated. The court shall terminate the obligation of a party to  
9.10 pay ongoing child support based on the recognition. A modification of child support based  
9.11 on a recognition may be made retroactive with respect to any period during which the  
9.12 moving party has pending a motion to vacate the recognition but only from the date of  
9.13 service of notice of the motion on the responding party.

9.14 (b) The burden of proof in an action to vacate the recognition is on the moving party.  
9.15 The moving party must request the vacation on the basis of fraud, duress, or material mistake  
9.16 of fact. The legal responsibilities in existence at the time of an action to vacate, including  
9.17 child support obligations, may not be suspended during the proceeding, except for good  
9.18 cause shown.

9.19 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to recognition  
9.20 of parentage signed on or after that date.

9.21 Sec. 5. Minnesota Statutes 2017 Supplement, section 260C.163, subdivision 3, is amended  
9.22 to read:

9.23 Subd. 3. **Appointment of counsel.** (a) The child, parent, guardian or custodian has the  
9.24 right to effective assistance of counsel in connection with a proceeding in juvenile court as  
9.25 provided in this subdivision.

9.26 (b) Except in proceedings where the sole basis for the petition is habitual truancy, if the  
9.27 child desires counsel but is unable to employ it, the court shall appoint counsel to represent  
9.28 the child who is ten years of age or older under section 611.14, clause (4), or other counsel  
9.29 at public expense.

9.30 (c) Except in proceedings where the sole basis for the petition is habitual truancy, if the  
9.31 parent, guardian, or custodian desires counsel but is unable to employ it, the court shall  
9.32 appoint counsel to represent the parent, guardian, or custodian in any case in which it feels  
9.33 that such an appointment is appropriate if the person would be financially unable to obtain

10.1 counsel under the guidelines set forth in section 611.17. Court appointed counsel shall be  
10.2 at county expense as outlined in paragraph (h).

10.3 (d) In any proceeding where the subject of a petition for a child in need of protection or  
10.4 services is ten years of age or older, the responsible social services agency shall, ~~within 14~~  
10.5 ~~days after filing the petition~~ or at the emergency removal hearing under section 260C.178,  
10.6 subdivision 1, ~~if the child is present, fully and effectively~~ or no later than the admit-deny  
10.7 hearing pursuant to Rule 34 of the Minnesota Rules of Juvenile Protection Procedure,  
10.8 inform the child of the child's right to be represented by appointed counsel ~~upon request~~  
10.9 and shall notify the court as to whether the child ~~desired~~ does or does not desire counsel.  
10.10 The agency is not required to inform the child of the right to be represented by appointed  
10.11 counsel if the court has already appointed counsel to represent the child. Information provided  
10.12 to the child shall include, at a minimum, the fact that counsel will be provided without  
10.13 charge to the child, that the child's communications with counsel are confidential, and that  
10.14 the child has the right to participate in all proceedings on a petition, including the opportunity  
10.15 to personally attend all hearings. The responsible social services agency shall also, ~~within~~  
10.16 ~~14 days of the child's tenth birthday, fully and effectively~~ inform the child of the child's  
10.17 right to be represented by counsel no later than the first court hearing after the child's tenth  
10.18 birthday, if the child reaches the age of ten years while the child is the subject of a petition  
10.19 for a child in need of protection or services or is a child under the guardianship of the  
10.20 commissioner.

10.21 (e) In any proceeding where the sole basis for the petition is habitual truancy, the child,  
10.22 parent, guardian, and custodian do not have the right to appointment of a public defender  
10.23 or other counsel at public expense. However, before any out-of-home placement, including  
10.24 foster care or inpatient treatment, can be ordered, the court must appoint a public defender  
10.25 or other counsel at public expense in accordance with this subdivision.

10.26 (f) Counsel for the child shall not also act as the child's guardian ad litem.

10.27 (g) In any proceeding where the subject of a petition for a child in need of protection or  
10.28 services is not represented by an attorney, the court shall determine the child's preferences  
10.29 regarding the proceedings, including informing the child of the right to appointed counsel  
10.30 and asking whether the child desires counsel, if the child is of suitable age to express a  
10.31 preference.

10.32 (h) Court-appointed counsel for the parent, guardian, or custodian under this subdivision  
10.33 is at county expense. If the county has contracted with counsel meeting qualifications under  
10.34 paragraph (i), the court shall appoint the counsel retained by the county, unless a conflict

11.1 of interest exists. If a conflict exists, after consulting with the chief judge of the judicial  
11.2 district or the judge's designee, the county shall contract with competent counsel to provide  
11.3 the necessary representation. The court may appoint only one counsel at public expense for  
11.4 the first court hearing to represent the interests of the parents, guardians, and custodians,  
11.5 unless, at any time during the proceedings upon petition of a party, the court determines  
11.6 and makes written findings on the record that extraordinary circumstances exist that require  
11.7 counsel to be appointed to represent a separate interest of other parents, guardians, or  
11.8 custodians subject to the jurisdiction of the juvenile court.

11.9 (i) Counsel retained by the county under paragraph (h) must meet the qualifications  
11.10 established by the Judicial Council in at least one of the following: (1) has a minimum of  
11.11 two years' experience handling child protection cases; (2) has training in handling child  
11.12 protection cases from a course or courses approved by the Judicial Council; or (3) is  
11.13 supervised by an attorney who meets the minimum qualifications under clause (1) or (2).

11.14 Sec. 6. Minnesota Statutes 2017 Supplement, section 260C.163, subdivision 10, is amended  
11.15 to read:

11.16 Subd. 10. **Waiver.** (a) Waiver of any right which a child has under this chapter must be  
11.17 an express waiver made voluntarily, intelligently, and in writing by the child after the child  
11.18 has been fully and effectively informed of the right to counsel and after consulting with an  
11.19 appointed attorney.

11.20 (b) Waiver of a child's right to be represented by counsel provided ~~under the juvenile~~  
11.21 ~~court rules~~ in subdivision 3, paragraph (b), must be an express waiver made voluntarily,  
11.22 intelligently, and on the record or in writing by the child after the child has been ~~fully and~~  
11.23 ~~effectively~~ informed of the right being waived by the responsible social services agency  
11.24 ~~and~~ in accordance with subdivision 3, paragraph (d), or after consultation with an appointed  
11.25 attorney. In determining whether a child has voluntarily and intelligently waived the right  
11.26 to counsel, the court shall look to the totality of the circumstances which includes but is not  
11.27 limited to the child's age, maturity, intelligence, education, experience, and ability to  
11.28 comprehend, and the presence and competence of the child's parents, guardian, or guardian  
11.29 ad litem. The court shall not permit the child's parent, other person legally responsible for  
11.30 the child's care, or the child's guardian ad litem to waive the child's right to be represented  
11.31 by counsel. If the court accepts the child's waiver, it shall state on the record the findings  
11.32 and conclusions that form the basis for its decision to accept the waiver.

11.33 (c) A child may revoke a waiver under this section at any time in any juvenile protection  
11.34 proceeding listed in section 260C.001, subdivision 1, paragraph (b).

12.1 Sec. 7. Minnesota Statutes 2017 Supplement, section 357.021, subdivision 2, is amended  
12.2 to read:

12.3 Subd. 2. **Fee amounts.** The fees to be charged and collected by the court administrator  
12.4 shall be as follows:

12.5 (1) In every civil action or proceeding in said court, including any case arising under  
12.6 the tax laws of the state that could be transferred or appealed to the Tax Court, the plaintiff,  
12.7 petitioner, or other moving party shall pay, when the first paper is filed for that party in said  
12.8 action, a fee of \$285, except in: (i) marriage dissolution actions the fee is \$315-; and (ii) an  
12.9 action to renew a judgment on a consumer credit transaction as defined in section 491A.01  
12.10 the fee is \$40 when the judgment has not been satisfied and is begun within ten years after  
12.11 the entry of the judgment and the action is brought by the original creditor and not a  
12.12 subsequent assignee of the creditor.

12.13 The defendant or other adverse or intervening party, or any one or more of several  
12.14 defendants or other adverse or intervening parties appearing separately from the others,  
12.15 shall pay, when the first paper is filed for that party in said action, a fee of \$285, except in:  
12.16 (i) marriage dissolution actions the fee is \$315; and (ii) an action to renew a judgment on  
12.17 a consumer credit transaction as defined in section 491A.01 the fee is \$40 when the judgment  
12.18 has not been satisfied and is begun within ten years after the entry of the judgment and the  
12.19 action is brought by the original creditor and not a subsequent assignee of the creditor. This  
12.20 subdivision does not apply to the filing of an Application for Discharge of Judgment. Section  
12.21 548.181 applies to an Application for Discharge of Judgment.

12.22 The party requesting a trial by jury shall pay \$100.

12.23 The fees above stated shall be the full trial fee chargeable to said parties irrespective of  
12.24 whether trial be to the court alone, to the court and jury, or disposed of without trial, and  
12.25 shall include the entry of judgment in the action, but does not include copies or certified  
12.26 copies of any papers so filed or proceedings under chapter 103E, except the provisions  
12.27 therein as to appeals.

12.28 (2) Certified copy of any instrument from a civil or criminal proceeding, \$14, and \$8  
12.29 for an uncertified copy.

12.30 (3) Issuing a subpoena, \$16 for each name.

12.31 (4) Filing a motion or response to a motion in civil, family, excluding child support, and  
12.32 guardianship cases, \$75.

13.1 (5) Issuing an execution and filing the return thereof; issuing a writ of attachment,  
13.2 injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically  
13.3 mentioned, \$55.

13.4 (6) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment  
13.5 from another court, \$40.

13.6 (7) Filing and entering a satisfaction of judgment, partial satisfaction, or assignment of  
13.7 judgment, \$5.

13.8 (8) Certificate as to existence or nonexistence of judgments docketed, \$5 for each name  
13.9 certified to.

13.10 (9) Filing and indexing trade name; or recording basic science certificate; or recording  
13.11 certificate of physicians, osteopathic physicians, chiropractors, veterinarians, or optometrists,  
13.12 \$5.

13.13 (10) For the filing of each partial, final, or annual account in all trusteeships, \$55.

13.14 (11) For the deposit of a will, \$27.

13.15 (12) For recording notary commission, \$20.

13.16 (13) Filing a motion or response to a motion for modification of child support, a fee of  
13.17 \$50.

13.18 (14) All other services required by law for which no fee is provided, such fee as compares  
13.19 favorably with those herein provided, or such as may be fixed by rule or order of the court.

13.20 (15) In addition to any other filing fees under this chapter, a surcharge in the amount of  
13.21 \$75 must be assessed in accordance with section 259.52, subdivision 14, for each adoption  
13.22 petition filed in district court to fund the fathers' adoption registry under section 259.52.

13.23 The fees in clauses (3) and (5) need not be paid by a public authority or the party the  
13.24 public authority represents.

13.25 Sec. 8. Minnesota Statutes 2016, section 518.145, subdivision 2, is amended to read:

13.26 Subd. 2. **Reopening.** On motion and upon terms as are just, the court may relieve a party  
13.27 from a judgment and decree, order, or proceeding under this chapter, except for provisions  
13.28 dissolving the bonds of marriage, annulling the marriage, or directing that the parties are  
13.29 legally separated, and may order a new trial or grant other relief as may be just for the  
13.30 following reasons:

13.31 (1) mistake, inadvertence, surprise, or excusable neglect;

14.1 (2) newly discovered evidence which by due diligence could not have been discovered  
14.2 in time to move for a new trial under the Rules of Civil Procedure, rule 59.03;

14.3 (3) fraud, whether denominated intrinsic or extrinsic, misrepresentation, or other  
14.4 misconduct of an adverse party;

14.5 (4) the judgment and decree or order is void; or

14.6 (5) the judgment has been satisfied, released, or discharged, or a prior judgment and  
14.7 decree or order upon which it is based has been reversed or otherwise vacated, or it is no  
14.8 longer equitable that the judgment and decree or order should have prospective application.

14.9 The motion must be made within a reasonable time, and for a reason under clause (1),  
14.10 (2), or (3), other than a motion to declare the nonexistence of the father-child relationship,  
14.11 not more than one year after the judgment and decree, order, or proceeding was entered or  
14.12 taken. An action to declare the nonexistence of the father-child relationship must be made  
14.13 within a reasonable time under clause (1), (2), or (3), and not more than three years after  
14.14 the person bringing the action has reason to believe that the father is not the father of the  
14.15 child. A motion under this subdivision does not affect the finality of a judgment and decree  
14.16 or order or suspend its operation. This subdivision does not limit the power of a court to  
14.17 entertain an independent action to relieve a party from a judgment and decree, order, or  
14.18 proceeding or to grant relief to a party not actually personally notified as provided in the  
14.19 Rules of Civil Procedure, or to set aside a judgment for fraud upon the court.

14.20 Sec. 9. Minnesota Statutes 2016, section 549.09, subdivision 1, is amended to read:

14.21 Subdivision 1. **When owed; rate.** (a) When a judgment or award is for the recovery of  
14.22 money, including a judgment for the recovery of taxes, interest from the time of the verdict,  
14.23 award, or report until judgment is finally entered shall be computed by the court administrator  
14.24 or arbitrator as provided in paragraph (c), clause (1), regardless of the amount and added  
14.25 to the judgment or award.

14.26 (b) Except as otherwise provided by contract or allowed by law, preverdict, preaward,  
14.27 or prereport interest on pecuniary damages shall be computed as provided in paragraph (c),  
14.28 clause (1), regardless of the amount from the time of the commencement of the action or a  
14.29 demand for arbitration, or the time of a written notice of claim, whichever occurs first,  
14.30 except as provided herein. The action must be commenced within two years of a written  
14.31 notice of claim for interest to begin to accrue from the time of the notice of claim. If either  
14.32 party serves a written offer of settlement, the other party may serve a written acceptance or  
14.33 a written counteroffer within 30 days. After that time, interest on the judgment or award

15.1 shall be calculated by the judge or arbitrator in the following manner. The prevailing party  
15.2 shall receive interest on any judgment or award from the time of commencement of the  
15.3 action or a demand for arbitration, or the time of a written notice of claim, or as to special  
15.4 damages from the time when special damages were incurred, if later, until the time of verdict,  
15.5 award, or report only if the amount of its offer is closer to the judgment or award than the  
15.6 amount of the opposing party's offer. If the amount of the losing party's offer was closer to  
15.7 the judgment or award than the prevailing party's offer, the prevailing party shall receive  
15.8 interest only on the amount of the settlement offer or the judgment or award, whichever is  
15.9 less, and only from the time of commencement of the action or a demand for arbitration, or  
15.10 the time of a written notice of claim, or as to special damages from when the special damages  
15.11 were incurred, if later, until the time the settlement offer was made. Subsequent offers and  
15.12 counteroffers supersede the legal effect of earlier offers and counteroffers. For the purposes  
15.13 of clause (2), the amount of settlement offer must be allocated between past and future  
15.14 damages in the same proportion as determined by the trier of fact. Except as otherwise  
15.15 provided by contract or allowed by law, preverdict, preaward, or prereport interest shall not  
15.16 be awarded on the following:

15.17 (1) judgments, awards, or benefits in workers' compensation cases, but not including  
15.18 third-party actions;

15.19 (2) judgments or awards for future damages;

15.20 (3) punitive damages, fines, or other damages that are noncompensatory in nature;

15.21 (4) judgments or awards not in excess of the amount specified in section 491A.01; and

15.22 (5) that portion of any verdict, award, or report which is founded upon interest, or costs,  
15.23 disbursements, attorney fees, or other similar items added by the court or arbitrator.

15.24 (c)(1)(i) For interest that accrues before a judgment is final, a judgment or award of  
15.25 \$50,000 or less, or a judgment or award for or against the state or a political subdivision of  
15.26 the state, regardless of the amount, or a judgment or award in a family court action, regardless  
15.27 of the amount, the interest shall be computed as simple interest per annum. The rate of  
15.28 interest shall be based on the secondary market yield of one year United States Treasury  
15.29 bills, calculated on a bank discount basis as provided in this section.

15.30 On or before the 20th day of December of each year the state court administrator shall  
15.31 determine the rate from the one-year constant maturity treasury yield for the most recent  
15.32 calendar month, reported on a monthly basis in the latest statistical release of the board of  
15.33 governors of the Federal Reserve System. This yield, rounded to the nearest one percent,  
15.34 or four percent, whichever is greater, shall be the annual interest rate during the succeeding

16.1 calendar year. The state court administrator shall communicate the interest rates to the court  
16.2 administrators and sheriffs for use in computing the interest on verdicts and shall make the  
16.3 interest rates available to arbitrators.

16.4 This item applies to any section that references section 549.09 by citation for the purposes  
16.5 of computing an interest rate on any amount owed to or by the state or a political subdivision  
16.6 of the state, regardless of the amount.

16.7 (ii) The court, in a family court action, may order a lower interest rate or no interest rate  
16.8 if the parties agree or if the court makes findings explaining why application of a lower  
16.9 interest rate or no interest rate is necessary to avoid causing an unfair hardship to the debtor.  
16.10 This item does not apply to child support or spousal maintenance judgments subject to  
16.11 section 548.091.

16.12 (2) For a judgment or award over \$50,000, other than a judgment or award for or against  
16.13 the state or a political subdivision of the state or a judgment or award in a family court  
16.14 action, the interest rate shall be ten percent per year until paid.

16.15 (3) When a judgment creditor, or the judgment creditor's attorney or agent, has received  
16.16 a payment after entry of judgment, whether the payment is made voluntarily by or on behalf  
16.17 of the judgment debtor, or is collected by legal process other than execution levy where a  
16.18 proper return has been filed with the court administrator, the judgment creditor, or the  
16.19 judgment creditor's attorney, before applying to the court administrator for an execution  
16.20 shall file with the court administrator an affidavit of partial satisfaction. The affidavit must  
16.21 state the dates and amounts of payments made upon the judgment after the most recent  
16.22 affidavit of partial satisfaction filed, if any; the part of each payment that is applied to taxable  
16.23 disbursements and to accrued interest and to the unpaid principal balance of the judgment;  
16.24 and the accrued, but the unpaid interest owing, if any, after application of each payment.

16.25 (d) This section does not apply to arbitrations between employers and employees under  
16.26 chapter 179 or 179A. An arbitrator is neither required to nor prohibited from awarding  
16.27 interest under chapter 179 or under section 179A.16 for essential employees.

16.28 (e) For purposes of this subdivision:

16.29 (1) "state" includes a department, board, agency, commission, court, or other entity in  
16.30 the executive, legislative, or judicial branch of the state; and

16.31 (2) "political subdivision" includes a town, statutory or home rule charter city, county,  
16.32 school district, or any other political subdivision of the state.

17.1 (f) This section does not apply to a judgment or award upon which interest is entitled  
17.2 to be recovered under section 60A.0811.

17.3 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to judgments  
17.4 and awards entered on or after that date.

17.5 Sec. 10. Minnesota Statutes 2016, section 590.11, subdivision 1, is amended to read:

17.6 Subdivision 1. ~~Definition~~ Definitions. (a) For purposes of this section, the following  
17.7 terms have the meanings given.

17.8 (b) "Exonerated" means that:

17.9 (1) a court ~~of this state~~:

17.10 (i) vacated ~~or~~ reversed, or set aside a judgment of conviction on grounds consistent with  
17.11 innocence and there are no remaining felony charges in effect against the petitioner from  
17.12 the same behavioral incident, or if there are remaining felony charges against the petitioner  
17.13 from the same behavioral incident, the prosecutor ~~dismissed the~~ dismisses those remaining  
17.14 felony charges; or

17.15 (ii) ordered a new trial on grounds consistent with innocence and the prosecutor dismissed  
17.16 the charges or the petitioner was found not guilty at the new trial all felony charges against  
17.17 the petitioner arising from the same behavioral incident or the petitioner was found not  
17.18 guilty of all felony charges arising from the same behavioral incident at the new trial; ~~and~~

17.19 (2) the time for appeal of the order resulting in exoneration has expired or the order has  
17.20 been affirmed and is final; ~~and~~

17.21 (3) 60 days has passed since the judgment of conviction was reversed or vacated, and  
17.22 the prosecutor has not filed any felony charges against the petitioner from the same behavioral  
17.23 incident, or if the prosecutor did file felony charges against the petitioner from the same  
17.24 behavioral incident, those felony charges were dismissed or the defendant was found not  
17.25 guilty of those charges at the new trial.

17.26 (c) "On grounds consistent with innocence" means either:

17.27 (1) exonerated, through a pardon or sentence commutation, based on factual innocence;  
17.28 or

17.29 (2) exonerated because the judgment of conviction was vacated or reversed and there is  
17.30 any evidence of factual innocence whether it was available at the time of investigation or  
17.31 trial or is newly discovered evidence.

18.1 **EFFECTIVE DATE.** This section is effective July 1, 2018.

18.2 Sec. 11. Minnesota Statutes 2016, section 590.11, subdivision 2, is amended to read:

18.3 Subd. 2. **Procedure.** A petition for an order declaring eligibility for compensation based  
18.4 on exoneration under sections 611.362 to 611.368 must be brought before the district court  
18.5 where the original conviction was obtained. The state must be represented by the office of  
18.6 the prosecutor that obtained the conviction or the prosecutor's successor. Within 60 days  
18.7 after the filing of the petition, the prosecutor must respond to the petition. A petition must  
18.8 be brought within two years, but no less than 60 days after the petitioner is exonerated.

18.9 ~~Persons released from custody after being exonerated before July 1, 2014, must commence~~  
18.10 ~~an action under this section within two years of July 1, 2014.~~ If, before July 1, 2018, a person  
18.11 did not meet both requirements of Minnesota Statutes 2016, section 590.11, subdivision 1,  
18.12 paragraph (b), clause (1), item (i), and did not file a petition or the petition was denied, that  
18.13 person may commence an action meeting the requirements under section 10, subdivision  
18.14 1, paragraph (b), clause (1), item (i), on or after July 1, 2018, and before July 1, 2020.

18.15 **EFFECTIVE DATE.** This section is effective July 1, 2018.

18.16 Sec. 12. Minnesota Statutes 2016, section 590.11, subdivision 5, is amended to read:

18.17 Subd. 5. **Elements.** (a) A claim for compensation arises if a person is eligible for  
18.18 compensation under subdivision 3 and:

18.19 (1) the person was convicted of a felony and served any part of the imposed sentence  
18.20 ~~in prison;~~

18.21 (2) in cases where the person was convicted of multiple charges arising out of the same  
18.22 behavioral incident, the person was exonerated for all of those charges;

18.23 (3) the person did not commit or induce another person to commit perjury or fabricate  
18.24 evidence to cause or bring about the conviction; and

18.25 (4) the person was not serving a term of ~~imprisonment~~ incarceration for another crime  
18.26 at the same time, ~~provided that~~ except:

18.27 (i) if the person served additional time in prison due to the conviction that is the basis  
18.28 of the claim, the person may make a claim for that portion of time served in prison during  
18.29 which the person was serving no other sentence; or

19.1 (ii) if the person served additional executed sentences that had been previously stayed,  
19.2 and the reason the additional stayed sentences were executed was due to the conviction that  
19.3 is the basis for the claim.

19.4 (b) A claimant may make a claim only for that portion of time served in prison during  
19.5 which the claimant was serving no other sentence.

19.6 (c) A confession or admission later found to be false or a guilty plea to a crime the  
19.7 claimant did not commit does not constitute bringing about the claimant's conviction for  
19.8 purposes of paragraph (a), clause (3).

19.9 **EFFECTIVE DATE.** This section is effective July 1, 2018.

19.10 Sec. 13. Minnesota Statutes 2016, section 590.11, subdivision 7, is amended to read:

19.11 Subd. 7. **Order.** If, after considering all the files and records admitted and any evidence  
19.12 admitted at a hearing held pursuant to subdivision 4, the court determines that the petitioner  
19.13 is eligible for compensation, the court shall issue an order containing its findings and, if  
19.14 applicable, indicate the portion of the term of ~~imprisonment~~ incarceration for which the  
19.15 petitioner is entitled to make a claim. The court shall notify the petitioner of the right to file  
19.16 a claim for compensation under sections 611.362 to 611.368 and provide the petitioner with  
19.17 a copy of those sections. The petitioner must acknowledge receipt of the notice and a copy  
19.18 of those sections in writing or on the record before the court.

19.19 **EFFECTIVE DATE.** This section is effective July 1, 2018.

19.20 Sec. 14. Minnesota Statutes 2016, section 609.015, subdivision 1, is amended to read:

19.21 Subdivision 1. **Common law crimes abolished.** Common law crimes are abolished and  
19.22 no act or omission is a crime unless made so by this chapter or by other applicable statute;  
19.23 ~~but~~. This does not prevent the use of common law rules in the construction or interpretation  
19.24 of the provisions of this chapter or other statute except that a law reducing a sentence does  
19.25 not apply to crimes committed prior to the date on which the change takes effect unless the  
19.26 statute specifically states otherwise. Crimes committed prior to September 1, 1963, are not  
19.27 affected thereby.

19.28 **EFFECTIVE DATE.** This act is effective the day following final enactment.

19.29 Sec. 15. Minnesota Statutes 2016, section 611.365, subdivision 2, is amended to read:

19.30 Subd. 2. **Reimbursement; monetary damages; attorney fees.** (a) The claimant is  
19.31 entitled to reimbursement for all restitution, assessments, fees, court costs, and other sums

20.1 paid by the claimant as required by the judgment and sentence. In addition, the claimant is  
20.2 entitled to monetary damages of not less than \$50,000 or more than \$100,000 for each year  
20.3 of ~~imprisonment~~ incarceration, and not less than \$25,000 for each year served on supervised  
20.4 release or as a registered predatory offender, to be prorated for partial years served. In  
20.5 calculating additional monetary damages, the panel shall consider:

20.6 (1) economic damages, including reasonable attorney fees, lost wages, reimbursement  
20.7 for costs associated with the claimant's criminal defense;

20.8 (2) reimbursement for medical and dental expenses that the claimant already incurred  
20.9 and future unpaid expenses expected to be incurred as a result of the claimant's ~~imprisonment~~  
20.10 incarceration;

20.11 (3) noneconomic damages for personal physical injuries or sickness and any nonphysical  
20.12 injuries or sickness incurred as a result of ~~imprisonment~~ incarceration;

20.13 (4) reimbursement for any tuition and fees paid for each semester successfully completed  
20.14 by the claimant in an educational program or for employment skills and development training,  
20.15 up to the equivalent value of a four-year degree at a public university, and reasonable  
20.16 payment for future unpaid costs for education and training, not to exceed the anticipated  
20.17 cost of a four-year degree at a public university;

20.18 (5) reimbursement for paid or unpaid child support payments owed by the claimant that  
20.19 became due, and interest on child support arrearages that accrued, during the time served  
20.20 in prison provided that there shall be no reimbursement for any child support payments  
20.21 already owed before the claimant's incarceration; and

20.22 (6) reimbursement for reasonable costs of paid or unpaid reintegrative expenses for  
20.23 immediate services secured by the claimant upon exoneration and release, including housing,  
20.24 transportation and subsistence, reintegrative services, and medical and dental health care  
20.25 costs.

20.26 (b) The panel shall award the claimant reasonable attorney fees incurred in bringing a  
20.27 claim under sections 611.362 to 611.368 and in obtaining an order of eligibility for  
20.28 compensation based on exoneration under chapter 590.

20.29 **EFFECTIVE DATE.** This section is effective July 1, 2018.

20.30 Sec. 16. Minnesota Statutes 2016, section 611.365, subdivision 3, is amended to read:

20.31 Subd. 3. **Limits on damages.** There is no limit on the aggregate amount of damages  
20.32 that may be awarded under this section. Damages that may be awarded under subdivision

21.1 2, paragraph (a), clauses (1) and (4) to (6), are limited to \$100,000 per year of ~~imprisonment~~  
21.2 incarceration and \$50,000 per year served on supervised release or as a registered predatory  
21.3 offender.

21.4 **EFFECTIVE DATE.** This section is effective July 1, 2018.

21.5 Sec. 17. Minnesota Statutes 2016, section 611.367, is amended to read:

21.6 **611.367 COMPENSATING EXONERATED PERSONS; APPROPRIATIONS**  
21.7 **PROCESS.**

21.8 The compensation panel established in section 611.363 shall forward an award of damages  
21.9 under section 611.365 to the commissioner of management and budget. The commissioner  
21.10 shall submit the amount of the award to the legislature for consideration as an appropriation  
21.11 ~~during the next session of the legislature.~~

21.12 **EFFECTIVE DATE.** This section is effective July 1, 2018.

21.13 Sec. 18. Minnesota Statutes 2016, section 611.368, is amended to read:

21.14 **611.368 SHORT TITLE.**

21.15 Sections 611.362 to 611.368 shall be cited as the "~~Imprisonment~~ Incarceration and  
21.16 Exoneration Remedies Act."

21.17 **EFFECTIVE DATE.** This section is effective July 1, 2018.

21.18 Sec. 19. Minnesota Statutes 2016, section 626A.08, subdivision 2, is amended to read:

21.19 Subd. 2. **Application and orders.** (a) Applications made and warrants issued under this  
21.20 chapter shall be sealed by the judge. Custody of the applications and orders shall be wherever  
21.21 the judge directs. Such applications and orders shall be disclosed only upon a showing of  
21.22 good cause before a judge of the district court and shall not be destroyed except on order  
21.23 of the issuing or denying judge, and in any event shall be kept for ten years.

21.24 (b) Notwithstanding paragraph (a), the filing, sealing, and reporting requirements for  
21.25 applications made and warrants issued under this chapter that involve location information  
21.26 of electronic devices, as defined in section 626A.42, are governed by section 626A.42,  
21.27 subdivision 4. However, applications and warrants, or portions of applications and warrants,  
21.28 that do not involve location information of electronic devices continue to be governed by  
21.29 paragraph (a).

22.1 Sec. 20. Minnesota Statutes 2016, section 626A.37, subdivision 4, is amended to read:

22.2 Subd. 4. **Nondisclosure of existence of pen register, trap and trace device, or mobile**  
 22.3 **tracking device.** (a) An order authorizing or approving the installation and use of a pen  
 22.4 register, trap and trace device, or a mobile tracking device must direct that:

22.5 (1) the order be sealed until otherwise ordered by the court; and

22.6 (2) the person owning or leasing the line to which the pen register or a trap and trace  
 22.7 device is attached, or who has been ordered by the court to provide assistance to the applicant,  
 22.8 not disclose the existence of the pen register, trap and trace device, mobile tracking device,  
 22.9 or the existence of the investigation to the listed subscriber, or to any other person, unless  
 22.10 or until otherwise ordered by the court.

22.11 (b) Paragraph (a) does not apply to an order that involves location information of  
 22.12 electronic devices, as defined in section 626A.42. Instead, the filing, sealing, and reporting  
 22.13 requirements for those orders are governed by section 626A.42, subdivision 4. However,  
 22.14 any portion of an order that does not involve location information of electronic devices  
 22.15 continues to be governed by paragraph (a).

22.16 Sec. 21. **[631.011] LIMITATIONS ON RECORDING OR BROADCASTING**  
 22.17 **CRIMINAL PROCEEDINGS.**

22.18 Except as otherwise provided in this subdivision, no person may record or broadcast  
 22.19 any criminal matter, including a trial, hearing, motion, or argument, absent the express  
 22.20 consent of the defendant and the victim. This prohibition applies to the use of television,  
 22.21 radio, audio, photographic, or other recording equipment. This prohibition does not apply  
 22.22 to the use of electronic, photographic, or other recording equipment approved by the court  
 22.23 for purposes of making the court record, including closed-circuit interactive television.

## 22.24 ARTICLE 3

### 22.25 PUBLIC SAFETY AND CORRECTIONS

22.26 Section 1. Minnesota Statutes 2016, section 168B.16, is amended to read:

22.27 **168B.16 FLASHING LIGHT ON TOW TRUCK.**

22.28 (a) A tow truck or towing vehicle must be equipped with flashing or intermittent red  
 22.29 and amber lights of a type approved by the commissioner of public safety. A tow truck or  
 22.30 towing vehicle may be equipped with a blue light, subject to the limitations under section  
 22.31 169.64, subdivision 4, paragraphs (a) and (b). The lights must be placed on the dome of the  
 22.32 vehicle at the highest practicable point visible from a distance of 500 feet.

23.1 (b) The flashing red light, blue light, or both must be displayed only when the tow truck  
 23.2 or towing vehicle is stopped and engaged in emergency service on or near the traveled  
 23.3 portion of a highway. The flashing amber light may be displayed when the tow truck or  
 23.4 towing vehicle is moving a disabled vehicle.

23.5 Sec. 2. Minnesota Statutes 2016, section 169.64, subdivision 4, is amended to read:

23.6 Subd. 4. **Blue light.** (a) Except as provided in paragraphs (b) to (d), blue lights are  
 23.7 prohibited on all vehicles except road maintenance equipment ~~and~~ snow removal equipment,  
 23.8 or a tow truck or towing vehicle operated by or under contract to the state or a political  
 23.9 subdivision thereof.

23.10 (b) Authorized emergency vehicles may display flashing blue lights to the rear of the  
 23.11 vehicle as a warning signal in combination with other lights permitted or required by this  
 23.12 chapter. In addition, authorized emergency vehicles may display, mounted on the passenger  
 23.13 side only, flashing blue lights to the front of the vehicle as a warning signal in combination  
 23.14 with other lights permitted or required by this chapter.

23.15 (c) A motorcycle may display a blue light of up to one-inch diameter as part of the  
 23.16 motorcycle's rear brake light.

23.17 (d) A motor vehicle may display a blue light of up to one-inch diameter as part of the  
 23.18 vehicle's rear brake light if:

23.19 (1) the vehicle is a collector vehicle, as described in section 168.10; or

23.20 (2) the vehicle is eligible to display a collector plate under section 168.10.

23.21 Sec. 3. Minnesota Statutes 2016, section 169.92, subdivision 4, is amended to read:

23.22 Subd. 4. **Suspension of driver's license.** (a) Upon receiving a report from the court, or  
 23.23 from the driver licensing authority of a state, district, territory, or possession of the United  
 23.24 States or a province of a foreign country which has an agreement in effect with this state  
 23.25 pursuant to section 169.91, that a resident of this state or a person licensed as a driver in  
 23.26 this state did not appear in court in compliance with the terms of a citation, the commissioner  
 23.27 of public safety shall notify the driver that the driver's license will be suspended unless the  
 23.28 commissioner receives notice within 30 days that the driver has appeared in the appropriate  
 23.29 court ~~or, if the offense is a petty misdemeanor for which a guilty plea was entered under~~  
 23.30 ~~section 609.491, that the person has paid any fine imposed by the court.~~ If the commissioner  
 23.31 does not receive notice of the appearance in the appropriate court ~~or payment of the fine~~  
 23.32 within 30 days of the date of the commissioner's notice to the driver, the commissioner may

24.1 suspend the driver's license, subject to the notice requirements of section 171.18, subdivision  
24.2 2. Notwithstanding the requirements in this section, the commissioner is prohibited from  
24.3 suspending the driver's license of a person based solely on the fact that the person did not  
24.4 appear in court in compliance with the terms of a citation for a petty misdemeanor or for a  
24.5 violation of section 171.24, subdivision 1.

24.6 (b) The order of suspension shall indicate the reason for the order and shall notify the  
24.7 driver that the driver's license shall remain suspended until the driver has furnished evidence,  
24.8 satisfactory to the commissioner, of compliance with any order entered by the court.

24.9 (c) Suspension shall be ordered under this subdivision only when the report clearly  
24.10 identifies the person arrested; describes the violation, specifying the section of the traffic  
24.11 law, ordinance or rule violated; indicates the location and date of the offense; and describes  
24.12 the vehicle involved and its registration number.

24.13 Sec. 4. Minnesota Statutes 2016, section 171.16, subdivision 2, is amended to read:

24.14 Subd. 2. **Commissioner shall suspend.** (a) The court may recommend the suspension  
24.15 of the driver's license of the person so convicted, and the commissioner shall suspend such  
24.16 license as recommended by the court, without a hearing ~~as provided herein.~~

24.17 (b) The commissioner is prohibited from suspending a person's driver's license if the  
24.18 person was convicted only under section 171.24, subdivision 1 or 2.

24.19 Sec. 5. Minnesota Statutes 2016, section 171.16, subdivision 3, is amended to read:

24.20 Subd. 3. ~~**Suspension for Failure to pay fine.** When any court reports to~~ The  
24.21 commissioner must not suspend a person's driver's license based solely on the fact that a  
24.22 person: (1) has been convicted of violating a law of this state or an ordinance of a political  
24.23 subdivision which regulates the operation or parking of motor vehicles, (2) has been  
24.24 sentenced to the payment of a fine or had a surcharge levied against that person, or sentenced  
24.25 to a fine upon which a surcharge was levied, and (3) has refused or failed to comply with  
24.26 that sentence or to pay the surcharge, ~~notwithstanding the fact that the court has determined~~  
24.27 ~~that the person has the ability to pay the fine or surcharge, the commissioner shall suspend~~  
24.28 ~~the driver's license of such person for 30 days for a refusal or failure to pay or until notified~~  
24.29 ~~by the court that the fine or surcharge, or both if a fine and surcharge were not paid, has~~  
24.30 ~~been paid.~~

25.1 Sec. 6. Minnesota Statutes 2016, section 171.18, subdivision 1, is amended to read:

25.2 Subdivision 1. **Offenses.** (a) The commissioner may suspend the license of a driver  
25.3 without preliminary hearing upon a showing by department records or other sufficient  
25.4 evidence that the licensee:

25.5 (1) has committed an offense for which mandatory revocation of license is required upon  
25.6 conviction;

25.7 (2) has been convicted by a court for violating a provision of chapter 169 or an ordinance  
25.8 regulating traffic, other than a conviction for a petty misdemeanor, and department records  
25.9 show that the violation contributed in causing an accident resulting in the death or personal  
25.10 injury of another, or serious property damage;

25.11 (3) is an habitually reckless or negligent driver of a motor vehicle;

25.12 (4) is an habitual violator of the traffic laws;

25.13 (5) is incompetent to drive a motor vehicle as determined in a judicial proceeding;

25.14 (6) has permitted an unlawful or fraudulent use of the license;

25.15 (7) has committed an offense in another state that, if committed in this state, would be  
25.16 grounds for suspension;

25.17 (8) has committed a violation of section 169.444, subdivision 2, paragraph (a), within  
25.18 five years of a prior conviction under that section;

25.19 (9) has committed a violation of section 171.22, except that the commissioner may not  
25.20 suspend a person's driver's license based solely on the fact that the person possessed a  
25.21 fictitious or fraudulently altered Minnesota identification card;

25.22 (10) has failed to appear in court as provided in section 169.92, subdivision 4;

25.23 (11) has failed to report a medical condition that, if reported, would have resulted in  
25.24 cancellation of driving privileges;

25.25 (12) has been found to have committed an offense under section 169A.33; or

25.26 (13) has paid or attempted to pay a fee required under this chapter for a license or permit  
25.27 by means of a dishonored check issued to the state or a driver's license agent, which must  
25.28 be continued until the registrar determines or is informed by the agent that the dishonored  
25.29 check has been paid in full.

25.30 However, an action taken by the commissioner under clause (2) or (5) must conform to the  
25.31 recommendation of the court when made in connection with the prosecution of the licensee.

26.1 (b) The commissioner ~~may not suspend~~ is prohibited from suspending the driver's license  
26.2 of an individual under paragraph (a) who was convicted of a violation of section 171.24,  
26.3 subdivision 1, ~~whose license was under suspension at the time solely because of the~~  
26.4 ~~individual's failure to appear in court or failure to pay a fine~~ or 2.

26.5 Sec. 7. Minnesota Statutes 2017 Supplement, section 171.3215, subdivision 2, is amended  
26.6 to read:

26.7 Subd. 2. **Cancellation for disqualifying and other offenses.** Within ten days of receiving  
26.8 notice under section 631.40, subdivision 1a, or otherwise receiving notice for a nonresident  
26.9 driver, that a school bus driver has been convicted of, or received a stay of adjudication for,  
26.10 a disqualifying offense, the commissioner shall permanently cancel the school bus driver's  
26.11 endorsement on the offender's driver's license and in the case of a nonresident, the driver's  
26.12 privilege to operate a school bus in Minnesota. A school bus driver whose endorsement or  
26.13 privilege to operate a school bus in Minnesota has been permanently canceled may not  
26.14 apply for reinstatement. Within ten days of receiving notice under section 631.40, subdivision  
26.15 1a, or otherwise receiving notice for a nonresident driver, that a school bus driver has been  
26.16 convicted of a violation of section 169A.20, or a similar statute or ordinance from another  
26.17 state, and within ten days of revoking a school bus driver's license under section 169A.52  
26.18 or 171.177, the commissioner shall cancel the school bus driver's endorsement on the  
26.19 offender's driver's license or the nonresident's privilege to operate a school bus in Minnesota  
26.20 for five years. After five years, a school bus driver may apply to the commissioner for  
26.21 reinstatement. Even after five years, cancellation of a school bus driver's endorsement or a  
26.22 nonresident's privilege to operate a school bus in Minnesota for a violation under section  
26.23 169A.20, sections 169A.50 to 169A.53, section 171.177, or a similar statute or ordinance  
26.24 from another state, shall remain in effect until the driver provides proof of successful  
26.25 completion of an alcohol or controlled substance treatment program. For a first offense,  
26.26 proof of completion is required only if treatment was ordered as part of a chemical use  
26.27 assessment. Within ten days of receiving notice under section 631.40, subdivision 1a, or  
26.28 otherwise receiving notice for a nonresident driver, that a school bus driver has been  
26.29 convicted of a fourth moving violation in the last three years, the commissioner shall cancel  
26.30 the school bus driver's endorsement on the offender's driver's license or the nonresident's  
26.31 privilege to operate a school bus in Minnesota until one year has elapsed since the last  
26.32 conviction. A school bus driver who has no new convictions after one year may apply for  
26.33 reinstatement. Upon canceling the offender's school bus driver's endorsement, the  
26.34 commissioner shall immediately notify the licensed offender of the cancellation in writing,

27.1 by depositing in the United States post office a notice addressed to the licensed offender at  
27.2 the licensed offender's last known address, with postage prepaid thereon.

27.3 Sec. 8. Minnesota Statutes 2017 Supplement, section 171.3215, subdivision 3, is amended  
27.4 to read:

27.5 Subd. 3. **Background check.** Before issuing or renewing a driver's license with a school  
27.6 bus driver's endorsement, the commissioner shall conduct an investigation to determine if  
27.7 the applicant has been convicted of, or received a stay of adjudication for, committing a  
27.8 disqualifying offense, four moving violations in the previous three years, a violation of  
27.9 section 169A.20 or a similar statute or ordinance from another state, a gross misdemeanor,  
27.10 or if the applicant's driver's license has been revoked under section 169A.52 or 171.177.  
27.11 The commissioner shall not issue a new bus driver's endorsement and shall not renew an  
27.12 existing bus driver's endorsement if the applicant has been convicted of committing a  
27.13 disqualifying offense. The commissioner shall not issue a new bus driver's endorsement  
27.14 and shall not renew an existing bus driver's endorsement if, within the previous five years,  
27.15 the applicant has been convicted of committing a violation of section 169A.20, or a similar  
27.16 statute or ordinance from another state, a gross misdemeanor, or if the applicant's driver's  
27.17 license has been revoked under section 169A.52 or 171.177, or if, within the previous three  
27.18 years, the applicant has been convicted of four moving violations. An applicant who has  
27.19 been convicted of violating section 169A.20, or a similar statute or ordinance from another  
27.20 state, or who has had a license revocation under section 169A.52 or 171.177 within the  
27.21 previous ten years must show proof of successful completion of an alcohol or controlled  
27.22 substance treatment program in order to receive a bus driver's endorsement. For a first  
27.23 offense, proof of completion is required only if treatment was ordered as part of a chemical  
27.24 use assessment. A school district or contractor that employs a nonresident school bus driver  
27.25 must conduct a background check of the employee's driving record and criminal history in  
27.26 both Minnesota and the driver's state of residence. Convictions for disqualifying offenses,  
27.27 gross misdemeanors, a fourth moving violation within the previous three years, or violations  
27.28 of section 169A.20, or a similar statute or ordinance in another state, must be reported to  
27.29 the Department of Public Safety.

27.30 Sec. 9. Minnesota Statutes 2016, section 242.192, is amended to read:

27.31 **242.192 CHARGES TO COUNTIES.**

27.32 The commissioner shall charge counties or other appropriate jurisdictions 65 percent of  
27.33 the per diem cost of confinement, excluding educational costs and nonbillable service, of

28.1 juveniles at the Minnesota Correctional Facility-Red Wing and of juvenile females committed  
28.2 to the commissioner of corrections. This charge applies to juveniles committed to the  
28.3 commissioner of corrections and juveniles admitted to the Minnesota Correctional  
28.4 Facility-Red Wing under established admissions criteria. This charge applies to both counties  
28.5 that participate in the Community Corrections Act and those that do not. The commissioner  
28.6 shall determine the per diem cost of confinement based on projected population, pricing  
28.7 incentives, and market conditions,~~and the requirement that expense and revenue balance~~  
28.8 ~~out over a period of two years.~~ All money received under this section must be deposited in  
28.9 the state treasury and credited to the general fund.

28.10 Sec. 10. **[243.521] ADMINISTRATIVE AND DISCIPLINARY SEGREGATION**  
28.11 **REPORT.**

28.12 By January 15, 2019, and by January 15 each year thereafter, the commissioner of  
28.13 corrections shall report to the chairs and ranking minority members of the house of  
28.14 representatives and senate committees with jurisdiction over public safety and judiciary on  
28.15 administrative and disciplinary segregation. This report shall include, but not be limited to,  
28.16 data regarding:

28.17 (1) the number of inmates in each institution placed in segregation during the past year;

28.18 (2) the ages of inmates placed in segregation during the past year;

28.19 (3) the number of inmates transferred from segregation to the mental health treatment  
28.20 unit;

28.21 (4) the nature of the infractions leading to the use of segregation;

28.22 (5) the lengths of terms served in segregation, including terms served consecutively;

28.23 (6) any incidents of inmates not receiving at least five hours a week out of cell; and

28.24 (7) the number of inmates convicted of assault while confined and the number of this  
28.25 group of inmates who receive consecutive sentences, as required under section 609.2232.

28.26 Sec. 11. **[299A.90] TASK FORCE ON MISSING AND MURDERED INDIGENOUS**  
28.27 **WOMEN.**

28.28 Subdivision 1. **Creation and duties.** (a) By September 1, 2018, the commissioner, in  
28.29 consultation with the Minnesota Indian Affairs Council, shall appoint members to the Task  
28.30 Force on Missing and Murdered Indigenous Women to advise the commissioner and report  
28.31 to the legislature on recommendations to reduce and end violence against indigenous women

29.1 and girls in Minnesota. The task force shall also serve as a liaison between the commissioner  
29.2 and agencies and nongovernmental organizations that provide services to victims, victims'  
29.3 families, and victims' communities. The members must receive expense reimbursement as  
29.4 specified in section 15.059, subdivision 6.

29.5 (b) The Task Force on Missing and Murdered Indigenous Women must examine and  
29.6 report on the following:

29.7 (1) the systemic causes behind violence that indigenous women and girls experience,  
29.8 including patterns and underlying factors that explain why higher levels of violence occur  
29.9 against indigenous women and girls, including underlying historical, social, economic,  
29.10 institutional, and cultural factors which may contribute to the violence;

29.11 (2) appropriate methods for tracking and collecting data on violence against indigenous  
29.12 women and girls, including data on missing and murdered indigenous women and girls;

29.13 (3) policies and institutions such as policing, child welfare, coroner practices, and other  
29.14 governmental practices that impact violence against indigenous women and girls and the  
29.15 investigation and prosecution of crimes of gender violence against indigenous people;

29.16 (4) measures necessary to address and reduce violence against indigenous women and  
29.17 girls; and

29.18 (5) measures to help victims, victims' families, and victims' communities to prevent and  
29.19 heal from violence that occurs against indigenous women and girls.

29.20 (c) For the purposes of this section, "commissioner" means the commissioner of public  
29.21 safety and "nongovernmental organizations" means nonprofit, nongovernmental organizations  
29.22 that provide legal, social, or other community services.

29.23 Subd. 2. **Membership.** (a) To the extent practicable, the Task Force on Missing and  
29.24 Murdered Indigenous Women shall consist of the following individuals, or their designees,  
29.25 who are knowledgeable in crime victims' rights or violence protection:

29.26 (1) two members of the senate, one appointed by the majority leader and one appointed  
29.27 by the minority leader;

29.28 (2) two members of the house of representatives, one appointed by the speaker of the  
29.29 house and one appointed by the minority leader;

29.30 (3) a representative from the Minnesota Chiefs of Police Association;

29.31 (4) a representative of the Bureau of Criminal Apprehension;

29.32 (5) a representative of the United States Attorney's Office;

- 30.1 (6) a peace officer who works and resides in the seven-county metropolitan area,  
30.2 composed of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties;
- 30.3 (7) a peace officer who works and resides in the nonmetropolitan area;
- 30.4 (8) two peace officers who work for and reside on a federally recognized American  
30.5 Indian reservation in Minnesota;
- 30.6 (9) a county attorney or representative from the Minnesota County Attorneys Association;
- 30.7 (10) a judge or attorney working in juvenile court;
- 30.8 (11) a representative from an Indian health organization or agency;
- 30.9 (12) a county coroner or a representative from a statewide coroner's association;
- 30.10 (13) a representative of the Department of Health;
- 30.11 (14) four or more representatives for tribal governments, with a focus on individuals  
30.12 who work with victims of violence or their families;
- 30.13 (15) two or more representatives from nongovernmental organizations, community  
30.14 volunteers, or advocacy organizations, who should include representatives from organizations  
30.15 working inside the seven-county metropolitan area, outside the seven-county metropolitan  
30.16 area, and on reservations, and may include:
- 30.17 (i) a tribal, statewide, or local organization that provides legal services to indigenous  
30.18 women and girls;
- 30.19 (ii) a tribal, statewide, or local organization that provides advocacy or counseling for  
30.20 indigenous women and girls who have been victims of violence; and
- 30.21 (iii) a tribal, statewide, or local organization that provides services to indigenous women  
30.22 and girls;
- 30.23 (16) a representative from the Minnesota Indian Women's Sexual Assault Coalition;
- 30.24 (17) a representative from Mending the Sacred Hoop;
- 30.25 (18) two indigenous women who are survivors of gender violence; and
- 30.26 (19) a representative from the Minnesota Sheriffs' Association.
- 30.27 (b) Members of the task force serve at the pleasure of the appointing authority or until  
30.28 the task force expires. Vacancies shall be filled by the commissioner of public safety  
30.29 consistent with the qualifications of the vacating member required by this subdivision.

31.1 Subd. 3. **Officers; meetings.** (a) The task force shall annually elect a chair and vice-chair  
31.2 from among its members, and may elect other officers as necessary. The task force shall  
31.3 meet at least quarterly, or upon the call of its chair. The task force shall meet sufficiently  
31.4 enough to accomplish the tasks identified in this section. Meetings of the task force are  
31.5 subject to chapter 13D. The task force shall seek out and enlist the cooperation and assistance  
31.6 of nongovernmental organizations, community and advocacy organizations working with  
31.7 the American Indian community, and academic researchers and experts, specifically those  
31.8 specializing in violence against indigenous women and girls, representing diverse  
31.9 communities disproportionately affected by violence against women and girls, or focusing  
31.10 on issues related to gender violence and violence against indigenous women and girls.

31.11 (b) The commissioner of public safety shall convene the first meeting of the task force  
31.12 no later than October 1, 2018, and shall provide meeting space and administrative assistance  
31.13 as necessary for the task force to conduct its work.

31.14 Subd. 4. **Report.** The task force shall annually report to the chairs and ranking members  
31.15 of the legislative committees with jurisdiction over public safety, human services, and state  
31.16 government on the work of the task force, including but not limited to the issues to be  
31.17 examined in subdivision 1, and shall include in the annual report institutional policies and  
31.18 practices or proposed institutional policies and practices that are effective in reducing gender  
31.19 violence and increasing the safety of indigenous women and girls. The report shall include  
31.20 recommendations to reduce and end violence against indigenous women and girls and help  
31.21 victims and communities heal from gender violence and violence against indigenous women  
31.22 and girls. The first annual report shall be submitted to the legislative committees on February  
31.23 15, 2019, and on February 15 each year after.

31.24 Subd. 5. **Expiration.** Notwithstanding section 15.059, the task force expires June 30,  
31.25 2020.

31.26 **EFFECTIVE DATE.** This section is effective July 1, 2018.

31.27 Sec. 12. Minnesota Statutes 2016, section 299C.091, subdivision 5, is amended to read:

31.28 Subd. 5. **Removal of data from system.** Notwithstanding section 138.17, the bureau  
31.29 shall destroy data entered into the system when three years have elapsed since the data were  
31.30 entered into the system, except as otherwise provided in this subdivision. If the bureau has  
31.31 information that the individual has been convicted as an adult, or has been adjudicated or  
31.32 has a stayed adjudication as a juvenile for an offense that would be a crime if committed  
31.33 by an adult, since entry of the data into the system, the data must be maintained until three  
31.34 years have elapsed since the last record of a conviction or adjudication or stayed adjudication

32.1 of the individual, except that if the individual is committed to the custody of the commissioner  
 32.2 of corrections and the commissioner documents activities meeting the criminal gang  
 32.3 identification criteria that take place while the individual is confined in a state correctional  
 32.4 facility, the three-year period begins after release from incarceration. Upon request of the  
 32.5 law enforcement agency that submitted data to the system, the bureau shall destroy the data  
 32.6 regardless of whether three years have elapsed since the data were entered into the system.

32.7 Sec. 13. Minnesota Statutes 2016, section 299C.17, is amended to read:

32.8 **299C.17 REPORT BY COURT ADMINISTRATOR.**

32.9 The superintendent shall require the court administrator of every court ~~which~~ that (1)  
 32.10 sentences a defendant for a felony, gross misdemeanor, or targeted misdemeanor, or (2)  
 32.11 grants a stay of adjudication pursuant to section 609.095, paragraph (b), clause (2), for an  
 32.12 offense that, if convicted of, would require predatory offender registration under section  
 32.13 243.166, to electronically transmit within 24 hours of the disposition of the case a report,  
 32.14 in a form prescribed by the superintendent providing information required by the  
 32.15 superintendent with regard to the prosecution and disposition of criminal cases. A copy of  
 32.16 the report shall be kept on file in the office of the court administrator.

32.17 Sec. 14. **299C.77] BACKGROUND CHECKS; ADDITIONAL DISCLOSURE.**

32.18 The superintendent shall disclose to each applicant for a statutorily mandated or  
 32.19 authorized background check or background study all records of stays of adjudication  
 32.20 granted to the subject of the background check or background study that the superintendent  
 32.21 receives pursuant to section 299C.17, clause (2). The data required to be disclosed under  
 32.22 this section is in addition to other data on the subject of the background check or background  
 32.23 study that the superintendent is mandated to disclose.

32.24 Sec. 15. Minnesota Statutes 2016, section 357.021, subdivision 7, is amended to read:

32.25 Subd. 7. **Disbursement of surcharges by commissioner of management and budget.**

32.26 (a) Except as provided in paragraphs (b), (c), and (d), the commissioner of management  
 32.27 and budget shall disburse surcharges received under subdivision 6 and section 97A.065,  
 32.28 subdivision 2, as follows:

32.29 (1) one percent shall be credited to the peace officer training account in the game and  
 32.30 fish fund to provide peace officer training for employees of the Department of Natural  
 32.31 Resources who are licensed under sections 626.84 to 626.863, and who possess peace officer  
 32.32 authority for the purpose of enforcing game and fish laws;

33.1 (2) ~~39~~ 41 percent shall be credited to the peace officers training account in the special  
33.2 revenue fund; and

33.3 (3) ~~60~~ 58 percent shall be credited to the general fund.

33.4 (b) The commissioner of management and budget shall credit \$3 of each surcharge  
33.5 received under subdivision 6 and section 97A.065, subdivision 2, to the general fund.

33.6 (c) In addition to any amounts credited under paragraph (a), the commissioner of  
33.7 management and budget shall credit \$47 of each surcharge received under subdivision 6  
33.8 and section 97A.065, subdivision 2, and the \$12 parking surcharge, to the general fund.

33.9 (d) If the Ramsey County Board of Commissioners authorizes imposition of the additional  
33.10 \$1 surcharge provided for in subdivision 6, paragraph (a), the court administrator in the  
33.11 Second Judicial District shall transmit the surcharge to the commissioner of management  
33.12 and budget. The \$1 special surcharge is deposited in a Ramsey County surcharge account  
33.13 in the special revenue fund and amounts in the account are appropriated to the trial courts  
33.14 for the administration of the petty misdemeanor diversion program operated by the Second  
33.15 Judicial District Ramsey County Violations Bureau.

33.16 **EFFECTIVE DATE.** This section is effective July 1, 2018, and applies to surcharges  
33.17 collected on or after July 1, 2018.

33.18 Sec. 16. Minnesota Statutes 2016, section 388.23, subdivision 1, is amended to read:

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

33.22 (1) telephone companies, cellular phone companies, and paging companies;

33.23 (2) subscribers of private computer networks including but not limited to Internet service  
33.24 providers or computer bulletin board systems;

33.25 (3) subscribers of electronic communication services, private computer networks, online  
33.26 social media, e-mail domain hosts, Voice over Internet Protocol services, Internet messaging  
33.27 systems, and remote computing services as defined in United States Code Title 18, section  
33.28 2711 as amended through April 1, 2018;

33.29 (4) electric companies, gas companies, and water utilities;

33.30 (5) chemical suppliers;

33.31 (6) hotels and motels;

34.1 (7) pawn shops;<sup>2</sup>

34.2 (8) airlines, buses, taxis, and other entities engaged in the business of transporting people;  
34.3 ~~and;~~<sup>2</sup>

34.4 (9) freight companies, warehousing companies, self-service storage facilities, package  
34.5 delivery companies, and other entities engaged in the businesses of transport, storage, or  
34.6 delivery, ~~and records of;~~<sup>2</sup>

34.7 (10) the existence of safe deposit box account numbers and customer savings and  
34.8 checking account numbers maintained by financial institutions and safe deposit companies;<sup>2</sup>

34.9 (11) insurance records relating to the monetary payment or settlement of claims;<sup>2</sup>

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

34.15 (13) wage and employment records of an applicant or recipient of public assistance who  
34.16 is the subject of a welfare fraud investigation relating to eligibility information for public  
34.17 assistance programs.

34.18 (b) Subpoenas may only be issued for records that are relevant to an ongoing legitimate  
34.19 law enforcement investigation.

34.20 (c) Administrative subpoenas may only be issued in welfare fraud and identity theft  
34.21 cases if there is probable cause to believe a crime has been committed. This provision applies  
34.22 only to the records of business entities and does not extend to private individuals or their  
34.23 dwellings.

34.24 Sec. 17. Minnesota Statutes 2016, section 609.095, is amended to read:

34.25 **609.095 LIMITS OF SENTENCES.**

34.26 (a) The legislature has the exclusive authority to define crimes and offenses and the  
34.27 range of the sentences or punishments for their violation. No other or different sentence or  
34.28 punishment shall be imposed for the commission of a crime than is authorized by this chapter  
34.29 or other applicable law.

34.30 (b) Except as provided in: (1) section 152.18 or 609.375;<sup>2</sup> or (2) upon agreement of the  
34.31 parties, a court may not refuse to adjudicate the guilt of a defendant who tenders a guilty

35.1 plea in accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been  
35.2 found guilty by a court or jury following a trial.

35.3 A stay of adjudication granted under clause (2) must be reported to the superintendent of  
35.4 the Bureau of Criminal Apprehension pursuant to section 299C.17.

35.5 (c) Paragraph (b) does not supersede Minnesota Rules of Criminal Procedure, rule 26.04.

35.6 Sec. 18. Minnesota Statutes 2016, section 626.8452, is amended by adding a subdivision  
35.7 to read:

35.8 Subd. 6. **Prohibition on disarming local law enforcement officers.** Unless expressly  
35.9 authorized under another section of law, a mayor, city council, county board, or chief law  
35.10 enforcement officer may not disarm a peace officer who is in good standing and not currently  
35.11 under investigation or subject to disciplinary action.

35.12 Sec. 19. Minnesota Statutes 2016, section 631.40, subdivision 1a, is amended to read:

35.13 Subd. 1a. **Certified copy of disqualifying offense convictions sent to public safety**  
35.14 **and school districts.** When a person is convicted of, or receives a stay of adjudication for,  
35.15 committing a disqualifying offense, as defined in section 171.3215, subdivision 1, a gross  
35.16 misdemeanor, a fourth moving violation within the previous three years, or a violation of  
35.17 section 169A.20, or a similar statute or ordinance from another state, the court shall determine  
35.18 whether the offender is a school bus driver as defined in section 171.3215, subdivision 1,  
35.19 whether the offender possesses a school bus driver's endorsement on the offender's driver's  
35.20 license and in what school districts the offender drives a school bus. If the offender is a  
35.21 school bus driver or possesses a school bus driver's endorsement, the court administrator  
35.22 shall send a certified copy of the conviction to the Department of Public Safety and to the  
35.23 school districts in which the offender drives a school bus within ten days after the conviction.

35.24 Sec. 20. **WORKING GROUP EXAMINING CRIMES AGAINST VULNERABLE**  
35.25 **ADULTS.**

35.26 Subdivision 1. **Establishment; membership.** (a) A working group examining crimes  
35.27 against vulnerable adults is established.

35.28 (b) The commissioner of public safety shall appoint the following members of the  
35.29 working group:

36.1 (1) two attorneys practicing elder law, one who practices primarily in the seven-county  
36.2 metropolitan area and one who practices primarily outside the seven-county metropolitan  
36.3 area;

36.4 (2) two county attorneys, one from a county in the seven-county metropolitan area and  
36.5 one from a county outside the seven-county metropolitan area;

36.6 (3) two city attorneys, one from a city in the seven-county metropolitan area and one  
36.7 from a city outside the seven-county metropolitan area;

36.8 (4) one representative from the Office of the Public Defender;

36.9 (5) one representative from the Minnesota Elder Justice Center;

36.10 (6) one representative from the Minnesota Home Care Association;

36.11 (7) one representative from Care Providers of Minnesota;

36.12 (8) one representative from LeadingAge Minnesota;

36.13 (9) one representative from AARP Minnesota;

36.14 (10) one caregiver of a person who has been diagnosed with Alzheimer's disease;

36.15 (11) one peace officer, as defined in Minnesota Statutes, section 626.84; and

36.16 (12) any additional representatives from groups or organizations that the commissioner  
36.17 of public safety determines would help the working group perform its duties.

36.18 (c) The following individuals shall also be members of the working group:

36.19 (1) two members of the senate, one appointed by the majority leader and one appointed  
36.20 by the minority leader;

36.21 (2) two members of the house of representatives, one appointed by the speaker of the  
36.22 house and one appointed by the minority leader;

36.23 (3) the commissioner of public safety or a designee;

36.24 (4) the commissioner of human services or a designee;

36.25 (5) the commissioner of health or a designee;

36.26 (6) the attorney general or a designee;

36.27 (7) a representative of the judicial branch, appointed by the chief justice of the Supreme  
36.28 Court;

36.29 (8) the ombudsman for mental health and developmental disabilities;

37.1 (9) one member of the Minnesota Board on Aging, selected by the board; and

37.2 (10) one member of the Minnesota Council on Disability or a designee, selected by the  
37.3 council.

37.4 (d) The appointing authorities under this subdivision must complete their appointments  
37.5 no later than July 1, 2018.

37.6 Subd. 2. **Duties; recommendations.** The working group shall review existing laws  
37.7 establishing crimes against vulnerable adults, review whether these laws appropriately  
37.8 identify these crimes and apply appropriate penalties, and recommend any changes necessary  
37.9 to better protect vulnerable adults. The working group shall also examine and make  
37.10 recommendations regarding whether, in the interest of protecting vulnerable adults from  
37.11 maltreatment and crime, adequate laws, rules, procedures, and protections are in place to  
37.12 determine whether current or prospective long-term care employees are or have been subject  
37.13 to investigation for maltreatment of a vulnerable adult or a crime against a vulnerable adult.

37.14 Subd. 3. **Meetings.** The commissioner of public safety or a designee shall convene the  
37.15 first meeting of the working group no later than August 1, 2018. Members of the working  
37.16 group shall elect a chair from among the group's members at the first meeting, and the  
37.17 commissioner of public safety or a designee shall serve as the working group's chair until  
37.18 a chair is elected. Meetings of the working group are open to the public.

37.19 Subd. 4. **Compensation.** Members of the working group shall serve without compensation  
37.20 or reimbursement for expenses.

37.21 Subd. 5. **Administrative support.** The commissioner of public safety shall provide  
37.22 administrative support for the working group and arrange meeting space.

37.23 Subd. 6. **Report.** By January 15, 2019, the working group must submit a report with  
37.24 findings, recommendations, and draft legislation to the chairs and ranking minority members  
37.25 of the legislative committees with jurisdiction over health and human services policy and  
37.26 criminal justice policy. The report must include a discussion of the benefits, problems, and  
37.27 costs associated with any proposed changes to laws.

37.28 Subd. 7. **Expiration.** The working group expires January 16, 2019, or the day after the  
37.29 working group submits the report required under subdivision 6, whichever is later.

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

38.1 Sec. 21. **RETROACTIVE DRIVER'S LICENSE REINSTATEMENT.**

38.2 (a) The commissioner of public safety must make an individual's driver's license eligible  
38.3 for reinstatement if the license is solely suspended pursuant to:

38.4 (1) Minnesota Statutes 2016, section 171.16, subdivision 2, if the person was convicted  
38.5 only under Minnesota Statutes, section 171.24, subdivision 1 or 2;

38.6 (2) Minnesota Statutes 2016, section 171.16, subdivision 3; or

38.7 (3) both clauses (1) and (2).

38.8 (b) By May 1, 2019, the commissioner must provide written notice to an individual  
38.9 whose license has been made eligible for reinstatement under paragraph (a), addressed to  
38.10 the licensee at the licensee's last known address.

38.11 (c) Before the license is reinstated, an individual whose driver's license is eligible for  
38.12 reinstatement under paragraph (a) must pay the reinstatement fee under Minnesota Statutes,  
38.13 section 171.20, subdivision 4.

38.14 (d) The following applies for an individual who is eligible for reinstatement under  
38.15 paragraph (a), clause (1), (2), or (3), and whose license was suspended, revoked, or canceled  
38.16 under any other provision in Minnesota Statutes:

38.17 (1) the suspension, revocation, or cancellation under any other provision in Minnesota  
38.18 Statutes remains in effect;

38.19 (2) subject to clause (1), the individual may become eligible for reinstatement under  
38.20 paragraph (a), clause (1), (2), or (3); and

38.21 (3) the commissioner is not required to send the notice described in paragraph (b).

38.22 (e) Paragraph (a) applies notwithstanding Minnesota Statutes 2016, sections 169.92,  
38.23 subdivision 4; 171.16, subdivision 2 or 3; or any other law to the contrary.

38.24 **EFFECTIVE DATE.** This section is effective April 1, 2019.

38.25 Sec. 22. **REPEALER.**

38.26 Minnesota Statutes 2016, section 401.13, is repealed.

38.27 **ARTICLE 4**

38.28 **GENERAL CRIME**

38.29 Section 1. Minnesota Statutes 2016, section 609.2112, subdivision 1, is amended to read:

39.1 Subdivision 1. **Criminal vehicular homicide.** (a) Except as provided in paragraph (b),  
39.2 a person is guilty of criminal vehicular homicide and may be sentenced to imprisonment  
39.3 for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the  
39.4 person causes the death of a human being not constituting murder or manslaughter as a  
39.5 result of operating a motor vehicle:

39.6 (1) in a grossly negligent manner;

39.7 (2) in a negligent manner while under the influence of:

39.8 (i) alcohol;

39.9 (ii) a controlled substance; or

39.10 (iii) any combination of those elements;

39.11 (3) while having an alcohol concentration of 0.08 or more;

39.12 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours  
39.13 of the time of driving;

39.14 (5) in a negligent manner while knowingly under the influence of a hazardous substance;

39.15 (6) in a negligent manner while any amount of a controlled substance listed in Schedule  
39.16 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the  
39.17 person's body;

39.18 (7) where the driver who causes the collision leaves the scene of the collision in violation  
39.19 of section 169.09, subdivision 1 or 6; ~~or~~

39.20 (8) where the driver had actual knowledge that a peace officer had previously issued a  
39.21 citation or warning that the motor vehicle was defectively maintained, the driver had actual  
39.22 knowledge that remedial action was not taken, the driver had reason to know that the defect  
39.23 created a present danger to others, and the death was caused by the defective maintenance;  
39.24 or

39.25 (9) in a reckless manner while the driver is in violation of section 169.475.

39.26 (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a),  
39.27 clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory  
39.28 maximum sentence of imprisonment is 15 years.

39.29 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
39.30 committed on or after that date.

40.1 Sec. 2. Minnesota Statutes 2016, section 609.2113, subdivision 1, is amended to read:

40.2 Subdivision 1. **Great bodily harm.** A person is guilty of criminal vehicular operation  
40.3 resulting in great bodily harm and may be sentenced to imprisonment for not more than five  
40.4 years or to payment of a fine of not more than \$10,000, or both, if the person causes great  
40.5 bodily harm to another not constituting attempted murder or assault as a result of operating  
40.6 a motor vehicle:

40.7 (1) in a grossly negligent manner;

40.8 (2) in a negligent manner while under the influence of:

40.9 (i) alcohol;

40.10 (ii) a controlled substance; or

40.11 (iii) any combination of those elements;

40.12 (3) while having an alcohol concentration of 0.08 or more;

40.13 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours  
40.14 of the time of driving;

40.15 (5) in a negligent manner while knowingly under the influence of a hazardous substance;

40.16 (6) in a negligent manner while any amount of a controlled substance listed in Schedule  
40.17 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the  
40.18 person's body;

40.19 (7) where the driver who causes the accident leaves the scene of the accident in violation  
40.20 of section 169.09, subdivision 1 or 6; ~~or~~

40.21 (8) where the driver had actual knowledge that a peace officer had previously issued a  
40.22 citation or warning that the motor vehicle was defectively maintained, the driver had actual  
40.23 knowledge that remedial action was not taken, the driver had reason to know that the defect  
40.24 created a present danger to others, and the injury was caused by the defective maintenance;  
40.25 or

40.26 (9) in a reckless manner while the driver is in violation of section 169.475.

40.27 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
40.28 committed on or after that date.

41.1 Sec. 3. Minnesota Statutes 2016, section 609.2113, subdivision 2, is amended to read:

41.2 Subd. 2. **Substantial bodily harm.** A person is guilty of criminal vehicular operation  
41.3 resulting in substantial bodily harm and may be sentenced to imprisonment for not more  
41.4 than three years or to payment of a fine of not more than \$10,000, or both, if the person  
41.5 causes substantial bodily harm to another as a result of operating a motor vehicle:

41.6 (1) in a grossly negligent manner;

41.7 (2) in a negligent manner while under the influence of:

41.8 (i) alcohol;

41.9 (ii) a controlled substance; or

41.10 (iii) any combination of those elements;

41.11 (3) while having an alcohol concentration of 0.08 or more;

41.12 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours  
41.13 of the time of driving;

41.14 (5) in a negligent manner while knowingly under the influence of a hazardous substance;

41.15 (6) in a negligent manner while any amount of a controlled substance listed in Schedule  
41.16 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the  
41.17 person's body;

41.18 (7) where the driver who causes the accident leaves the scene of the accident in violation  
41.19 of section 169.09, subdivision 1 or 6; ~~or~~

41.20 (8) where the driver had actual knowledge that a peace officer had previously issued a  
41.21 citation or warning that the motor vehicle was defectively maintained, the driver had actual  
41.22 knowledge that remedial action was not taken, the driver had reason to know that the defect  
41.23 created a present danger to others, and the injury was caused by the defective maintenance;  
41.24 or

41.25 (9) in a reckless manner while the driver is in violation of section 169.475.

41.26 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
41.27 committed on or after that date.

41.28 Sec. 4. Minnesota Statutes 2016, section 609.2113, subdivision 3, is amended to read:

41.29 Subd. 3. **Bodily harm.** A person is guilty of criminal vehicular operation resulting in  
41.30 bodily harm and may be sentenced to imprisonment for not more than one year or to payment

42.1 of a fine of not more than \$3,000, or both, if the person causes bodily harm to another as a  
42.2 result of operating a motor vehicle:

42.3 (1) in a grossly negligent manner;

42.4 (2) in a negligent manner while under the influence of:

42.5 (i) alcohol;

42.6 (ii) a controlled substance; or

42.7 (iii) any combination of those elements;

42.8 (3) while having an alcohol concentration of 0.08 or more;

42.9 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours  
42.10 of the time of driving;

42.11 (5) in a negligent manner while knowingly under the influence of a hazardous substance;

42.12 (6) in a negligent manner while any amount of a controlled substance listed in Schedule  
42.13 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the  
42.14 person's body;

42.15 (7) where the driver who causes the accident leaves the scene of the accident in violation  
42.16 of section 169.09, subdivision 1 or 6; ~~or~~

42.17 (8) where the driver had actual knowledge that a peace officer had previously issued a  
42.18 citation or warning that the motor vehicle was defectively maintained, the driver had actual  
42.19 knowledge that remedial action was not taken, the driver had reason to know that the defect  
42.20 created a present danger to others, and the injury was caused by the defective maintenance;

42.21 or

42.22 (9) in a reckless manner while the driver is in violation of section 169.475.

42.23 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
42.24 committed on or after that date.

42.25 Sec. 5. Minnesota Statutes 2016, section 609.2114, subdivision 1, is amended to read:

42.26 Subdivision 1. **Death to an unborn child.** (a) Except as provided in paragraph (b), a  
42.27 person is guilty of criminal vehicular operation resulting in death to an unborn child and  
42.28 may be sentenced to imprisonment for not more than ten years or to payment of a fine of  
42.29 not more than \$20,000, or both, if the person causes the death of an unborn child as a result  
42.30 of operating a motor vehicle:

- 43.1 (1) in a grossly negligent manner;
- 43.2 (2) in a negligent manner while under the influence of:
- 43.3 (i) alcohol;
- 43.4 (ii) a controlled substance; or
- 43.5 (iii) any combination of those elements;
- 43.6 (3) while having an alcohol concentration of 0.08 or more;
- 43.7 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
- 43.8 of the time of driving;
- 43.9 (5) in a negligent manner while knowingly under the influence of a hazardous substance;
- 43.10 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
- 43.11 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
- 43.12 person's body;
- 43.13 (7) where the driver who causes the accident leaves the scene of the accident in violation
- 43.14 of section 169.09, subdivision 1 or 6; ~~or~~
- 43.15 (8) where the driver had actual knowledge that a peace officer had previously issued a
- 43.16 citation or warning that the motor vehicle was defectively maintained, the driver had actual
- 43.17 knowledge that remedial action was not taken, the driver had reason to know that the defect
- 43.18 created a present danger to others, and the injury was caused by the defective maintenance;<sub>2</sub>
- 43.19 or
- 43.20 (9) in a reckless manner while the driver is in violation of section 169.475.
- 43.21 (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a),
- 43.22 clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory
- 43.23 maximum sentence of imprisonment is 15 years.
- 43.24 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
- 43.25 committed on or after that date.

43.26 Sec. 6. Minnesota Statutes 2016, section 609.2114, subdivision 2, is amended to read:

43.27 Subd. 2. **Injury to an unborn child.** A person is guilty of criminal vehicular operation

43.28 resulting in injury to an unborn child and may be sentenced to imprisonment for not more

43.29 than five years or to payment of a fine of not more than \$10,000, or both, if the person

43.30 causes the great bodily harm to an unborn child subsequently born alive as a result of

43.31 operating a motor vehicle:

- 44.1 (1) in a grossly negligent manner;
- 44.2 (2) in a negligent manner while under the influence of:
- 44.3 (i) alcohol;
- 44.4 (ii) a controlled substance; or
- 44.5 (iii) any combination of those elements;
- 44.6 (3) while having an alcohol concentration of 0.08 or more;
- 44.7 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
- 44.8 of the time of driving;
- 44.9 (5) in a negligent manner while knowingly under the influence of a hazardous substance;
- 44.10 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
- 44.11 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
- 44.12 person's body;
- 44.13 (7) where the driver who causes the accident leaves the scene of the accident in violation
- 44.14 of section 169.09, subdivision 1 or 6; ~~or~~
- 44.15 (8) where the driver had actual knowledge that a peace officer had previously issued a
- 44.16 citation or warning that the motor vehicle was defectively maintained, the driver had actual
- 44.17 knowledge that remedial action was not taken, the driver had reason to know that the defect
- 44.18 created a present danger to others, and the injury was caused by the defective maintenance;<sub>2</sub>
- 44.19 or
- 44.20 (9) in a reckless manner while the driver is in violation of section 169.475.

44.21 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses

44.22 committed on or after that date.

44.23 Sec. 7. Minnesota Statutes 2016, section 609.2231, subdivision 1, is amended to read:

44.24 Subdivision 1. **Peace officers.** (a) As used in this subdivision, "peace officer" means a

44.25 person who is licensed under section 626.845, subdivision 1, and effecting a lawful arrest

44.26 or executing any other duty imposed by law.

44.27 (b) Whoever physically assaults a peace officer is guilty of a ~~gross misdemeanor~~ felony

44.28 and may be sentenced to imprisonment for not more than two years or to payment of a fine

44.29 of not more than \$4,000, or both.

45.1 (c) Whoever commits either of the following acts against a peace officer is guilty of a  
45.2 felony and may be sentenced to imprisonment for not more than three years or to payment  
45.3 of a fine of not more than \$6,000, or both: (1) physically assaults the officer if the assault  
45.4 inflicts demonstrable bodily harm; or (2) intentionally throws or otherwise transfers bodily  
45.5 fluids or feces at or onto the officer.

45.6 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
45.7 committed on or after that date.

45.8 Sec. 8. Minnesota Statutes 2016, section 609.2231, subdivision 2, is amended to read:

45.9 Subd. 2. **Firefighters and emergency medical personnel.** (a) Whoever physically  
45.10 assaults any of the following persons and inflicts demonstrable bodily harm is guilty of a  
45.11 felony and may be sentenced to imprisonment for not more than two years or to payment  
45.12 of a fine of not more than \$4,000, or both gross misdemeanor:

45.13 (1) a member of a municipal or volunteer fire department or emergency medical services  
45.14 personnel unit in the performance of the member's duties; or

45.15 (2) a physician, nurse, or other person providing health care services in a hospital  
45.16 emergency department.

45.17 (b) Whoever commits either of the following acts against a person identified in paragraph  
45.18 (a), clause (1) or (2), is guilty of a felony and may be sentenced to imprisonment for not  
45.19 more than three years or to payment of a fine of not more than \$6,000, or both:

45.20 (1) physically assaults the person and the assault inflicts demonstrable bodily harm; or

45.21 (2) intentionally throws or otherwise transfers bodily fluids or feces at or onto the person.

45.22 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
45.23 committed on or after that date.

45.24 Sec. 9. Minnesota Statutes 2016, section 609.2231, subdivision 3a, is amended to read:

45.25 Subd. 3a. **Secure treatment facility personnel.** (a) As used in this subdivision, "secure  
45.26 treatment facility" includes facilities listed in sections 253B.02, subdivision 18a, and  
45.27 253D.02, subdivision 13.

45.28 (b) Whoever, while committed under chapter 253D, Minnesota Statutes 2012, section  
45.29 253B.185, or Minnesota Statutes 1992, section 526.10, commits either of the following acts  
45.30 against an employee or other individual who provides care or treatment at a secure treatment  
45.31 facility while the person is engaged in the performance of a duty imposed by law, policy,

46.1 or rule is guilty of a felony and may be sentenced to imprisonment for not more than two  
46.2 years or to payment of a fine of not more than \$4,000, or both:

46.3 (1) assaults the person and inflicts demonstrable bodily harm; or

46.4 (2) intentionally throws or otherwise transfers bodily fluids or feces at or onto the person.

46.5 (c) Whoever, while committed under section 253B.18, or admitted under the provision  
46.6 of section 253B.10, subdivision 1, commits either of the following acts against an employee  
46.7 or other individual who supervises and works directly with patients at a secure treatment  
46.8 facility while the person is engaged in the performance of a duty imposed by law, policy,  
46.9 or rule, is guilty of a felony and may be sentenced to imprisonment for not more than two  
46.10 years or to payment of a fine of not more than \$4,000, or both:

46.11 (1) assaults the person and inflicts demonstrable bodily harm; or

46.12 (2) intentionally throws or otherwise transfers ~~urine, blood, semen,~~ bodily fluids or feces  
46.13 at or onto the person.

46.14 (d) The court shall commit a person convicted of violating paragraph (b) to the custody  
46.15 of the commissioner of corrections for not less than one year and one day. The court may  
46.16 not, on its own motion or the prosecutor's motion, sentence a person without regard to this  
46.17 paragraph. A person convicted and sentenced as required by this paragraph is not eligible  
46.18 for probation, parole, discharge, work release, or supervised release, until that person has  
46.19 served the full term of imprisonment as provided by law, notwithstanding the provisions of  
46.20 sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135.

46.21 (e) Notwithstanding the statutory maximum sentence provided in paragraph (b), when  
46.22 a court sentences a person to the custody of the commissioner of corrections for a violation  
46.23 of paragraph (b), the court shall provide that after the person has been released from prison,  
46.24 the commissioner shall place the person on conditional release for five years. The terms of  
46.25 conditional release are governed by sections 244.05 and 609.3455, subdivision 6, 7, or 8;  
46.26 and Minnesota Statutes 2004, section 609.109.

46.27 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
46.28 committed on or after that date.

46.29 Sec. 10. Minnesota Statutes 2016, section 609.324, subdivision 3, is amended to read:

46.30 Subd. 3. **General prostitution crimes; penalties for patrons.** (a) Whoever, while acting  
46.31 as a patron, intentionally does any of the following is guilty of a misdemeanor:

46.32 (1) engages in prostitution with an individual 18 years of age or older; or

47.1 (2) hires, offers to hire, or agrees to hire an individual 18 years of age or older to engage  
47.2 in sexual penetration or sexual contact. Except as otherwise provided in subdivision 4, a  
47.3 person who is convicted of violating this paragraph must, at a minimum, be sentenced to  
47.4 pay a fine of at least ~~\$500~~ \$750.

47.5 ~~(b) Whoever violates the provisions of this subdivision within two years of a previous~~  
47.6 ~~prostitution conviction for violating this section or section 609.322 is guilty of a gross~~  
47.7 ~~misdemeanor. Except as otherwise provided in subdivision 4, a person who is convicted of~~  
47.8 ~~violating this paragraph must, at a minimum, be sentenced as follows:~~

47.9 ~~(1) to pay a fine of at least \$1,500; and~~

47.10 ~~(2) to serve 20 hours of community work service.~~

47.11 ~~The court may waive the mandatory community work service if it makes specific, written~~  
47.12 ~~findings that the community work service is not feasible or appropriate under the~~  
47.13 ~~circumstances of the case.~~

47.14 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
47.15 committed on or after that date.

47.16 Sec. 11. Minnesota Statutes 2016, section 609.324, is amended by adding a subdivision  
47.17 to read:

47.18 Subd. 3a. **Penalties for patrons; repeat offenders.** Whoever violates the provisions of  
47.19 subdivision 2 or 3 within ten years of a previous prostitution conviction for violating this  
47.20 section or section 609.322 is guilty of a felony. Except as otherwise provided in subdivision  
47.21 4, a person who is convicted of violating this paragraph must, at a minimum, be sentenced  
47.22 as follows:

47.23 (1) to pay a fine of at least \$3,000; and

47.24 (2) to serve 100 hours of community work service in addition to any period of  
47.25 incarceration in a local jail or workhouse imposed as an intermediate sanction.

47.26 The court may waive the mandatory community work service if it makes specific, written  
47.27 findings that the community work service is not feasible or appropriate under the  
47.28 circumstances of the case.

47.29 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
47.30 committed on or after that date.

48.1 Sec. 12. Minnesota Statutes 2016, section 609.324, subdivision 4, is amended to read:

48.2 Subd. 4. **Community service in lieu of minimum fine.** The court may order a person  
48.3 convicted of violating subdivision 2 ~~or 3~~, or 3a to perform community work service in lieu  
48.4 of all or a portion of the minimum fine required under those subdivisions if the court makes  
48.5 specific, written findings that the convicted person is indigent or that payment of the fine  
48.6 would create undue hardship for the convicted person or that person's immediate family.  
48.7 Community work service ordered under this subdivision is in addition to any mandatory  
48.8 community work service ordered under subdivision ~~3~~ 3a.

48.9 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
48.10 committed on or after that date.

48.11 Sec. 13. Minnesota Statutes 2016, section 609.52, subdivision 3, is amended to read:

48.12 Subd. 3. **Sentence.** Whoever commits theft may be sentenced as follows:

48.13 (1) to imprisonment for not more than 20 years or to payment of a fine of not more than  
48.14 \$100,000, or both, if the property is a firearm, or the value of the property or services stolen  
48.15 is more than \$35,000 and the conviction is for a violation of subdivision 2, clause (3), (4),  
48.16 (15), or (16), or section 609.2335, subdivision 1, clause (1) or (2), item (i); or

48.17 (2) to imprisonment for not more than ten years or to payment of a fine of not more than  
48.18 \$20,000, or both, if the value of the property or services stolen exceeds \$5,000, or if the  
48.19 property stolen was an article representing a trade secret, an explosive or incendiary device,  
48.20 or a controlled substance listed in Schedule I or II pursuant to section 152.02 with the  
48.21 exception of marijuana; or

48.22 (3) to imprisonment for not more than five years or to payment of a fine of not more  
48.23 than \$10,000, or both, if any of the following circumstances exist:

48.24 (a) the value of the property or services stolen is more than \$1,000 but not more than  
48.25 \$5,000; or

48.26 (b) the property stolen was a controlled substance listed in Schedule III, IV, or V pursuant  
48.27 to section 152.02; or

48.28 (c) the value of the property or services stolen is more than \$500 but not more than  
48.29 \$1,000 and the person has been convicted within the preceding five years for an offense  
48.30 under this section, section 256.98; 268.182; 609.24; 609.245; 609.53; 609.582, subdivision  
48.31 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another state, the United  
48.32 States, or a foreign jurisdiction, in conformity with any of those sections, and the person

49.1 received a felony or gross misdemeanor sentence for the offense, or a sentence that was  
49.2 stayed under section 609.135 if the offense to which a plea was entered would allow  
49.3 imposition of a felony or gross misdemeanor sentence; or

49.4 (d) the value of the property or services stolen is not more than \$1,000, and any of the  
49.5 following circumstances exist:

49.6 (i) the property is taken from the person of another or from a corpse, or grave or coffin  
49.7 containing a corpse; or

49.8 (ii) the property is a record of a court or officer, or a writing, instrument or record kept,  
49.9 filed or deposited according to law with or in the keeping of any public officer or office; or

49.10 (iii) the property is taken from a burning, abandoned, or vacant building or upon its  
49.11 removal therefrom, or from an area of destruction caused by civil disaster, riot, bombing,  
49.12 or the proximity of battle; or

49.13 (iv) the property consists of public funds belonging to the state or to any political  
49.14 subdivision or agency thereof; or

49.15 (v) the property stolen is a motor vehicle; or

49.16 (e) the value of the property or services stolen is \$500 or less and the person violates  
49.17 this section within five years of the first of 24 prior convictions for an offense under this  
49.18 section; section 176.178; 256.98; 268.182; 609.24; 609.245; 609.53; 609.582, subdivision  
49.19 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821; or a statute from another state, the United  
49.20 States, or a foreign jurisdiction in conformity with any of those sections; or

49.21 (4) to imprisonment for not more than one year or to payment of a fine of not more than  
49.22 \$3,000, or both, if ~~the value of the property or services stolen is more than \$500 but not~~  
49.23 ~~more than \$1,000; or~~ any of the following circumstances exist:

49.24 (a) the value of the property or services stolen is more than \$500 but not more than  
49.25 \$1,000; or

49.26 (b) the value of the property or services stolen is \$500 or less and the person violates  
49.27 this section within five years of the first of two prior convictions for an offense under this  
49.28 section; section 176.178; 256.98; 268.182; 609.24; 609.245; 609.53; 609.582, subdivision  
49.29 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821; or a statute from another state, the United  
49.30 States, or a foreign jurisdiction in conformity with any of those sections; or

49.31 (5) in all other cases where the value of the property or services stolen is \$500 or less,  
49.32 to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000,

50.1 or both, provided, however, in any prosecution under subdivision 2, clauses (1), (2), (3),  
50.2 (4), and (13), the value of the money or property or services received by the defendant in  
50.3 violation of any one or more of the above provisions within any six-month period may be  
50.4 aggregated and the defendant charged accordingly in applying the provisions of this  
50.5 subdivision; provided that when two or more offenses are committed by the same person  
50.6 in two or more counties, the accused may be prosecuted in any county in which one of the  
50.7 offenses was committed for all of the offenses aggregated under this paragraph.

50.8 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
50.9 committed on or after that date.

50.10 Sec. 14. Minnesota Statutes 2016, section 609.74, is amended to read:

50.11 **609.74 PUBLIC NUISANCE.**

50.12 (a) Whoever by an act or failure to perform a legal duty intentionally does any of the  
50.13 following is guilty of maintaining a public nuisance, which is a misdemeanor:

50.14 (1) maintains or permits a condition which unreasonably annoys, injures or endangers  
50.15 the safety, health, morals, comfort, or repose of any considerable number of members of  
50.16 the public; or

50.17 (2) except as provided in paragraph (b), interferes with, obstructs, or renders dangerous  
50.18 for passage, any public highway or right-of-way, or waters used by the public; or

50.19 (3) is guilty of any other act or omission declared by law to be a public nuisance and for  
50.20 which no sentence is specifically provided.

50.21 (b) It is a gross misdemeanor for a person to interfere with or obstruct traffic that is  
50.22 entering, exiting, or on a freeway or entering, exiting, or on a public roadway within the  
50.23 boundaries of airport property with the intent to interfere with, obstruct, or otherwise disrupt  
50.24 traffic. This paragraph does not apply to the actions of law enforcement or other emergency  
50.25 responders, road or airport authorities, or utility officials, or their agents, employees, or  
50.26 contractors when carrying out duties imposed by law or contract. For purposes of this  
50.27 paragraph: (1) "airport" means an airport that has a control tower and airline service; and  
50.28 (2) "freeway" means any section of a divided highway where the only access and egress for  
50.29 vehicular traffic is from entrance and exit ramps.

50.30 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
50.31 committed on or after that date.

51.1 Sec. 15. Minnesota Statutes 2016, section 609.855, subdivision 2, is amended to read:

51.2 Subd. 2. **Unlawful interference with transit operator.** (a) Whoever intentionally  
51.3 commits an act that interferes with or obstructs, or tends to interfere with or obstruct, the  
51.4 operation of a transit vehicle is guilty of ~~unlawful interference with a transit operator~~ a crime  
51.5 and may be sentenced as provided in paragraph (c).

51.6 (b) An act ~~that~~ is committed on a transit vehicle that distracts the driver from the safe  
51.7 operation of the vehicle, restricts passenger access to the transit vehicle, or ~~that~~ endangers  
51.8 passengers is a violation of this subdivision if an authorized transit representative has clearly  
51.9 warned the person once to stop the act.

51.10 (c) A person who violates this subdivision may be sentenced as follows:

51.11 (1) to imprisonment for not more than three years or to payment of a fine of not more  
51.12 than \$5,000, or both, if the violation was accompanied by force or violence or a  
51.13 communication of a threat of force or violence; or

51.14 (2) to imprisonment for not more than ~~90 days~~ one year or to payment of a fine of not  
51.15 more than ~~\$1,000~~ \$3,000, or both, if the violation was not accompanied by force or violence  
51.16 or a communication of a threat of force or violence.

51.17 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
51.18 committed on or after that date.

## 51.19 ARTICLE 5

### 51.20 SEX OFFENDERS

51.21 Section 1. Minnesota Statutes 2016, section 609.095, is amended to read:

#### 51.22 **609.095 LIMITS OF SENTENCES.**

51.23 (a) The legislature has the exclusive authority to define crimes and offenses and the  
51.24 range of the sentences or punishments for their violation. No other or different sentence or  
51.25 punishment shall be imposed for the commission of a crime than is authorized by this chapter  
51.26 or other applicable law.

51.27 (b) Except as provided in section 152.18 or 609.375, or upon agreement of the parties,  
51.28 a court may not refuse to adjudicate the guilt of a defendant who tenders a guilty plea in  
51.29 accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been found  
51.30 guilty by a court or jury following a trial. A decision by the court to issue a stay of  
51.31 adjudication under this paragraph for a charge of violating section 243.166, 609.342, 609.343,

52.1 609.344, 609.345, 609.3451, subdivision 3, or 609.3453, must be justified in writing and  
52.2 on the record.

52.3 (c) Paragraph (b) does not supersede Minnesota Rules of Criminal Procedure, rule 26.04.

52.4 (d) The rules promulgated by the Supreme Court shall provide for remote access,  
52.5 searchable by defendant name, to the publicly accessible portions of the district court register  
52.6 of actions, orders, notices prepared by the court, and any other documents in a case:

52.7 (1) that includes a charge for violating section 243.166, 609.342, 609.343, 609.344,  
52.8 609.345, 609.3451, subdivision 3, or 609.3453; and

52.9 (2) in which a court did not adjudicate the guilt of a defendant who tendered a guilty  
52.10 plea in accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been  
52.11 found guilty by a court or jury following a trial.

52.12 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
52.13 committed on or after that date.

52.14 Sec. 2. Minnesota Statutes 2016, section 609.341, subdivision 10, is amended to read:

52.15 Subd. 10. **Current or recent position of authority.** "Current or recent position of  
52.16 authority" includes but is not limited to any person who is a parent or acting in the place of  
52.17 a parent and charged with or assumes any of a parent's rights, duties or responsibilities to  
52.18 a child, or a person who is charged with or assumes any duty or responsibility for the health,  
52.19 welfare, or supervision of a child, either independently or through another, no matter how  
52.20 brief, at the time of or within 120 days immediately preceding the act. For the purposes of  
52.21 subdivision 11, "position of authority" includes a psychotherapist. For the purposes of  
52.22 sections 609.344, subdivision 1, paragraph (e), clause (2), and 609.345, subdivision 1,  
52.23 paragraph (e), clause (2), the term extends to a person having the described authority over  
52.24 a student in a secondary school who is at least 16 but less than 21 years of age under the  
52.25 circumstances described in those two clauses.

52.26 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
52.27 committed on or after that date.

52.28 Sec. 3. Minnesota Statutes 2016, section 609.341, is amended by adding a subdivision to  
52.29 read:

52.30 Subd. 24. **Secondary school.** "Secondary school" means any public or private school  
52.31 meeting the standards established by the commissioner of education that enrolls students  
52.32 in grades 7 through 12 or that provides special education services to students who have

53.1 completed grade 12 including charter schools, alternative learning centers, schools with  
53.2 classes that are held off campus or school grounds, special school districts, universities,  
53.3 colleges, vocational or technical colleges, or other postsecondary educational institutions  
53.4 that provide educational courses or programs for public or private schools that enroll students  
53.5 in grades 7 through 12 or that provide special educational services to students who have  
53.6 completed grade 12.

53.7 Sec. 4. Minnesota Statutes 2016, section 609.341, is amended by adding a subdivision to  
53.8 read:

53.9 Subd. 25. **Independent contractor.** For purposes of sections 609.344, subdivision 1,  
53.10 paragraph (e), and 609.345, subdivision 1, paragraph (e), "independent contractor" means  
53.11 any person who contracts with a secondary school or any person employed by a business  
53.12 that contracts with a secondary school.

53.13 Sec. 5. Minnesota Statutes 2016, section 609.342, subdivision 1, is amended to read:

53.14 Subdivision 1. **Crime defined.** A person who engages in sexual penetration with another  
53.15 person, or in sexual contact with a person under 13 years of age as defined in section 609.341,  
53.16 subdivision 11, paragraph (c), is guilty of criminal sexual conduct in the first degree if any  
53.17 of the following circumstances exists:

53.18 (a) the complainant is under 13 years of age and the actor is more than 36 months older  
53.19 than the complainant. Neither mistake as to the complainant's age nor consent to the act by  
53.20 the complainant is a defense;

53.21 (b) the complainant is at least 13 years of age but less than 16 years of age and the actor  
53.22 is more than 48 months older than the complainant and in a current or recent position of  
53.23 authority over the complainant. Neither mistake as to the complainant's age nor consent to  
53.24 the act by the complainant is a defense;

53.25 (c) circumstances existing at the time of the act cause the complainant to have a  
53.26 reasonable fear of imminent great bodily harm to the complainant or another;

53.27 (d) the actor is armed with a dangerous weapon or any article used or fashioned in a  
53.28 manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses  
53.29 or threatens to use the weapon or article to cause the complainant to submit;

53.30 (e) the actor causes personal injury to the complainant, and either of the following  
53.31 circumstances exist:

53.32 (i) the actor uses force or coercion to accomplish sexual penetration; or

54.1 (ii) the actor knows or has reason to know that the complainant is mentally impaired,  
54.2 mentally incapacitated, or physically helpless;

54.3 (f) the actor is aided or abetted by one or more accomplices within the meaning of section  
54.4 609.05, and either of the following circumstances exists:

54.5 (i) an accomplice uses force or coercion to cause the complainant to submit; or

54.6 (ii) an accomplice is armed with a dangerous weapon or any article used or fashioned  
54.7 in a manner to lead the complainant reasonably to believe it to be a dangerous weapon and  
54.8 uses or threatens to use the weapon or article to cause the complainant to submit;

54.9 (g) the actor has a significant relationship to the complainant and the complainant was  
54.10 under 16 years of age at the time of the sexual penetration. Neither mistake as to the  
54.11 complainant's age nor consent to the act by the complainant is a defense; or

54.12 (h) the actor has a significant relationship to the complainant, the complainant was under  
54.13 16 years of age at the time of the sexual penetration, and:

54.14 (i) the actor or an accomplice used force or coercion to accomplish the penetration;

54.15 (ii) the complainant suffered personal injury; or

54.16 (iii) the sexual abuse involved multiple acts committed over an extended period of time.

54.17 Neither mistake as to the complainant's age nor consent to the act by the complainant is  
54.18 a defense.

54.19 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
54.20 committed on or after that date.

54.21 Sec. 6. Minnesota Statutes 2016, section 609.342, subdivision 2, is amended to read:

54.22 Subd. 2. **Penalty.** (a) Except as otherwise provided in section 609.3455; or Minnesota  
54.23 Statutes 2004, section 609.109, a person convicted under subdivision 1 may be sentenced  
54.24 to imprisonment for not more than 30 years or to a payment of a fine of not more than  
54.25 \$40,000, or both.

54.26 (b) Unless a longer mandatory minimum sentence is otherwise required by law or the  
54.27 Sentencing Guidelines provide for a longer presumptive executed sentence, the court shall  
54.28 presume that an executed sentence of 144 months must be imposed on an offender convicted  
54.29 of violating this section. Sentencing a person in a manner other than that described in this  
54.30 paragraph is a departure from the Sentencing Guidelines.

55.1 (c) A person convicted under this section is also subject to conditional release, extended  
55.2 probation, and intensive probation under section 609.3455.

55.3 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
55.4 committed on or after that date.

55.5 Sec. 7. Minnesota Statutes 2016, section 609.343, subdivision 1, is amended to read:

55.6 Subdivision 1. **Crime defined.** A person who engages in sexual contact with another  
55.7 person is guilty of criminal sexual conduct in the second degree if any of the following  
55.8 circumstances exists:

55.9 (a) the complainant is under 13 years of age and the actor is more than 36 months older  
55.10 than the complainant. Neither mistake as to the complainant's age nor consent to the act by  
55.11 the complainant is a defense. In a prosecution under this clause, the state is not required to  
55.12 prove that the sexual contact was coerced;

55.13 (b) the complainant is at least 13 but less than 16 years of age and the actor is more than  
55.14 48 months older than the complainant and in a current or recent position of authority over  
55.15 the complainant. Neither mistake as to the complainant's age nor consent to the act by the  
55.16 complainant is a defense;

55.17 (c) circumstances existing at the time of the act cause the complainant to have a  
55.18 reasonable fear of imminent great bodily harm to the complainant or another;

55.19 (d) the actor is armed with a dangerous weapon or any article used or fashioned in a  
55.20 manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses  
55.21 or threatens to use the dangerous weapon to cause the complainant to submit;

55.22 (e) the actor causes personal injury to the complainant, and either of the following  
55.23 circumstances exist:

55.24 (i) the actor uses force or coercion to accomplish the sexual contact; or

55.25 (ii) the actor knows or has reason to know that the complainant is mentally impaired,  
55.26 mentally incapacitated, or physically helpless;

55.27 (f) the actor is aided or abetted by one or more accomplices within the meaning of section  
55.28 609.05, and either of the following circumstances exists:

55.29 (i) an accomplice uses force or coercion to cause the complainant to submit; or

56.1 (ii) an accomplice is armed with a dangerous weapon or any article used or fashioned  
56.2 in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and  
56.3 uses or threatens to use the weapon or article to cause the complainant to submit;

56.4 (g) the actor has a significant relationship to the complainant and the complainant was  
56.5 under 16 years of age at the time of the sexual contact. Neither mistake as to the complainant's  
56.6 age nor consent to the act by the complainant is a defense; or

56.7 (h) the actor has a significant relationship to the complainant, the complainant was under  
56.8 16 years of age at the time of the sexual contact, and:

56.9 (i) the actor or an accomplice used force or coercion to accomplish the contact;

56.10 (ii) the complainant suffered personal injury; or

56.11 (iii) the sexual abuse involved multiple acts committed over an extended period of time.

56.12 Neither mistake as to the complainant's age nor consent to the act by the complainant is  
56.13 a defense.

56.14 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
56.15 committed on or after that date.

56.16 Sec. 8. Minnesota Statutes 2016, section 609.343, subdivision 2, is amended to read:

56.17 Subd. 2. **Penalty.** (a) Except as otherwise provided in section 609.3455; or Minnesota  
56.18 Statutes 2004, section 609.109, a person convicted under subdivision 1 may be sentenced  
56.19 to imprisonment for not more than 25 years or to a payment of a fine of not more than  
56.20 \$35,000, or both.

56.21 (b) Unless a longer mandatory minimum sentence is otherwise required by law or the  
56.22 Sentencing Guidelines provide for a longer presumptive executed sentence, the court shall  
56.23 presume that an executed sentence of 90 months must be imposed on an offender convicted  
56.24 of violating subdivision 1, clause (c), (d), (e), (f), or (h). Sentencing a person in a manner  
56.25 other than that described in this paragraph is a departure from the Sentencing Guidelines.

56.26 (c) A person convicted under this section is also subject to conditional release, extended  
56.27 probation, and intensive probation under section 609.3455.

56.28 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
56.29 committed on or after that date.

57.1 Sec. 9. Minnesota Statutes 2016, section 609.344, subdivision 1, is amended to read:

57.2 Subdivision 1. **Crime defined.** A person who engages in sexual penetration with another  
57.3 person is guilty of criminal sexual conduct in the third degree if any of the following  
57.4 circumstances exists:

57.5 (a) the complainant is under 13 years of age and the actor is no more than 36 months  
57.6 older than the complainant. Neither mistake as to the complainant's age nor consent to the  
57.7 act by the complainant shall be a defense;

57.8 (b) the complainant is at least 13 but less than 16 years of age and the actor is more than  
57.9 24 months older than the complainant. In any such case if the actor is no more than 120  
57.10 months older than the complainant, it shall be an affirmative defense, which must be proved  
57.11 by a preponderance of the evidence, that the actor reasonably believes the complainant to  
57.12 be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not  
57.13 be a defense. Consent by the complainant is not a defense;

57.14 (c) the actor uses force or coercion to accomplish the penetration;

57.15 (d) the actor knows or has reason to know that the complainant is mentally impaired,  
57.16 mentally incapacitated, or physically helpless;

57.17 (e) the complainant is:

57.18 (1) at least 16 but less than 18 years of age and the actor is more than 48 months older  
57.19 than the complainant and in a current or recent position of authority over the complainant;  
57.20 or

57.21 (2) at least 16 but less than 21 years of age and a student in a secondary school who has  
57.22 not graduated and received a diploma and the actor is an employee, volunteer, or independent  
57.23 contractor of the secondary school and in a current or recent position of authority over the  
57.24 complainant.

57.25 Neither mistake as to the complainant's age nor consent to the act by the complainant is a  
57.26 defense;

57.27 (f) the actor has a significant relationship to the complainant and the complainant was  
57.28 at least 16 but under 18 years of age at the time of the sexual penetration. Neither mistake  
57.29 as to the complainant's age nor consent to the act by the complainant is a defense;

57.30 (g) the actor has a significant relationship to the complainant, the complainant was at  
57.31 least 16 but under 18 years of age at the time of the sexual penetration, and:

57.32 (i) the actor or an accomplice used force or coercion to accomplish the penetration;

58.1 (ii) the complainant suffered personal injury; or

58.2 (iii) the sexual abuse involved multiple acts committed over an extended period of time.

58.3 Neither mistake as to the complainant's age nor consent to the act by the complainant is  
58.4 a defense;

58.5 (h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist  
58.6 and the sexual penetration occurred:

58.7 (i) during the psychotherapy session; or

58.8 (ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship  
58.9 exists.

58.10 Consent by the complainant is not a defense;

58.11 (i) the actor is a psychotherapist and the complainant is a former patient of the  
58.12 psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

58.13 (j) the actor is a psychotherapist and the complainant is a patient or former patient and  
58.14 the sexual penetration occurred by means of therapeutic deception. Consent by the  
58.15 complainant is not a defense;

58.16 (k) the actor accomplishes the sexual penetration by means of deception or false  
58.17 representation that the penetration is for a bona fide medical purpose. Consent by the  
58.18 complainant is not a defense;

58.19 (l) the actor is or purports to be a member of the clergy, the complainant is not married  
58.20 to the actor, and:

58.21 (i) the sexual penetration occurred during the course of a meeting in which the  
58.22 complainant sought or received religious or spiritual advice, aid, or comfort from the actor  
58.23 in private; or

58.24 (ii) the sexual penetration occurred during a period of time in which the complainant  
58.25 was meeting on an ongoing basis with the actor to seek or receive religious or spiritual  
58.26 advice, aid, or comfort in private. Consent by the complainant is not a defense;

58.27 (m) the actor is an employee, independent contractor, or volunteer of a state, county,  
58.28 city, or privately operated adult or juvenile correctional system, or secure treatment facility,  
58.29 or treatment facility providing services to clients civilly committed as mentally ill and  
58.30 dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but  
58.31 not limited to, jails, prisons, detention centers, or work release facilities, and the complainant

59.1 is a resident of a facility or under supervision of the correctional system. Consent by the  
59.2 complainant is not a defense;

59.3 (n) the actor provides or is an agent of an entity that provides special transportation  
59.4 service, the complainant used the special transportation service, and the sexual penetration  
59.5 occurred during or immediately before or after the actor transported the complainant. Consent  
59.6 by the complainant is not a defense; ~~or~~

59.7 (o) the actor performs massage or other bodywork for hire, the complainant was a user  
59.8 of one of those services, and nonconsensual sexual penetration occurred during or  
59.9 immediately before or after the actor performed or was hired to perform one of those services  
59.10 for the complainant; or

59.11 (p) the actor is a peace officer, as defined in section 626.84, subdivision 1, paragraph  
59.12 (c), or a part-time peace officer, as defined in section 626.84, subdivision 1, paragraph (d),  
59.13 and the officer physically or constructively restrains the complainant or the complainant  
59.14 does not reasonably feel free to leave the officer's presence. Consent by the complainant is  
59.15 not a defense. This paragraph does not apply to any penetration of the mouth, genitals, or  
59.16 anus during a lawful search.

59.17 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
59.18 committed on or after that date.

59.19 Sec. 10. Minnesota Statutes 2016, section 609.344, subdivision 2, is amended to read:

59.20 Subd. 2. **Penalty.** Except as otherwise provided in section 609.3455, a person convicted  
59.21 under subdivision 1 may be sentenced:

59.22 (1) to imprisonment for not more than 15 years or to a payment of a fine of not more  
59.23 than \$30,000, or both; or

59.24 (2) if the person was convicted under subdivision 1, paragraph (b), and if the actor was  
59.25 no more than 48 months but more than 24 months older than the complainant, to  
59.26 imprisonment for not more than five years or a fine of not more than \$30,000, or both.

59.27 A person convicted under this section is also subject to conditional release, extended  
59.28 probation, and intensive probation under section 609.3455.

59.29 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
59.30 committed on or after that date.

60.1 Sec. 11. Minnesota Statutes 2016, section 609.345, subdivision 1, is amended to read:

60.2 Subdivision 1. **Crime defined.** A person who engages in sexual contact with another  
60.3 person is guilty of criminal sexual conduct in the fourth degree if any of the following  
60.4 circumstances exists:

60.5 (a) the complainant is under 13 years of age and the actor is no more than 36 months  
60.6 older than the complainant. Neither mistake as to the complainant's age or consent to the  
60.7 act by the complainant is a defense. In a prosecution under this clause, the state is not  
60.8 required to prove that the sexual contact was coerced;

60.9 (b) the complainant is at least 13 but less than 16 years of age and the actor is more than  
60.10 48 months older than the complainant or in a current or recent position of authority over  
60.11 the complainant. Consent by the complainant to the act is not a defense. In any such case,  
60.12 if the actor is no more than 120 months older than the complainant, it shall be an affirmative  
60.13 defense which must be proved by a preponderance of the evidence that the actor reasonably  
60.14 believes the complainant to be 16 years of age or older. In all other cases, mistake as to the  
60.15 complainant's age shall not be a defense;

60.16 (c) the actor uses force or coercion to accomplish the sexual contact;

60.17 (d) the actor knows or has reason to know that the complainant is mentally impaired,  
60.18 mentally incapacitated, or physically helpless;

60.19 (e) the complainant is:

60.20 (1) at least 16 but less than 18 years of age and the actor is more than 48 months older  
60.21 than the complainant and in a current or recent position of authority over the complainant;  
60.22 or

60.23 (2) at least 16 but less than 21 years of age and a student in a secondary school who has  
60.24 not graduated and received a diploma and the actor is an employee, volunteer, or independent  
60.25 contractor of the secondary school and in a current or recent position of authority over the  
60.26 complainant.

60.27 Neither mistake as to the complainant's age nor consent to the act by the complainant is a  
60.28 defense;

60.29 (f) the actor has a significant relationship to the complainant and the complainant was  
60.30 at least 16 but under 18 years of age at the time of the sexual contact. Neither mistake as to  
60.31 the complainant's age nor consent to the act by the complainant is a defense;

61.1 (g) the actor has a significant relationship to the complainant, the complainant was at  
61.2 least 16 but under 18 years of age at the time of the sexual contact, and:

61.3 (i) the actor or an accomplice used force or coercion to accomplish the contact;

61.4 (ii) the complainant suffered personal injury; or

61.5 (iii) the sexual abuse involved multiple acts committed over an extended period of time.

61.6 Neither mistake as to the complainant's age nor consent to the act by the complainant is  
61.7 a defense;

61.8 (h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist  
61.9 and the sexual contact occurred:

61.10 (i) during the psychotherapy session; or

61.11 (ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship  
61.12 exists. Consent by the complainant is not a defense;

61.13 (i) the actor is a psychotherapist and the complainant is a former patient of the  
61.14 psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

61.15 (j) the actor is a psychotherapist and the complainant is a patient or former patient and  
61.16 the sexual contact occurred by means of therapeutic deception. Consent by the complainant  
61.17 is not a defense;

61.18 (k) the actor accomplishes the sexual contact by means of deception or false representation  
61.19 that the contact is for a bona fide medical purpose. Consent by the complainant is not a  
61.20 defense;

61.21 (l) the actor is or purports to be a member of the clergy, the complainant is not married  
61.22 to the actor, and:

61.23 (i) the sexual contact occurred during the course of a meeting in which the complainant  
61.24 sought or received religious or spiritual advice, aid, or comfort from the actor in private; or

61.25 (ii) the sexual contact occurred during a period of time in which the complainant was  
61.26 meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice,  
61.27 aid, or comfort in private. Consent by the complainant is not a defense;

61.28 (m) the actor is an employee, independent contractor, or volunteer of a state, county,  
61.29 city, or privately operated adult or juvenile correctional system, or secure treatment facility,  
61.30 or treatment facility providing services to clients civilly committed as mentally ill and  
61.31 dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but

62.1 not limited to, jails, prisons, detention centers, or work release facilities, and the complainant  
 62.2 is a resident of a facility or under supervision of the correctional system. Consent by the  
 62.3 complainant is not a defense;

62.4 (n) the actor provides or is an agent of an entity that provides special transportation  
 62.5 service, the complainant used the special transportation service, the complainant is not  
 62.6 married to the actor, and the sexual contact occurred during or immediately before or after  
 62.7 the actor transported the complainant. Consent by the complainant is not a defense; ~~or~~

62.8 (o) the actor performs massage or other bodywork for hire, the complainant was a user  
 62.9 of one of those services, and nonconsensual sexual contact occurred during or immediately  
 62.10 before or after the actor performed or was hired to perform one of those services for the  
 62.11 complainant; or

62.12 (p) the actor is a peace officer, as defined in section 626.84, subdivision 1, paragraph  
 62.13 (c), or a part-time peace officer, as defined in section 626.84, subdivision 1, paragraph (d),  
 62.14 and the officer physically or constructively restrains the complainant or the complainant  
 62.15 does not reasonably feel free to leave the officer's presence. Consent by the complainant is  
 62.16 not a defense.

62.17 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
 62.18 committed on or after that date.

62.19 Sec. 12. Minnesota Statutes 2016, section 609.345, subdivision 2, is amended to read:

62.20 Subd. 2. **Penalty.** Except as otherwise provided in section 609.3455, a person convicted  
 62.21 under subdivision 1 may be sentenced to imprisonment for not more than ten years or to a  
 62.22 payment of a fine of not more than \$20,000, or both. A person convicted under this section  
 62.23 is also subject to conditional release, extended probation, and intensive probation under  
 62.24 section 609.3455.

62.25 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
 62.26 committed on or after that date.

62.27 Sec. 13. Minnesota Statutes 2016, section 609.3451, subdivision 1, is amended to read:

62.28 Subdivision 1. **Crime defined.** A person is guilty of criminal sexual conduct in the fifth  
 62.29 degree:

62.30 (1) if the person engages in nonconsensual sexual contact; or

63.1 (2) the person engages in masturbation or lewd exhibition of the genitals in the presence  
63.2 of a minor under the age of 16, knowing or having reason to know the minor is present.

63.3 For purposes of this section, "sexual contact" has the meaning given in section 609.341,  
63.4 subdivision 11, paragraph (a), clauses (i), (iv), and (v), ~~but does not include the intentional~~  
63.5 ~~touching of the clothing covering the immediate area of the buttocks.~~ Sexual contact also  
63.6 includes the intentional removal or attempted removal of clothing covering the complainant's  
63.7 intimate parts or undergarments, and the nonconsensual touching by the complainant of the  
63.8 actor's intimate parts, effected by the actor, if the action is performed with sexual or  
63.9 aggressive intent.

63.10 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
63.11 committed on or after that date.

63.12 Sec. 14. Minnesota Statutes 2016, section 609.3451, subdivision 3, is amended to read:

63.13 Subd. 3. **Felony.** (a) A person is guilty of a felony and may be sentenced to imprisonment  
63.14 for not more than seven years or to payment of a fine of not more than \$14,000, or both, if  
63.15 the person violates this section within seven years of:

63.16 (1) a previous conviction for violating subdivision 1, clause (2), a crime described in  
63.17 paragraph (b), or a statute from another state in conformity with any of these offenses; or

63.18 (2) the first of two or more previous convictions for violating subdivision 1, clause (1),  
63.19 or a statute from another state in conformity with this offense.

63.20 (b) A previous conviction for violating section 609.342; 609.343; 609.344; 609.345;  
63.21 609.3453; 617.23, subdivision 2, clause (2), or subdivision 3; or 617.247 may be used to  
63.22 enhance a criminal penalty as provided in paragraph (a).

63.23 (c) A person convicted under this subdivision is also subject to conditional release,  
63.24 extended probation, and intensive probation under section 609.3455.

63.25 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
63.26 committed on or after that date.

63.27 Sec. 15. Minnesota Statutes 2016, section 609.3455, subdivision 6, is amended to read:

63.28 Subd. 6. **Mandatory ~~ten-year~~ 25-year conditional release term.** (a) Notwithstanding  
63.29 the statutory maximum sentence otherwise applicable to the offense and unless a longer  
63.30 conditional release term is required in subdivision 7, when a court commits an offender to  
63.31 the custody of the commissioner of corrections for a violation of section 609.342, 609.343,

64.1 609.344, 609.345, or 609.3453, the court shall provide that, after the offender has been  
64.2 released from prison, the commissioner shall place the offender on conditional release for  
64.3 ~~ten~~ at least 25 years.

64.4 (b) An offender on conditional release pursuant to paragraph (a) may petition the  
64.5 sentencing court for an order terminating the conditional release term. The petition can be  
64.6 filed no sooner than ten years after the commissioner places the offender on conditional  
64.7 release, the offender has been convicted of a crime, or the commissioner has revoked the  
64.8 offender's conditional release, whichever is later. A copy of the petition must be served on  
64.9 the prosecuting attorney. The prosecuting attorney must provide notice of a petition to  
64.10 terminate conditional release to victims who requested notification under section 611A.06.  
64.11 The court must hold a hearing on a petition. Terminating conditional release is an  
64.12 extraordinary remedy to be granted only upon clear and convincing evidence that terminating  
64.13 the offender's conditional release is consistent with public safety. The court must consider  
64.14 the testimony of the offender's victims before ruling on the offender's petition. If the court  
64.15 denies an offender's petition to terminate conditional release, the offender may not file a  
64.16 new petition for five years from the date of the court's order.

64.17 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
64.18 committed on or after that date.

64.19 Sec. 16. Minnesota Statutes 2016, section 609.3455, is amended by adding a subdivision  
64.20 to read:

64.21 Subd. 7a. **Extended probation.** (a) Notwithstanding the statutory maximum sentence  
64.22 otherwise applicable to the offense and otherwise provided in section 609.135, subdivision  
64.23 2, paragraph (a), when the court does not commit an offender to the commissioner of  
64.24 corrections for a felony violation of section 609.342, 609.343, 609.344, 609.345, 609.3451,  
64.25 or 609.3453, the court shall, after the offender has been released from any term of  
64.26 confinement imposed by the court, place the offender on probation for at least 25 years.

64.27 (b) An offender on extended probation pursuant to paragraph (a) may petition the  
64.28 sentencing court for an order terminating the extended probation term. The petition can be  
64.29 filed no sooner than ten years after the court places the offender on extended probation, the  
64.30 offender has been convicted of a crime, or the court has revoked the offender's extended  
64.31 probation, whichever is later. A copy of the petition must be served on the prosecuting  
64.32 attorney. The prosecuting attorney must provide notice of a petition to terminate extended  
64.33 probation to victims who requested notification under section 611A.06. The court must hold  
64.34 a hearing on a petition. Terminating extended probation is an extraordinary remedy to be

65.1 granted only upon clear and convincing evidence that terminating the offender's extended  
65.2 probation is consistent with public safety. The court must consider the testimony of the  
65.3 offender's victims before ruling on the offender's petition. If the court denies an offender's  
65.4 petition to terminate extended probation, the offender may not file a new petition for five  
65.5 years from the date of the court's order.

65.6 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
65.7 committed on or after that date.

65.8 Sec. 17. Minnesota Statutes 2016, section 609.3455, subdivision 8, is amended to read:

65.9 Subd. 8. **Terms of conditional release; applicable to all sex offenders.** (a) The  
65.10 provisions of this subdivision relating to conditional release apply to all sex offenders  
65.11 sentenced to prison for a violation of section 609.342, 609.343, 609.344, 609.345, 609.3451,  
65.12 or 609.3453. Except as provided in this subdivision, conditional release of sex offenders is  
65.13 governed by provisions relating to supervised release. The commissioner of corrections  
65.14 may not dismiss an offender on conditional release from supervision until the offender's  
65.15 conditional release term expires.

65.16 (b) The conditions of release may include successful completion of treatment and aftercare  
65.17 in a program approved by the commissioner, satisfaction of the release conditions specified  
65.18 in section 244.05, subdivision 6, and any other conditions the commissioner considers  
65.19 appropriate. The commissioner shall develop a plan to pay the cost of treatment of a person  
65.20 released under this subdivision. The plan may include co-payments from offenders,  
65.21 third-party payers, local agencies, or other funding sources as they are identified. This  
65.22 section does not require the commissioner to accept or retain an offender in a treatment  
65.23 program. Before the offender is placed on conditional release, the commissioner shall notify  
65.24 the sentencing court and the prosecutor in the jurisdiction where the offender was sentenced  
65.25 of the terms of the offender's conditional release. The commissioner also shall make  
65.26 reasonable efforts to notify the victim of the offender's crime of the terms of the offender's  
65.27 conditional release.

65.28 (c) If the offender fails to meet any condition of release, the commissioner may revoke  
65.29 the offender's conditional release and order that the offender serve all or a part of the  
65.30 remaining portion of the conditional release term in prison. An offender, while on supervised  
65.31 release, is not entitled to credit against the offender's conditional release term for time served  
65.32 in confinement for a violation of release.

65.33 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
65.34 committed on or after that date.

66.1 Sec. 18. Minnesota Statutes 2016, section 609.3455, is amended by adding a subdivision  
66.2 to read:

66.3 Subd. 8a. **Intensive probation.** (a) When the court does not commit an offender to the  
66.4 commissioner of corrections after a conviction for a felony violation of section 609.342,  
66.5 609.343, 609.344, 609.345, 609.3451, or 609.3453, the court shall place the offender on  
66.6 intensive probation as provided in this subdivision.

66.7 (b) Phase I of intensive probation is six months and begins after the offender is released  
66.8 from confinement, if ordered by the court. Phase II lasts for at least one-third of the time  
66.9 remaining in the offender's imposed sentence at the beginning of phase II. Phase III lasts  
66.10 for at least one-third of the time remaining in the offender's imposed sentence at the beginning  
66.11 of phase III. Phase IV continues until the offender's imposed sentence expires.

66.12 (c) During phase I, the offender will be under house arrest in a residence approved by  
66.13 the offender's probation agent and may not move to another residence without permission.  
66.14 "House arrest" means that the offender's movements will be severely restricted and  
66.15 continually monitored by the assigned agent. During phase II, modified house arrest is  
66.16 imposed. During phases III and IV, the offender is subjected to a daily curfew instead of  
66.17 house arrest.

66.18 (d) During phase I, the assigned probation agent shall have at least four face-to-face  
66.19 contacts with the offender each week. During phase II, two face-to-face contacts a week  
66.20 are required. During phase III, one face-to-face contact a week is required. During phase  
66.21 IV, two face-to-face contacts a month are required. When an offender is an inmate of a jail  
66.22 or a resident of a facility that is staffed full time, at least one face-to-face contact a week is  
66.23 required.

66.24 (e) During phases I, II, III, and IV, the offender must spend at least 40 hours a week  
66.25 performing approved work, undertaking constructive activity designed to obtain employment,  
66.26 or attending a treatment or education program as directed by the agent. An offender may  
66.27 not spend more than six months in a residential treatment program that does not require the  
66.28 offender to spend at least 40 hours a week performing approved work or undertaking  
66.29 constructive activity designed to obtain employment.

66.30 (f) During any phase, the offender may be placed on electronic surveillance if the  
66.31 probation agent so directs. If electronic surveillance is directed during phase I, the court  
66.32 must require that the offender be kept in custody, or that the offender's probation agent or  
66.33 the agent's designee directly supervise the offender, until electronic surveillance is activated.  
66.34 It is the responsibility of the offender placed on electronic surveillance to ensure that the

67.1 offender's residence is properly equipped and the offender's telecommunications system is  
67.2 properly configured to support electronic surveillance prior to being released from custody  
67.3 or the direct supervision of a probation agent. It is a violation of an offender's probation to  
67.4 fail to comply with this paragraph.

67.5 (g) Throughout all phases of intensive probation, the offender shall submit at any time  
67.6 to an unannounced search of the offender's person, vehicle, computer and other devices that  
67.7 access the Internet or store data, or premises by a probation agent.

67.8 (h) The court may include any other conditions in the various phases of intensive  
67.9 probation that the court finds necessary and appropriate.

67.10 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
67.11 committed on or after that date.

67.12 Sec. 19. Minnesota Statutes 2016, section 617.246, subdivision 2, is amended to read:

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

67.17 Any person who violates this subdivision is guilty of a felony and may be sentenced to  
67.18 imprisonment for not more than ~~ten~~ 15 years or to payment of a fine of not more than \$20,000  
67.19 for the first offense and \$40,000 for a second or subsequent offense, or both.

67.20 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
67.21 committed on or after that date.

67.22 Sec. 20. Minnesota Statutes 2016, section 617.246, subdivision 3, is amended to read:

67.23 Subd. 3. **Operation or ownership of business.** A person who owns or operates a business  
67.24 in which a pornographic work, as defined in this section, is disseminated to an adult or a  
67.25 minor or is reproduced, and who knows the content and character of the pornographic work  
67.26 disseminated or reproduced, is guilty of a felony and may be sentenced to imprisonment  
67.27 for not more than ~~ten~~ 15 years, or to payment of a fine of not more than \$20,000 for the first  
67.28 offense and \$40,000 for a second or subsequent offense, or both.

67.29 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
67.30 committed on or after that date.

68.1 Sec. 21. Minnesota Statutes 2016, section 617.246, subdivision 4, is amended to read:

68.2 Subd. 4. **Dissemination.** A person who, knowing or with reason to know its content and  
68.3 character, disseminates for profit to an adult or a minor a pornographic work, as defined in  
68.4 this section, is guilty of a felony and may be sentenced to imprisonment for not more than  
68.5 ~~ten~~ 15 years, or to payment of a fine of not more than \$20,000 for the first offense and  
68.6 \$40,000 for a second or subsequent offense, or both.

68.7 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
68.8 committed on or after that date.

68.9 Sec. 22. Minnesota Statutes 2016, section 617.246, subdivision 7, is amended to read:

68.10 Subd. 7. **Conditional release term.** Notwithstanding the statutory maximum sentence  
68.11 otherwise applicable to the offense or any provision of the sentencing guidelines, when a  
68.12 court commits a person to the custody of the commissioner of corrections for violating this  
68.13 section, the court shall provide that after the person has been released from prison, the  
68.14 commissioner shall place the person on conditional release for ~~five~~ ten years. If the person  
68.15 has previously been convicted of a violation of this section, section 609.342, 609.343,  
68.16 609.344, 609.345, 609.3451, 609.3453, or 617.247, or any similar statute of the United  
68.17 States, this state, or any state, the commissioner shall place the person on conditional release  
68.18 for ~~ten~~ at least 25 years. The terms of conditional release are governed by section 609.3455,  
68.19 subdivision 8.

68.20 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
68.21 committed on or after that date.

68.22 Sec. 23. Minnesota Statutes 2016, section 617.246, is amended by adding a subdivision  
68.23 to read:

68.24 Subd. 8. **Mandatory minimum sentence.** A person convicted under this section must  
68.25 serve a minimum of six months of incarceration. If the person (1) has a prior conviction  
68.26 under this section or section 617.247, or (2) is required to register as a predatory offender,  
68.27 the person must serve a minimum of 12 months of incarceration.

68.28 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
68.29 committed on or after that date.

69.1 Sec. 24. Minnesota Statutes 2016, section 617.247, subdivision 3, is amended to read:

69.2 Subd. 3. **Dissemination prohibited.** (a) A person who disseminates pornographic work  
69.3 to an adult or a minor, knowing or with reason to know its content and character, is guilty  
69.4 of a felony and may be sentenced to imprisonment for not more than ~~seven~~ ten years and a  
69.5 fine of not more than \$10,000 for a first offense and for not more than ~~15~~ 20 years and a  
69.6 fine of not more than \$20,000 for a second or subsequent offense.

69.7 (b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to  
69.8 imprisonment for not more than ~~15~~ 20 years if the violation occurs when the person is a  
69.9 registered predatory offender under section 243.166.

69.10 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
69.11 committed on or after that date.

69.12 Sec. 25. Minnesota Statutes 2016, section 617.247, subdivision 4, is amended to read:

69.13 Subd. 4. **Possession prohibited.** (a) A person who possesses a pornographic work or a  
69.14 computer disk or computer or other electronic, magnetic, or optical storage system or a  
69.15 storage system of any other type, containing a pornographic work, knowing or with reason  
69.16 to know its content and character, is guilty of a felony and may be sentenced to imprisonment  
69.17 for not more than ~~five~~ seven years and a fine of not more than ~~\$5,000~~ \$7,500 for a first  
69.18 offense and for not more than ~~ten~~ 15 years and a fine of not more than ~~\$10,000~~ \$15,000 for  
69.19 a second or subsequent offense.

69.20 (b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to  
69.21 imprisonment for not more than ~~ten~~ 15 years if the violation occurs when the person is a  
69.22 registered predatory offender under section 243.166.

69.23 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
69.24 committed on or after that date.

69.25 Sec. 26. Minnesota Statutes 2016, section 617.247, subdivision 9, is amended to read:

69.26 Subd. 9. **Conditional release term.** Notwithstanding the statutory maximum sentence  
69.27 otherwise applicable to the offense or any provision of the sentencing guidelines, when a  
69.28 court commits a person to the custody of the commissioner of corrections for violating this  
69.29 section, the court shall provide that after the person has been released from prison, the  
69.30 commissioner shall place the person on conditional release for ~~five~~ ten years. If the person  
69.31 has previously been convicted of a violation of this section, section 609.342, 609.343,  
69.32 609.344, 609.345, 609.3451, 609.3453, or 617.246, or any similar statute of the United

70.1 States, this state, or any state, the commissioner shall place the person on conditional release  
70.2 for ~~ten~~ at least 25 years. The terms of conditional release are governed by section 609.3455,  
70.3 subdivision 8.

70.4 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
70.5 committed on or after that date.

70.6 Sec. 27. Minnesota Statutes 2016, section 617.247, is amended by adding a subdivision  
70.7 to read:

70.8 Subd. 10. **Mandatory minimum sentence.** A person convicted under this section must  
70.9 serve a minimum of six months of incarceration. If the person (1) has a prior conviction  
70.10 under this section or section 617.246, or (2) is required to register as a predatory offender,  
70.11 the person must serve a minimum of 12 months of incarceration.

70.12 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
70.13 committed on or after that date.

70.14 Sec. 28. **SENTENCING GUIDELINES MODIFICATION.**

70.15 The Sentencing Guidelines Commission shall modify the sex offender grid by ranking  
70.16 violations of Minnesota Statutes, section 617.247, subdivision 3 (dissemination of child  
70.17 pornography - subsequent or by predatory offender), in severity level C; violations of  
70.18 Minnesota Statutes, sections 617.246 (use of minors in sexual performance), 617.247,  
70.19 subdivision 3 (dissemination of child pornography - first time, nonpredatory offender), and  
70.20 617.247, subdivision 4 (possession of child pornography - subsequent or by predatory  
70.21 offender), in severity level D; and violations of Minnesota Statutes, section 617.247,  
70.22 subdivision 4 (possession of child pornography - first time, nonpredatory offender), in  
70.23 severity level E.

70.24 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
70.25 committed on or after that date.

70.26 Sec. 29. **REPEALER.**

70.27 Minnesota Statutes 2016, section 609.349, is repealed.

70.28 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
70.29 committed on or after that date.

71.1

**ARTICLE 6**

71.2

**PREDATORY OFFENDERS**

71.3 Section 1. Minnesota Statutes 2016, section 171.07, subdivision 1a, is amended to read:

71.4 Subd. 1a. **Filing photograph or image; data classification.** The department shall file,  
71.5 or contract to file, all photographs or electronically produced images obtained in the process  
71.6 of issuing drivers' licenses or Minnesota identification cards. The photographs or  
71.7 electronically produced images shall be private data pursuant to section 13.02, subdivision  
71.8 12. Notwithstanding section 13.04, subdivision 3, the department shall not be required to  
71.9 provide copies of photographs or electronically produced images to data subjects. The use  
71.10 of the files is restricted:

71.11 (1) to the issuance and control of drivers' licenses;

71.12 (2) to criminal justice agencies, as defined in section 299C.46, subdivision 2, for the  
71.13 investigation and prosecution of crimes, service of process, enforcement of no contact  
71.14 orders, location of missing persons, investigation and preparation of cases for criminal,  
71.15 juvenile, and traffic court, location of individuals required to register under section 243.166  
71.16 or 243.167, and supervision of offenders;

71.17 (3) to public defenders, as defined in section 611.272, for the investigation and preparation  
71.18 of cases for criminal, juvenile, and traffic courts;

71.19 (4) to child support enforcement purposes under section 256.978; and

71.20 (5) to a county medical examiner or coroner as required by section 390.005 as necessary  
71.21 to fulfill the duties under sections 390.11 and 390.25.

71.22 Sec. 2. Minnesota Statutes 2016, section 243.166, subdivision 1a, is amended to read:

71.23 Subd. 1a. **Definitions.** (a) As used in this section, unless the context clearly indicates  
71.24 otherwise, the following terms have the meanings given them.

71.25 (b) "Bureau" means the Bureau of Criminal Apprehension.

71.26 (c) "Dwelling" means the building where the person lives under a formal or informal  
71.27 agreement to do so. However, dwelling does not include a supervised publicly or privately  
71.28 operated shelter or facility designed to provide temporary living accommodations for  
71.29 homeless individuals as defined in section 116L.361, subdivision 5.

71.30 (d) "Incarceration" and "confinement" do not include electronic home monitoring.

72.1 (e) "Law enforcement authority" or "authority" means, with respect to a home rule charter  
72.2 or statutory city, the chief of police, and with respect to an unincorporated area, the county  
72.3 sheriff.

72.4 (f) "Motor vehicle" has the meaning given in section 169.011, subdivision 92.

72.5 (g) "Primary address" means the mailing address of the person's dwelling. If the mailing  
72.6 address is different from the actual location of the dwelling, primary address also includes  
72.7 the physical location of the dwelling described with as much specificity as possible.

72.8 (h) "School" includes any public or private educational institution, including any  
72.9 secondary school, trade, or professional institution, or institution of higher education, that  
72.10 the person is enrolled in on a full-time or part-time basis.

72.11 (i) "Secondary address" means the mailing address of any place where the person  
72.12 regularly or occasionally stays overnight when not staying at the person's primary address.  
72.13 If the mailing address is different from the actual location of the place, secondary address  
72.14 also includes the physical location of the place described with as much specificity as possible.  
72.15 However, the location of a supervised publicly or privately operated shelter or facility  
72.16 designated to provide temporary living accommodations for homeless individuals as defined  
72.17 in section 116L.361, subdivision 5, does not constitute a secondary address.

72.18 (j) "Social media" means any electronic medium, including an interactive computer  
72.19 service, telephone network, or data network that allows users to create, share, and view  
72.20 user-generated content.

72.21 (k) "Treatment facility" means a residential facility, as defined in section 244.052,  
72.22 subdivision 1, and residential chemical dependency treatment programs and halfway houses  
72.23 licensed under chapter 245A, including, but not limited to, those facilities directly or  
72.24 indirectly assisted by any department or agency of the United States.

72.25 (l) "Watercraft" has the meaning given in section 86B.005, subdivision 18.

72.26 ~~(k)~~ (m) "Work" includes employment that is full time or part time for a period of time  
72.27 exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar  
72.28 year, whether financially compensated, volunteered, or for the purpose of government or  
72.29 educational benefit.

72.30 Sec. 3. Minnesota Statutes 2016, section 243.166, subdivision 1b, is amended to read:

72.31 Subd. 1b. **Registration required.** (a) A person shall register under this section if:

73.1 (1) the person was charged with or petitioned for a felony violation of or attempt to  
73.2 violate, or aiding, abetting, or conspiracy to commit, any of the following, and convicted  
73.3 of or adjudicated delinquent for that offense or another offense arising out of the same set  
73.4 of circumstances:

73.5 (i) murder under section 609.185, paragraph (a), clause (2);

73.6 (ii) kidnapping under section 609.25;

73.7 (iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451,  
73.8 subdivision 3; or 609.3453; or

73.9 (iv) indecent exposure under section 617.23, subdivision 3;

73.10 (2) the person was charged with or petitioned for a violation of, or attempt to violate, or  
73.11 aiding, abetting, or conspiring to commit:

73.12 (i) criminal abuse in violation of section 609.2325, subdivision 1, paragraph (b);

73.13 (ii) false imprisonment in violation of section 609.255, subdivision 2;

73.14 (iii) solicitation, inducement, or promotion of the prostitution of a minor or engaging in  
73.15 the sex trafficking of a minor in violation of section 609.322;

73.16 (iv) a prostitution offense in violation of section 609.324, subdivision 1, paragraph (a);

73.17 (v) soliciting a minor to engage in sexual conduct in violation of section 609.352,  
73.18 subdivision 2 or 2a, clause (1);

73.19 (vi) using a minor in a sexual performance in violation of section 617.246; ~~or~~

73.20 (vii) possessing pornographic work involving a minor in violation of section 617.247<sub>2</sub>;

73.21 or

73.22 (viii) nonconsensual dissemination of private sexual images in violation of section

73.23 617.261; and

73.24 convicted of or adjudicated delinquent for that offense or another offense arising out of the  
73.25 same set of circumstances;

73.26 (3) the person was sentenced as a patterned sex offender under section 609.3455,  
73.27 subdivision 3a; or

73.28 (4) the person was charged with or petitioned for, including pursuant to a court martial,  
73.29 violating a law of the United States, including the Uniform Code of Military Justice, similar  
73.30 to the offenses described in clause (1), (2), or (3), or violations of United States Code, title

74.1 18, section 1801, 2423, or 2425, and convicted of or adjudicated delinquent for that offense  
74.2 or another offense arising out of the same set of circumstances.

74.3 (b) A person also shall register under this section if:

74.4 (1) the person was charged with or petitioned for an offense in another state that would  
74.5 be a violation of a law described in paragraph (a) if committed in this state and convicted  
74.6 of or adjudicated delinquent for that offense or another offense arising out of the same set  
74.7 of circumstances;

74.8 (2) the person enters this state to reside, work, or attend school, or enters this state and  
74.9 remains for 14 days or longer; and

74.10 (3) ten years have not elapsed since the person was released from confinement or, if the  
74.11 person was not confined, since the person was convicted of or adjudicated delinquent for  
74.12 the offense that triggers registration, unless the person is subject to a longer registration  
74.13 period under the laws of another state in which the person has been convicted or adjudicated,  
74.14 or is subject to lifetime registration.

74.15 If a person described in this paragraph is subject to a longer registration period in another  
74.16 state or is subject to lifetime registration, the person shall register for that time period  
74.17 regardless of when the person was released from confinement, convicted, or adjudicated  
74.18 delinquent.

74.19 (c) A person also shall register under this section if the person was committed pursuant  
74.20 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter  
74.21 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the  
74.22 United States, regardless of whether the person was convicted of any offense.

74.23 (d) A person also shall register under this section if:

74.24 (1) the person was charged with or petitioned for a felony violation or attempt to violate  
74.25 any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or  
74.26 the United States, or the person was charged with or petitioned for a violation of any of the  
74.27 offenses listed in paragraph (a), clause (2), or a similar law of another state or the United  
74.28 States;

74.29 (2) the person was found not guilty by reason of mental illness or mental deficiency  
74.30 after a trial for that offense, or found guilty but mentally ill after a trial for that offense, in  
74.31 states with a guilty but mentally ill verdict; and

74.32 (3) the person was committed pursuant to a court commitment order under section  
74.33 253B.18 or a similar law of another state or the United States.

75.1 (e) A person also shall register under this section if the person received a stay of  
75.2 adjudication under section 609.095, paragraph (b), for a charge of violating section 243.166,  
75.3 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 609.3453, unless the  
75.4 offender is a juvenile and the court finds, on the record, that there is good cause to waive  
75.5 the registration requirement.

75.6 Sec. 4. Minnesota Statutes 2016, section 243.166, subdivision 2, is amended to read:

75.7 Subd. 2. **Notice.** When a person who is required to register under subdivision 1b,  
75.8 paragraph (a), is sentenced or becomes subject to a juvenile court disposition order, the  
75.9 court shall tell the person of the duty to register under this section and that, if the person  
75.10 fails to comply with the registration requirements, information about the offender may be  
75.11 made available to the public through electronic, computerized, or other accessible means.  
75.12 The court may not modify the person's duty to register in the pronounced sentence or  
75.13 disposition order. The court shall require the person to read and sign a form stating that the  
75.14 duty of the person to register under this section has been explained. The court shall forward  
75.15 the signed ~~sex offender registration~~ court notification form, the complaint, and sentencing  
75.16 documents to the bureau. If a person required to register under subdivision 1b, paragraph  
75.17 (a), was not notified by the court of the registration requirement at the time of sentencing  
75.18 or disposition, the assigned corrections agent shall notify the person of the requirements of  
75.19 this section. If a person does not have a corrections agent, the local law enforcement authority  
75.20 with jurisdiction over the person's primary address shall notify the person of the requirements.  
75.21 When a person who is required to register under subdivision 1b, paragraph (c) or (d), is  
75.22 released from commitment, the treatment facility shall notify the person of the requirements  
75.23 of this section. The treatment facility shall also obtain the registration information required  
75.24 under this section and forward it to the bureau.

75.25 Sec. 5. Minnesota Statutes 2016, section 243.166, subdivision 4, is amended to read:

75.26 Subd. 4. **Contents of registration.** (a) The registration provided to the corrections agent  
75.27 or law enforcement authority, must consist of a statement in writing signed by the person,  
75.28 giving information required by the bureau, fingerprints, biological specimen for DNA  
75.29 analysis as defined under section 299C.155, subdivision 1, and photograph of the person  
75.30 taken at the time of the person's release from incarceration or, if the person was not  
75.31 incarcerated, at the time the person initially registered under this section. The registration  
75.32 information also must include a written consent form signed by the person allowing a  
75.33 treatment facility or residential housing unit or shelter to release information to a law  
75.34 enforcement officer about the person's admission to, or residence in, a treatment facility or

76.1 residential housing unit or shelter. Registration information on adults and juveniles may be  
76.2 maintained together notwithstanding section 260B.171, subdivision 3.

76.3 (b) For persons required to register under subdivision 1b, paragraph (c), following  
76.4 commitment pursuant to a court commitment under Minnesota Statutes 2012, section  
76.5 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of  
76.6 another state or the United States, in addition to other information required by this section,  
76.7 the registration provided to the corrections agent or law enforcement authority must include  
76.8 the person's offense history and documentation of treatment received during the person's  
76.9 commitment. This documentation is limited to a statement of how far the person progressed  
76.10 in treatment during commitment.

76.11 (c) Within three days of receipt, the corrections agent or law enforcement authority shall  
76.12 forward the registration information to the bureau. The bureau shall ascertain whether the  
76.13 person has registered with the law enforcement authority in the area of the person's primary  
76.14 address, if any, or if the person lacks a primary address, where the person is staying, as  
76.15 required by subdivision 3a. If the person has not registered with the law enforcement  
76.16 authority, the bureau shall ~~send one copy to~~ notify that authority.

76.17 (d) The corrections agent or law enforcement authority may require that a person required  
76.18 to register under this section appear before the agent or authority to be photographed. The  
76.19 agent or authority shall forward the photograph to the bureau.

76.20 (1) Except as provided in clause (2), the agent or authority may photograph any offender  
76.21 at a time and frequency chosen by the agent or authority.

76.22 (2) The requirements of this paragraph shall not apply during any period where the  
76.23 person to be photographed is: (i) committed to the commissioner of corrections and  
76.24 incarcerated, (ii) incarcerated in a regional jail or county jail, or (iii) committed to the  
76.25 commissioner of human services and receiving treatment in a secure treatment facility.

76.26 (e) During the period a person is required to register under this section, the following  
76.27 provisions apply:

76.28 (1) Except for persons registering under subdivision 3a, the bureau shall mail a  
76.29 verification form to the person's last reported primary address. This verification form must  
76.30 provide notice to the offender that, if the offender does not return the verification form as  
76.31 required, information about the offender may be made available to the public through  
76.32 electronic, computerized, or other accessible means. For persons who are registered under  
76.33 subdivision 3a, the bureau shall mail an annual verification form to the law enforcement  
76.34 authority where the offender most recently reported. The authority shall provide the

77.1 verification form to the person at the next weekly meeting and ensure that the person  
77.2 completes and signs the form and returns it to the bureau. Notice is sufficient under this  
77.3 paragraph, if the verification form is sent by first class mail to the person's last reported  
77.4 primary address, or for persons registered under subdivision 3a, to the law enforcement  
77.5 authority where the offender most recently reported.

77.6 (2) The person shall mail the signed verification form back to the bureau within ~~ten~~ 15  
77.7 days ~~after receipt~~ of the date on the form, stating on the form the current and last address  
77.8 of the person's residence and the other information required under subdivision 4a.

77.9 (3) In addition to the requirements listed in this section, an offender who is no longer  
77.10 under correctional supervision for a registration offense, or a failure to register offense, but  
77.11 who resides, works, or attends school in Minnesota, shall have an in-person contact with a  
77.12 law enforcement authority as provided in this section. If the person resides in Minnesota,  
77.13 the in-person contact shall be with the law enforcement authority that has jurisdiction over  
77.14 the person's primary address or, if the person has no address, the location where the person  
77.15 is staying. If the person does not reside in Minnesota but works or attends school in this  
77.16 state, the person shall have an in-person contact with the law enforcement authority or  
77.17 authorities with jurisdiction over the person's school or workplace. During the month of the  
77.18 person's birth date, the person shall report to the authority to verify the accuracy of the  
77.19 registration information and to be photographed. Within three days of this contact, the  
77.20 authority shall enter information as required by the bureau into the predatory offender  
77.21 registration database and submit an updated photograph of the person to the bureau's  
77.22 predatory offender registration unit.

77.23 (4) If the person fails to mail the completed and signed verification form to the bureau  
77.24 within ~~ten~~ 15 days ~~after receipt~~ of the date on the form, or if the person fails to report to the  
77.25 law enforcement authority during the month of the person's birth date, the person is in  
77.26 violation of this section.

77.27 (5) For any person who fails to mail the completed and signed verification form to the  
77.28 bureau within ~~ten~~ 15 days ~~after receipt~~ of the date on the form and who has been determined  
77.29 to be a risk level III offender under section 244.052, the bureau shall immediately investigate  
77.30 and notify local law enforcement authorities to investigate the person's location and to ensure  
77.31 compliance with this section. The bureau also shall immediately give notice of the person's  
77.32 violation of this section to the law enforcement authority having jurisdiction over the person's  
77.33 last registered primary address ~~or addresses~~.

78.1 (6) A corrections agent or law enforcement authority may determine whether the person  
78.2 is at their primary address, secondary address, school or work location, if any, or the accuracy  
78.3 of any other information required under subdivision 4a or 4d at a time and frequency chosen  
78.4 by the agent or authority. A law enforcement authority may make this determination on any  
78.5 person whose primary address, secondary address, or school or work location, if any, is  
78.6 within the authority's jurisdiction, regardless of the assignment of a corrections agent.

78.7 For persons required to register under subdivision 1b, paragraph (c), following  
78.8 commitment pursuant to a court commitment under Minnesota Statutes 2012, section  
78.9 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of  
78.10 another state or the United States, the bureau shall comply with clause (1) at least four times  
78.11 each year. For persons who, under section 244.052, are assigned to risk level III and who  
78.12 are no longer under correctional supervision for a registration offense or a failure to register  
78.13 offense, the bureau shall comply with clause (1) at least two times each year. For all other  
78.14 persons required to register under this section, the bureau shall comply with clause (1) each  
78.15 year within 30 days of the anniversary date of the person's initial registration.

78.16 (f) When sending out a verification form, the bureau shall determine whether the person  
78.17 to whom the verification form is being sent has signed a written consent form as provided  
78.18 for in paragraph (a). If the person has not signed such a consent form, the bureau shall send  
78.19 a written consent form to the person along with the verification form. A person who receives  
78.20 this written consent form shall sign and return it to the bureau at the same time as the  
78.21 verification form.

78.22 (g) For persons registered under this section on the effective date of this section, each  
78.23 person, on or before one year from that date, must provide a biological specimen for the  
78.24 purpose of DNA analysis to the probation agency or law enforcement agency where that  
78.25 person is registered. A person who provides or has provided a biological specimen for the  
78.26 purpose of DNA analysis under chapter 299C or section 609.117 meets the requirements  
78.27 of this paragraph.

78.28 Sec. 6. Minnesota Statutes 2016, section 243.166, subdivision 4a, is amended to read:

78.29 Subd. 4a. **Information required to be provided.** (a) A person required to register under  
78.30 this section shall provide to the corrections agent or law enforcement authority the following  
78.31 information:

78.32 (1) the person's primary address;

79.1 (2) all of the person's secondary addresses ~~in Minnesota~~, including all addresses used  
79.2 for residential or recreational purposes;

79.3 (3) the addresses of all Minnesota property owned, leased, or rented by the person;

79.4 (4) the addresses of all locations where the person is employed;

79.5 (5) the addresses of all schools where the person is enrolled; ~~and~~

79.6 (6) the year, model, make, license plate number, and color of all motor vehicles owned  
79.7 or regularly driven by the person;

79.8 (7) the expiration year for the motor vehicle license plate tabs of all motor vehicles  
79.9 owned by the person;

79.10 (8) the person's driver's license or government identification number and state of issue;

79.11 (9) the year, model, make, and registration number for all watercraft owned or regularly  
79.12 operated by the person;

79.13 (10) the person's Social Security number as required by United States Code, title 42,  
79.14 section 16914;

79.15 (11) all of the person's electronic mail addresses, instant messaging addresses, and social  
79.16 media accounts;

79.17 (12) all telephone numbers including work, school, and home and any cellular telephone  
79.18 service;

79.19 (13) the person's passport number and country of issue, if any; and

79.20 (14) the person's professional license number, if any, and the issuing organization.

79.21 (b) The person shall report to the agent or authority the information required to be  
79.22 provided under paragraph (a), clauses (2) to ~~(6)~~ (14), within five days of the date the clause  
79.23 becomes applicable. If because of a change in circumstances any information reported under  
79.24 paragraph (a), clauses (1) to ~~(6)~~ (14), no longer applies, the person shall immediately inform  
79.25 the agent or authority that the information is no longer valid. If the person leaves a primary  
79.26 address and does not have a new primary address, the person shall register as provided in  
79.27 subdivision 3a.

79.28 Sec. 7. Minnesota Statutes 2016, section 243.166, subdivision 4b, is amended to read:

79.29 Subd. 4b. **Health care facility; notice of status.** (a) For the purposes of this subdivision,  
79.30 "health care facility" means a facility:

80.1 (1) licensed by the commissioner of health as a hospital, boarding care home or supervised  
80.2 living facility under sections 144.50 to 144.58, or a nursing home under chapter 144A;

80.3 (2) registered by the commissioner of health as a housing with services establishment  
80.4 as defined in section 144D.01; ~~or~~

80.5 (3) licensed by the commissioner of health as a home care provider as defined in section  
80.6 144A.43; or

80.7 ~~(3)~~ (4) licensed by the commissioner of human services as a residential facility under  
80.8 chapter 245A to provide adult foster care, adult mental health treatment, chemical dependency  
80.9 treatment to adults, or residential services to persons with disabilities.

80.10 (b) Prior to admission to a health care facility, a person required to register under this  
80.11 section shall disclose to:

80.12 (1) the health care facility employee processing the admission the person's status as a  
80.13 registered predatory offender under this section; and

80.14 (2) the person's corrections agent, or if the person does not have an assigned corrections  
80.15 agent, the law enforcement authority with whom the person is currently required to register,  
80.16 that inpatient admission or other admission will occur.

80.17 (c) A law enforcement authority or corrections agent who receives notice under paragraph  
80.18 (b) or who knows that a person required to register under this section is planning to be  
80.19 admitted and receive, or has been admitted and is receiving health care at a health care  
80.20 facility shall notify the administrator of the facility and deliver a fact sheet to the  
80.21 administrator containing the following information: (1) name and physical description of  
80.22 the offender; (2) the offender's conviction history, including the dates of conviction; (3) the  
80.23 risk level classification assigned to the offender under section 244.052, if any; and (4) the  
80.24 profile of likely victims.

80.25 (d) Except for a hospital licensed under sections 144.50 to 144.58 or a home care provider  
80.26 as defined in section 144A.43, if a health care facility receives a fact sheet under paragraph  
80.27 (c) that includes a risk level classification for the offender, and if the facility admits the  
80.28 offender, the facility shall distribute the fact sheet to all residents at the facility. If the facility  
80.29 determines that distribution to a resident is not appropriate given the resident's medical,  
80.30 emotional, or mental status, the facility shall distribute the fact sheet to the patient's next of  
80.31 kin or emergency contact.

81.1 Sec. 8. Minnesota Statutes 2016, section 243.166, subdivision 4c, is amended to read:

81.2 Subd. 4c. **Notices in writing; signed.** All notices required by this section must be in  
81.3 writing and signed by the person required to register. For purposes of this section, a signature  
81.4 may be in ink on paper, by an electronic method established by the bureau, or by use of a  
81.5 biometric for the person. If a biometric is used, the person must provide a sample that is  
81.6 forwarded to the bureau so that it can be maintained for comparison purposes to verify the  
81.7 person's identity.

81.8 Sec. 9. Minnesota Statutes 2016, section 243.166, is amended by adding a subdivision to  
81.9 read:

81.10 Subd. 4d. **Travel.** (a) A person required to register under this section who intends to  
81.11 travel outside the boundaries of the United States must notify the person's corrections agent  
81.12 or the law enforcement authority with jurisdiction over the person's primary address of the  
81.13 travel plans. The person must provide:

81.14 (i) anticipated departure date;

81.15 (ii) place of departure;

81.16 (iii) place of arrival or return;

81.17 (iv) carrier and flight numbers for air travel;

81.18 (v) destination country and address or other contact information;

81.19 (vi) means and purpose of travel;

81.20 (vii) visa information, if any; and

81.21 (viii) any other itinerary information requested by the corrections agent or law  
81.22 enforcement authority.

81.23 The notice must be provided at least 21 calendar days before the departure date and forwarded  
81.24 to the bureau within one business day of receipt. If it is not possible to give 21 calendar  
81.25 days' notice due to an emergency or a work assignment, the person is required to notify the  
81.26 corrections agent or the law enforcement authority with jurisdiction over the person's primary  
81.27 address as soon as possible prior to departure. If the travel is due to an emergency, the person  
81.28 must provide a copy of the message conveying the emergency that includes the date and  
81.29 time sent and the source of the information. If the travel is the result of a work assignment,  
81.30 the employer must provide the date the employee was informed of the need to travel and  
81.31 the nature of the work to be performed.

82.1 (b) The corrections agent or law enforcement authority must forward the notification to  
82.2 the bureau as soon as possible after receipt. The bureau must forward the international travel  
82.3 information as required by United States Code, title 42, section 16914.

82.4 (c) A person required to register under this section who is assigned a corrections agent  
82.5 must receive the corrections agent's approval for all international travel. Nothing in this  
82.6 subdivision requires a corrections agent to approve of travel that is inconsistent with the  
82.7 terms of the offender's supervision.

82.8 Sec. 10. Minnesota Statutes 2016, section 243.166, subdivision 5, is amended to read:

82.9 Subd. 5. **Criminal penalty.** (a) A person required to register under this section who  
82.10 ~~knowingly~~ violates any of its provisions or intentionally provides false information to a  
82.11 corrections agent, law enforcement authority, or the bureau is guilty of a felony and may  
82.12 be sentenced to imprisonment for not more than five years or to payment of a fine of not  
82.13 more than \$10,000, or both.

82.14 (b) Except as provided in paragraph (c), a person convicted of violating paragraph (a)  
82.15 shall be committed to the custody of the commissioner of corrections for not less than a  
82.16 year and a day, nor more than five years.

82.17 (c) A person convicted of violating paragraph (a), who has previously been convicted  
82.18 of or adjudicated delinquent for violating this section or a similar statute of another state or  
82.19 the United States, shall be committed to the custody of the commissioner of corrections for  
82.20 not less than two years, nor more than five years.

82.21 (d) Prior to the time of sentencing, the prosecutor may file a motion to have the person  
82.22 sentenced without regard to the mandatory minimum sentence established by this subdivision.  
82.23 The motion must be accompanied by a statement on the record of the reasons for it. When  
82.24 presented with the motion, or on its own motion, the court may sentence the person without  
82.25 regard to the mandatory minimum sentence if the court finds substantial and compelling  
82.26 reasons to do so. Sentencing a person in the manner described in this paragraph is a departure  
82.27 from the Sentencing Guidelines.

82.28 (e) A person convicted and sentenced as required by this subdivision is not eligible for  
82.29 probation, parole, discharge, work release, conditional release, or supervised release, until  
82.30 that person has served the full term of imprisonment as provided by law, notwithstanding  
82.31 the provisions of sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135.

82.32 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
82.33 committed on or after that date.

83.1 Sec. 11. Minnesota Statutes 2016, section 243.166, subdivision 6, is amended to read:

83.2 Subd. 6. **Registration period.** (a) Notwithstanding the provisions of section 609.165,  
83.3 subdivision 1, and except as provided in paragraphs (b), (c), and (d), a person required to  
83.4 register under this section shall continue to comply with this section until ten years have  
83.5 elapsed since the person initially registered in connection with the offense, or until the  
83.6 probation, supervised release, or conditional release period expires, whichever occurs later.  
83.7 For a person required to register under this section who is committed under section 253B.18,  
83.8 Minnesota Statutes 2012, section 253B.185, or chapter 253D, the ten-year registration period  
83.9 does not include the period of commitment.

83.10 (b) If a person required to register under this section fails to provide the person's primary  
83.11 address as required by subdivision 3, paragraph (b), fails to comply with the requirements  
83.12 of subdivision 3a, fails to provide information as required by subdivision 4a, ~~or~~ fails to  
83.13 return the verification form referenced in subdivision 4 within ~~ten~~ 15 days, or fails to provide  
83.14 the travel information required by subdivision 4d and is convicted under subdivision 5, the  
83.15 commissioner of public safety shall require the person to continue to register for an additional  
83.16 period of five years. This five-year period is added to the end of the offender's registration  
83.17 period. In addition, if the person is not in compliance at the end of the registration period,  
83.18 the commissioner shall require the person to continue to register for an additional period of  
83.19 two years.

83.20 (c) If a person required to register under this section is incarcerated due to a conviction  
83.21 for a new offense or following a revocation of probation, supervised release, or conditional  
83.22 release for any offense, the person shall continue to register until ten years have elapsed  
83.23 since the person was last released from incarceration or until the person's probation,  
83.24 supervised release, or conditional release period expires, whichever occurs later.

83.25 (d) A person shall continue to comply with this section for the life of that person:

83.26 (1) if the person is convicted of or adjudicated delinquent for any offense for which  
83.27 registration is required under subdivision 1b, or any offense from another state or any federal  
83.28 offense similar to the offenses described in subdivision 1b, and the person has a prior  
83.29 conviction or adjudication for an offense for which registration was or would have been  
83.30 required under subdivision 1b, or an offense from another state or a federal offense similar  
83.31 to an offense described in subdivision 1b;

83.32 (2) if the person is required to register based upon a conviction or delinquency  
83.33 adjudication for an offense under section 609.185, paragraph (a), clause (2), or a similar  
83.34 statute from another state or the United States;

84.1 (3) if the person is required to register based upon a conviction for an offense under  
84.2 section 609.342, subdivision 1, paragraph (a), (c), (d), (e), (f), or (h); 609.343, subdivision  
84.3 1, paragraph (a), (c), (d), (e), (f), or (h); 609.344, subdivision 1, paragraph (a), (c), or (g);  
84.4 or 609.345, subdivision 1, paragraph (a), (c), or (g); or a statute from another state or the  
84.5 United States similar to the offenses described in this clause; or

84.6 (4) if the person is required to register under subdivision 1b, paragraph (c), following  
84.7 commitment pursuant to a court commitment under Minnesota Statutes 2012, section  
84.8 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of  
84.9 another state or the United States.

84.10 (e) A person described in subdivision 1b, paragraph (b), who is required to register under  
84.11 the laws of a state in which the person has been previously convicted or adjudicated  
84.12 delinquent, shall register under this section for the time period required by the state of  
84.13 conviction or adjudication unless a longer time period is required elsewhere in this section.

84.14 Sec. 12. Minnesota Statutes 2016, section 243.166, subdivision 7, is amended to read:

84.15 Subd. 7. **Use of data.** (a) Except as otherwise provided in subdivision 7a or sections  
84.16 244.052 and 299C.093, the data provided under this section is private data on individuals  
84.17 under section 13.02, subdivision 12.

84.18 (b) The data may be used only by law enforcement and corrections agencies for law  
84.19 enforcement and corrections purposes. Law enforcement or a corrections agent may disclose  
84.20 the status of an individual as a predatory offender to a child protection worker with a local  
84.21 welfare agency for purposes of doing a family assessment under section 626.556. A  
84.22 corrections agent may also disclose the status of an individual as a predatory offender to  
84.23 comply with section 244.057.

84.24 (c) The commissioner of human services is authorized to have access to the data for:

84.25 (1) state-operated services, as defined in section 246.014, for the purposes described in  
84.26 section 246.13, subdivision 2, paragraph (b); and

84.27 (2) purposes of completing background studies under chapter 245C.

84.28 Sec. 13. Minnesota Statutes 2016, section 243.166, subdivision 7a, is amended to read:

84.29 Subd. 7a. **Availability of information on offenders who are out of compliance with**  
84.30 **registration law.** (a) The bureau may make information available to the public about  
84.31 offenders who are 16 years of age or older and who are out of compliance with this section  
84.32 for 30 days or longer for failure to provide the offenders' primary or secondary addresses<sub>2</sub>

85.1 for failure to return a verification form, or who have absconded. This information may be  
85.2 made available to the public through electronic, computerized, or other accessible means.  
85.3 The amount and type of information made available is limited to the information necessary  
85.4 for the public to assist law enforcement in locating the offender.

85.5 (b) An offender who comes into compliance with this section after the bureau discloses  
85.6 information about the offender to the public may send a written request to the bureau  
85.7 requesting the bureau to treat information about the offender as private data, consistent with  
85.8 subdivision 7. The bureau shall review the request and promptly take reasonable action to  
85.9 treat the data as private, if the offender has complied with the requirement that the offender  
85.10 provide the offender's primary and secondary addresses, has returned the verification form  
85.11 or has returned to the primary address, or promptly notify the offender that the information  
85.12 will continue to be treated as public information and the reasons for the bureau's decision.

85.13 (c) If an offender believes the information made public about the offender is inaccurate  
85.14 or incomplete, the offender may challenge the data under section 13.04, subdivision 4.

85.15 (d) The bureau is immune from any civil or criminal liability that might otherwise arise,  
85.16 based on the accuracy or completeness of any information made public under this subdivision,  
85.17 if the bureau acts in good faith.

85.18 Sec. 14. Minnesota Statutes 2016, section 299C.093, is amended to read:

85.19 **299C.093 DATABASE OF REGISTERED PREDATORY OFFENDERS.**

85.20 The superintendent of the Bureau of Criminal Apprehension shall maintain a  
85.21 computerized data system relating to individuals required to register as predatory offenders  
85.22 under section 243.166. To the degree feasible, the system must include the data required to  
85.23 be provided under section 243.166, subdivisions 4 ~~and~~ 4a, and 4d, and indicate the time  
85.24 period that the person is required to register. The superintendent shall maintain this data in  
85.25 a manner that ensures that it is readily available to law enforcement agencies. This data is  
85.26 private data on individuals under section 13.02, subdivision 12, but may be used for law  
85.27 enforcement and corrections purposes. Law enforcement or a corrections agent may disclose  
85.28 the status of an individual as a predatory offender to a child protection worker with a local  
85.29 welfare agency for purposes of doing a family assessment under section 626.556. A  
85.30 corrections agent may also disclose the status of an individual as a predatory offender to  
85.31 comply with section 244.057. The commissioner of human services has access to the data  
85.32 for state-operated services, as defined in section 246.014, for the purposes described in  
85.33 section 246.13, subdivision 2, paragraph (b), and for purposes of conducting background  
85.34 studies under chapter 245C.

86.1

**ARTICLE 7**

86.2

**DWI**

86.3 Section 1. Minnesota Statutes 2016, section 169A.24, subdivision 1, is amended to read:

86.4 Subdivision 1. **Degree described.** A person who violates section 169A.20 (driving while  
86.5 impaired) is guilty of first-degree driving while impaired if the person:

86.6 (1) commits the violation within ten years of the first of three or more qualified prior  
86.7 impaired driving incidents;

86.8 (2) has previously been convicted of a felony under this section; or

86.9 (3) has previously been convicted of a felony under:

86.10 (i) Minnesota Statutes 2012, section 609.21 (criminal vehicular homicide and injury,  
86.11 substance-related offenses), subdivision 1, clauses (2) to (6);

86.12 (ii) Minnesota Statutes 2006, section 609.21 (criminal vehicular homicide and injury,  
86.13 substance-related offenses), subdivision 1, clauses (2) to (6); subdivision 2, clauses (2) to  
86.14 (6); subdivision 2a, clauses (2) to (6); subdivision 3, clauses (2) to (6); or subdivision 4,  
86.15 clauses (2) to (6); ~~or~~

86.16 (iii) section 609.2112, subdivision 1, clauses (2) to (6); 609.2113, subdivision 1, clauses  
86.17 (2) to (6), subdivision 2, clauses (2) to (6), or subdivision 3, clauses (2) to (6); or 609.2114,  
86.18 subdivision 1, clauses (2) to (6), or subdivision 2, clauses (2) to (6); or

86.19 (iv) a statute from this state or another state in conformity with any provision listed in  
86.20 clause (i), (ii), or (iii).

86.21 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
86.22 committed on or after that date.

86.23 Sec. 2. Minnesota Statutes 2016, section 169A.55, subdivision 4, is amended to read:

86.24 Subd. 4. **Reinstatement of driving privileges; multiple incidents.** (a) A person whose  
86.25 driver's license has been revoked as a result of an offense listed under clause (1) or (2) shall  
86.26 not be eligible for reinstatement of driving privileges without an ignition interlock restriction  
86.27 until the commissioner certifies that the person has neither owned nor leased a vehicle, the  
86.28 person has not transferred ownership of a vehicle to a family or household member, no  
86.29 family or household member owns or leases a vehicle which the person has express or  
86.30 implied consent to drive, and the person has not committed a violation of chapter 169A or

87.1 171 during the revocation period; or the person has used the ignition interlock device and  
87.2 complied with section 171.306 for a period of not less than:

87.3 (1) one year, for a person whose driver's license was revoked for:

87.4 (i) an offense occurring within ten years of a qualified prior impaired driving incident;

87.5 or

87.6 (ii) an offense occurring after two qualified prior impaired driving incidents; or

87.7 (2) two years, for a person whose driver's license was revoked for:

87.8 (i) an offense occurring under clause (1), and where the test results indicated an alcohol  
87.9 concentration of twice the legal limit; or

87.10 (ii) an offense occurring under clause (1), and where the current offense is for a violation  
87.11 of section 169A.20, subdivision 2 (test refusal).

87.12 As used in this paragraph, "family or household member" has the meaning given in section  
87.13 169A.63, subdivision 1, paragraph (f).

87.14 (b) A person whose driver's license has been canceled or denied as a result of three or  
87.15 more qualified impaired driving incidents shall not be eligible for reinstatement of driving  
87.16 privileges without an ignition interlock restriction until the person:

87.17 (1) has completed rehabilitation according to rules adopted by the commissioner or been  
87.18 granted a variance from the rules by the commissioner; and

87.19 (2) has submitted verification of abstinence from alcohol and controlled substances  
87.20 under paragraph (c), as evidenced by the person's use of an ignition interlock device or other  
87.21 chemical monitoring device approved by the commissioner.

87.22 ~~(b)~~ (c) The verification of abstinence must show that the person has abstained from the  
87.23 use of alcohol and controlled substances for a period of not less than:

87.24 (1) three years, for a person whose driver's license was canceled or denied for an offense  
87.25 occurring within ten years of the first of two qualified prior impaired driving incidents, or  
87.26 occurring after three qualified prior impaired driving incidents;

87.27 (2) four years, for a person whose driver's license was canceled or denied for an offense  
87.28 occurring within ten years of the first of three qualified prior impaired driving incidents; or

87.29 (3) six years, for a person whose driver's license was canceled or denied for an offense  
87.30 occurring after four or more qualified prior impaired driving incidents.

88.1 ~~(e) The commissioner shall establish performance standards and a process for certifying~~  
88.2 ~~chemical monitoring devices. The standards and procedures are not rules and are exempt~~  
88.3 ~~from chapter 14, including section 14.386.~~

88.4 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
88.5 committed on or after that date.

88.6 Sec. 3. Minnesota Statutes 2016, section 171.24, is amended by adding a subdivision to  
88.7 read:

88.8 Subd. 4a. **Driving after a DWI-related suspension, revocation, or cancellation;**  
88.9 **misdemeanor.** (a) Except as otherwise provided in subdivision 5, a person is guilty of a  
88.10 misdemeanor if:

88.11 (1) the person's driver's license or driving privilege has been suspended, revoked, or  
88.12 canceled under section 169A.52, 169A.54, or 171.177;

88.13 (2) the person has been given notice of or reasonably should know of the suspension,  
88.14 revocation, or cancellation; and

88.15 (3) the person disobeys the order by operating in this state any motor vehicle, the  
88.16 operation of which requires a driver's license, while the person's license or privilege is  
88.17 suspended, revoked, or canceled.

88.18 (b) Notwithstanding section 609.101, subdivision 4, the Judicial Council may not add  
88.19 a violation of this subdivision to the Statewide Payables List.

88.20 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
88.21 committed on or after that date.

88.22 Sec. 4. Minnesota Statutes 2017 Supplement, section 171.30, subdivision 1, is amended  
88.23 to read:

88.24 Subdivision 1. **Conditions of issuance.** (a) The commissioner may issue a limited license  
88.25 to the driver under the conditions in paragraph (b) in any case where a person's license has  
88.26 been:

88.27 (1) suspended under section 171.18, 171.173, 171.186, or 171.187;

88.28 (2) revoked, canceled, or denied under section:

88.29 (i) 169.792;

88.30 (ii) 169.797;

- 89.1 (iii) 169A.52:
- 89.2 (A) subdivision 3, paragraph (a), clause (1) or (2);
- 89.3 (B) subdivision 3, paragraph (a), clause (3), for a violation of section 169A.20,
- 89.4 subdivision 1, clause (2), (3), (4), or (7);
- 89.5 (C) subdivision 3, paragraph (a), clause (4), (5), or (6), for a violation of section 169A.20,
- 89.6 subdivision 1, clause (1), (5), or (6), and if in compliance with section 171.306;
- 89.7 (D) subdivision 3, paragraph (a), clause (4), (5), or (6), for a violation of section 169A.20,
- 89.8 subdivision 1, clause (2), (3), (4), or (7);
- 89.9 ~~(C)~~ (E) subdivision 4, paragraph (a), clause (1) or (2), if the test results indicate an
- 89.10 alcohol concentration of less than twice the legal limit;
- 89.11 (F) subdivision 4, paragraph (a), clause (3), for a violation of section 169A.20, subdivision
- 89.12 1, clause (2), (3), (4), or (7);
- 89.13 ~~(D)~~ (G) subdivision 4, paragraph (a), clause (4), (5), or (6), for a violation of section
- 89.14 169A.20, subdivision 1, clause (1), (5), or (6), and if in compliance with section 171.306;
- 89.15 (H) subdivision 4, paragraph (a), clause (4), (5), or (6), for a violation of section 169A.20,
- 89.16 subdivision 1, clause (2), (3), (4), or (7); or
- 89.17 (iv) 171.17; or
- 89.18 (v) 171.172;
- 89.19 (3) revoked, canceled, or denied under section 169A.54:
- 89.20 (i) subdivision 1, clause (1), if the test results indicate an alcohol concentration of less
- 89.21 than twice the legal limit;
- 89.22 (ii) subdivision 1, clause (2);
- 89.23 (iii) subdivision 1, clause (3) or (4), for a violation of section 169A.20, subdivision 1,
- 89.24 clause (2), (3), (4), or (7);
- 89.25 (iv) subdivision 1, clause (5), (6), or (7), for a violation of section 169A.20, subdivision
- 89.26 1, clause (1), (5), or (6), and if in compliance with section 171.306; or
- 89.27 (v) subdivision 1, clause (5), (6), or (7), for a violation of section 169A.20, subdivision
- 89.28 1, clause (2), (3), (4), or (7); or

90.1 ~~(iv)~~ (vi) subdivision 2, if the person does not have a qualified prior impaired driving  
90.2 incident as defined in section 169A.03, subdivision 22, on the person's record, and the test  
90.3 results indicate an alcohol concentration of less than twice the legal limit; or

90.4 (4) revoked, canceled, or denied under section 171.177:

90.5 (i) subdivision 4, paragraph (a), clause (1) or (2);

90.6 (ii) subdivision 4, paragraph (a), clause (3), for a violation of section 169A.20, subdivision  
90.7 1, clause (2), (3), (4), or (7);

90.8 (iii) subdivision 4, paragraph (a), clause (4), (5), or (6), for a violation of section 169A.20,  
90.9 subdivision 1, clause (1), (5), or (6), and if in compliance with section 171.306;

90.10 (iv) subdivision 4, paragraph (a), clause (4), (5), or (6), for a violation of section 169A.20,  
90.11 subdivision 1, clause (2), (3), (4), or (7);

90.12 ~~(iii)~~ (v) subdivision 5, paragraph (a), clause (1) or (2), if the test results indicate an  
90.13 alcohol concentration of less than twice the legal limit; or

90.14 (vi) subdivision 5, paragraph (a), clause (3), for a violation of section 169A.20,  
90.15 subdivision 1, clause (2), (3), (4), or (7);

90.16 ~~(iv)~~ (vii) subdivision 5, paragraph (a), clause (4), (5), or (6), for a violation of section  
90.17 169A.20, subdivision 1, clause (1), (5), or (6), and if in compliance with section 171.306;  
90.18 or

90.19 (viii) subdivision 5, paragraph (a), clause (4), (5), or (6), for a violation of section  
90.20 169A.20, subdivision 1, clause (2), (3), (4), or (7).

90.21 (b) The following conditions for a limited license under paragraph (a) include:

90.22 (1) if the driver's livelihood or attendance at a chemical dependency treatment or  
90.23 counseling program depends upon the use of the driver's license;

90.24 (2) if the use of a driver's license by a homemaker is necessary to prevent the substantial  
90.25 disruption of the education, medical, or nutritional needs of the family of the homemaker;  
90.26 or

90.27 (3) if attendance at a postsecondary institution of education by an enrolled student of  
90.28 that institution depends upon the use of the driver's license.

90.29 (c) The commissioner in issuing a limited license may impose such conditions and  
90.30 limitations as in the commissioner's judgment are necessary to the interests of the public  
90.31 safety and welfare including reexamination as to the driver's qualifications. The license may

91.1 be limited to the operation of particular vehicles, to particular classes and times of operation,  
91.2 and to particular conditions of traffic. The commissioner may require that an applicant for  
91.3 a limited license affirmatively demonstrate that use of public transportation or carpooling  
91.4 as an alternative to a limited license would be a significant hardship.

91.5 (d) For purposes of this subdivision:

91.6 (1) "homemaker" refers to the person primarily performing the domestic tasks in a  
91.7 household of residents consisting of at least the person and the person's dependent child or  
91.8 other dependents; and

91.9 (2) "twice the legal limit" means an alcohol concentration of two times the limit specified  
91.10 in section 169A.20, subdivision 1, clause (5).

91.11 (e) The limited license issued by the commissioner shall clearly indicate the limitations  
91.12 imposed and the driver operating under the limited license shall have the license in possession  
91.13 at all times when operating as a driver.

91.14 (f) In determining whether to issue a limited license, the commissioner shall consider  
91.15 the number and the seriousness of prior convictions and the entire driving record of the  
91.16 driver and shall consider the number of miles driven by the driver annually.

91.17 (g) If the person's driver's license or permit to drive has been revoked under section  
91.18 169.792 or 169.797, the commissioner may only issue a limited license to the person after  
91.19 the person has presented an insurance identification card, policy, or written statement  
91.20 indicating that the driver or owner has insurance coverage satisfactory to the commissioner  
91.21 of public safety. The commissioner of public safety may require the insurance identification  
91.22 card provided to satisfy this subdivision be certified by the insurance company to be  
91.23 noncancelable for a period not to exceed 12 months.

91.24 (h) The limited license issued by the commissioner to a person under section 171.186,  
91.25 subdivision 4, must expire 90 days after the date it is issued. The commissioner must not  
91.26 issue a limited license to a person who previously has been issued a limited license under  
91.27 section 171.186, subdivision 4.

91.28 (i) The commissioner shall not issue a limited driver's license to any person described  
91.29 in section 171.04, subdivision 1, clause (6), (7), (8), (11), or (14).

91.30 (j) The commissioner shall not issue a class A, class B, or class C limited license.

91.31 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
91.32 committed on or after that date.

92.1 Sec. 5. Minnesota Statutes 2017 Supplement, section 171.30, subdivision 2a, is amended  
92.2 to read:

92.3 Subd. 2a. **Other waiting periods.** Notwithstanding subdivision 2, a limited license shall  
92.4 not be issued for a period of:

92.5 (1) 15 days, to a person whose license or privilege has been revoked or suspended for  
92.6 a first violation of section 169A.20, sections 169A.50 to 169A.53, section 171.177, or a  
92.7 statute or ordinance from another state in conformity with ~~either~~ any of those sections; or

92.8 (2) 90 days, to a person who submitted to testing under sections 169A.50 to 169A.53,  
92.9 section 171.177, or a statute or ordinance from another state in conformity with any of those  
92.10 sections, if the person's license or privilege has been revoked or suspended for a violation  
92.11 of section 169A.20, subdivision 1, clause (2), (3), (4), or (7), occurring within ten years of  
92.12 a qualified prior impaired driving incident, or after two qualified prior impaired driving  
92.13 incidents, for violations of section 169A.20, sections 169A.50 to 169A.53, section 171.177,  
92.14 or a statute or ordinance from another state in conformity with any of those sections; or

92.15 (3) 180 days, to a person who refused testing under sections 169A.50 to 169A.53, section  
92.16 171.177, or a statute or ordinance from another state in conformity with any of those sections,  
92.17 if the person's license or privilege has been revoked or suspended for a violation of section  
92.18 169A.20, subdivision 1, clause (2), (3), (4), or (7), occurring within ten years of a qualified  
92.19 prior impaired driving incident, or after two qualified prior impaired driving incidents, for  
92.20 violations of section 169A.20, sections 169A.50 to 169A.53, section 171.177, or a statute  
92.21 or ordinance from another state in conformity with any of those sections; or

92.22 (4) one year, to a person whose license or privilege has been revoked or suspended for  
92.23 committing manslaughter resulting from the operation of a motor vehicle, committing  
92.24 criminal vehicular homicide or injury under section ~~609.21~~ 609.2112, subdivision 1, clause  
92.25 (1), (2), item (ii), (5), (6), (7), or (8), committing criminal vehicular homicide under section  
92.26 ~~609.21~~ 609.2112, subdivision 1, clause (2), item (i) or (iii), (3), or (4), or violating a statute  
92.27 or ordinance from another state in conformity with either of those offenses.

92.28 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
92.29 committed on or after that date.

92.30 Sec. 6. Minnesota Statutes 2017 Supplement, section 171.306, subdivision 1, is amended  
92.31 to read:

92.32 Subdivision 1. **Definitions.** (a) As used in this section, the terms in this subdivision have  
92.33 the meanings given them.

93.1 (b) "Ignition interlock device" or "device" means equipment that is designed to measure  
 93.2 breath alcohol concentration and to prevent a motor vehicle's ignition from being started  
 93.3 by a person whose breath alcohol concentration measures 0.02 or higher on the equipment.

93.4 (c) "Location tracking capabilities" means the ability of an electronic or wireless device  
 93.5 to identify and transmit its geographic location through the operation of the device.

93.6 (d) "Program participant" means a person who has qualified to take part in the ignition  
 93.7 interlock program under this section, and whose driver's license has been:

93.8 (1) revoked, canceled, or denied under section 169A.52; or 169A.54; for a violation of  
 93.9 section 169A.20, subdivision 1, clause (1), (5), or (6);

93.10 (2) revoked, canceled, or denied under section 171.04, subdivision 1, clause (10); or  
 93.11 171.177; for a violation of section 169A.20, subdivision 1, clause (1), (5), or (6); or

93.12 ~~(2)~~ (3) revoked under section 171.17, subdivision 1, paragraph (a), clause (1), or  
 93.13 suspended under section 171.187, for a violation of section 609.2113, subdivision 1, clause  
 93.14 (2), item (i) or (iii), (3), or (4); subdivision 2, clause (2), item (i) or (iii), (3), or (4); or  
 93.15 subdivision 3, clause (2), item (i) or (iii), (3), or (4); or 609.2114, subdivision 2, clause (2),  
 93.16 item (i) or (iii), (3), or (4), resulting in bodily harm, substantial bodily harm, or great bodily  
 93.17 harm.

93.18 (e) "Qualified prior impaired driving incident" has the meaning given in section 169A.03,  
 93.19 subdivision 22.

93.20 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
 93.21 committed on or after that date.

93.22 Sec. 7. Minnesota Statutes 2017 Supplement, section 171.306, subdivision 2, is amended  
 93.23 to read:

93.24 Subd. 2. **Performance standards; certification; manufacturer and provider**  
 93.25 **requirements.** (a) The commissioner shall establish performance standards and a process  
 93.26 for certifying devices used in the ignition interlock program, except that the commissioner  
 93.27 may not establish standards that, directly or indirectly, require devices to use or enable  
 93.28 location tracking capabilities without a court order.

93.29 (b) The manufacturer of a device must apply annually for certification of the device by  
 93.30 submitting the form prescribed by the commissioner. The commissioner shall require  
 93.31 manufacturers of certified devices to:

94.1 (1) provide device installation, servicing, and monitoring to indigent program participants  
94.2 at a discounted rate, according to the standards established by the commissioner; ~~and~~

94.3 (2) include in an ignition interlock device contract a provision that a program participant  
94.4 who voluntarily terminates participation in the program is only liable for servicing and  
94.5 monitoring costs incurred during the time the device is installed on the motor vehicle,  
94.6 regardless of whether the term of the contract has expired; and

94.7 (3) include in an ignition interlock device contract a provision that requires manufacturers  
94.8 of certified devices to pay any towing or repair costs caused by device failure or malfunction,  
94.9 or by damage caused during device installation, servicing, or monitoring.

94.10 (c) The manufacturer of a certified device must include with an ignition interlock device  
94.11 contract a separate notice to the program participant regarding any location tracking  
94.12 capabilities of the device.

APPENDIX  
Article locations in HF2856-1

ARTICLE 1	APPROPRIATIONS.....	Page.Ln 1.30
ARTICLE 2	COURTS.....	Page.Ln 4.28
ARTICLE 3	PUBLIC SAFETY AND CORRECTIONS.....	Page.Ln 22.24
ARTICLE 4	GENERAL CRIME.....	Page.Ln 38.27
ARTICLE 5	SEX OFFENDERS.....	Page.Ln 51.19
ARTICLE 6	PREDATORY OFFENDERS.....	Page.Ln 71.1
ARTICLE 7	DWI.....	Page.Ln 86.1

**401.13 COSTS OF CONFINEMENT; PAYMENT.**

Each participating county will be charged a sum equal to the actual per diem cost of confinement, excluding educational costs, of those juveniles committed to the commissioner and confined in a state correctional facility. The commissioner shall annually determine costs making necessary adjustments to reflect the actual costs of confinement. The commissioner of corrections shall bill the counties and deposit the receipts from the counties in the general fund. All charges shall be a charge upon the county of commitment.

**609.349 VOLUNTARY RELATIONSHIPS.**

A person does not commit criminal sexual conduct under sections 609.342, clauses (a) and (b), 609.343, clauses (a) and (b), 609.344, clauses (a), (b), (d), (e), and (n), and 609.345, clauses (a), (b), (d), (e), and (n), if the actor and complainant were adults cohabiting in an ongoing voluntary sexual relationship at the time of the alleged offense, or if the complainant is the actor's legal spouse, unless the couple is living apart and one of them has filed for legal separation or dissolution of the marriage. Nothing in this section shall be construed to prohibit or restrain the prosecution for any other offense committed by one legal spouse against the other.