

1.1 Senator moves to amend S.F. No. 4271 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 **"ARTICLE 1**
1.4 **LAW ENFORCEMENT PROVISIONS**

1.5 Section 1. Minnesota Statutes 2022, section 626.8435, subdivision 1, is amended to read:

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

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

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

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

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

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

1.17 (6) six community members, of which:

1.18 (i) four members shall represent the community-specific boards established under sections
1.19 15.0145 and 3.922, reflecting one appointment made by each board;

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

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

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

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

2.1 Sec. 2. Minnesota Statutes 2022, section 626.8457, subdivision 3, is amended to read:

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

2.7 (b) Beginning July 1, 2021, a chief law enforcement officer, in real time, must submit
2.8 individual peace officer data classified as public data on individuals, as defined by section
2.9 13.02, subdivision 15, or private data on individuals, as defined by section 13.02, subdivision
2.10 12, and submitted using encrypted data that the board determines is necessary to:

2.11 (1) evaluate the effectiveness of statutorily required training;

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

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

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

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

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

2.29 Sec. 3. **ANOKA COUNTY; JAIL AND CRIMINAL JUSTICE CENTER.**

2.30 Subdivision 1. Jail and criminal justice center. Notwithstanding Minnesota Statutes,
2.31 section 373.05, Anoka County may build a jail and criminal justice center in any city located
2.32 within the county to replace the current jail located in the city of Anoka.

3.1 Subd. 2. Sheriff's office. Notwithstanding Minnesota Statutes, section 382.04, the sheriff
3.2 of Anoka County may keep office in the jail and criminal justice center authorized under
3.3 subdivision 1 instead of in the county seat.

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

3.5 **ARTICLE 2**
3.6 **CORRECTIONS PROVISIONS**

3.7 Section 1. Minnesota Statutes 2022, section 13.84, subdivision 6, is amended to read:

3.8 Subd. 6. **Public benefit data.** (a) The responsible authority or its designee of a parole
3.9 or probation authority or correctional agency may release private or confidential court
3.10 services data related to:

3.11 (1) criminal acts to any law enforcement agency, if necessary for law enforcement
3.12 purposes; and

3.13 (2) criminal acts or delinquent acts to the victims of criminal or delinquent acts to the
3.14 extent that the data are necessary for the victim to assert the victim's legal right to restitution.

3.15 (b) A parole or probation authority, a correctional agency, or agencies that provide
3.16 correctional services under contract to a correctional agency may release to a law enforcement
3.17 agency the following data on defendants, parolees, or probationers: current address, dates
3.18 of entrance to and departure from agency programs, and dates and times of any absences,
3.19 both authorized and unauthorized, from a correctional program.

3.20 (c) The responsible authority or its designee of a juvenile correctional agency may release
3.21 private or confidential court services data to a victim of a delinquent act to the extent the
3.22 data are necessary to enable the victim to assert the victim's right to request notice of release
3.23 under section 611A.06. The data that may be released include only the name, home address,
3.24 and placement site of a juvenile who has been placed in a juvenile correctional facility as
3.25 a result of a delinquent act.

3.26 ~~(d) Upon the victim's written or electronic request and, if the victim and offender have~~
3.27 ~~been household or family members as defined in section 518B.01, subdivision 2, paragraph~~
3.28 ~~(b);~~ The commissioner of corrections or the commissioner's designee may disclose to the
3.29 victim of an offender ~~convicted of a qualified domestic violence-related offense as defined~~
3.30 ~~in section 609.02, subdivision 16,~~ notification of the city and five-digit zip code of the
3.31 offender's residency upon or after release from a Department of Corrections facility, unless:

3.32 ~~(1) the offender is not under correctional supervision at the time of the victim's request;~~

4.1 ~~(2) the commissioner or the commissioner's designee does not have the city or zip code;~~
4.2 ~~or~~

4.3 ~~(3) the commissioner or the commissioner's designee reasonably believes that disclosure~~
4.4 ~~of the city or zip code of the offender's residency creates a risk to the victim, offender, or~~
4.5 ~~public safety.~~

4.6 ~~(e) Paragraph (d) applies only where the offender is serving a prison term for a qualified~~
4.7 ~~domestic violence related offense committed against the victim seeking notification.~~

4.8 Sec. 2. Minnesota Statutes 2023 Supplement, section 241.021, subdivision 1, is amended
4.9 to read:

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

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

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

4.23 (3) suicide prevention plans and training;

4.24 (4) verification of medications in a timely manner;

4.25 (5) well-being checks;

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

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

4.30 (8) use of segregation and mental health checks;

4.31 (9) critical incident debriefings;

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

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

5.5 (12) a policy regarding the use of telehealth;

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

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

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

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

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

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

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

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

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

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

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

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

6.33 (b) For juvenile facilities licensed by the commissioner of human services, the
6.34 commissioner may inspect and certify programs based on certification standards set forth

7.1 in Minnesota Rules. For the purpose of this paragraph, "certification" has the meaning given
7.2 it in section 245A.02.

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

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

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

7.14 Sec. 3. Minnesota Statutes 2022, section 241.021, subdivision 1h, is amended to read:

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

7.18 (1) a Department of Corrections employee who is not assigned to the correctional
7.19 institutions division, appointed by the commissioner;

7.20 (2) the ombudsperson for corrections or a designee;

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

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

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

7.26 (4) an individual with expertise in security related to infrastructure and operational
7.27 logistics of correctional facilities who is not required to reside in Minnesota, appointed by
7.28 the governor;

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

7.30 (6) the commissioner of administration or a designee;

8.1 ~~(6)~~ (7) two senators, one appointed by the senate majority leader and one appointed by
8.2 the minority leader; and

8.3 ~~(7)~~ (8) two representatives, one appointed by the speaker of the house and one appointed
8.4 by the minority leader of the house of representatives.

8.5 (b) ~~By January 1, 2022,~~ The ombudsperson or a designee shall chair the group. The
8.6 group shall establish security audit standards for state correctional facilities. In developing
8.7 the standards, the group, or individual members of the group, may gather information from
8.8 state correctional facilities and state correctional staff and inmates. The security audit group
8.9 must periodically review the standards and modify them as needed. The group must report
8.10 the standards to the chairs and ranking minority members of the house of representatives
8.11 and senate committees with jurisdiction over public safety policy and finance ~~by February~~
8.12 15, 2022 whenever the standards are updated.

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

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

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

8.31 (f) The state correctional facilities security audit group is not subject to chapter 13D.

8.32 (g) Except as otherwise provided in this paragraph, the terms, compensation, and removal
8.33 of members of the group are governed by section 15.059. Members of the group serve

9.1 without compensation but shall receive expense reimbursement. Notwithstanding section
9.2 15.059, subdivision 6, the group does not expire.

9.3 Sec. 4. Minnesota Statutes 2022, section 241.021, subdivision 4b, is amended to read:

9.4 Subd. 4b. **Health care peer review committee.** The commissioner of corrections shall
9.5 establish a health care peer review committee. Sections 145.61 to 145.67 apply to the
9.6 committee. The committee shall gather, review, and evaluate information relating to the
9.7 on-site and off-site quality of care and treatment of offenders. The committee shall consist
9.8 of:

9.9 ~~(1) the director of health services;~~

9.10 ~~(2)~~ (1) the department medical director;

9.11 ~~(3)~~ (2) the regional medical director of the contracted health care vendor;

9.12 ~~(4)~~ (3) the department director of nursing or designee;

9.13 ~~(5)~~ (4) a physician from the contracting hospital provider; and

9.14 ~~(6)~~ (5) another physician who provides health care to offenders on site at a correctional
9.15 facility;

9.16 (6) one or more licensed physicians or nurse practitioners from the community, in person
9.17 or by telephone, with expertise in the most appropriate clinical area;

9.18 (7) the director of psychiatry of the contracted vendor;

9.19 (8) the pharmacist liaison of the contracted vendor's pharmacy vendor;

9.20 (9) the clinical pharmacist of the contracted vendor;

9.21 (10) in cases of suicide or unanticipated death, a representative from the Office of Special
9.22 Investigations; and

9.23 (11) other ad hoc members as indicated at the discretion of the Department of Corrections
9.24 medical director or chief medical officer.

9.25 Sec. 5. Minnesota Statutes 2022, section 241.75, subdivision 2, is amended to read:

9.26 Subd. 2. **Health care decisions.** The medical director of the Department of Corrections,
9.27 or the medical director's designee, who must be a physician licensed under chapter 147,
9.28 may make a health care decision for an inmate incarcerated in a state correctional facility
9.29 or placed in an outside facility on conditional medical release if the inmate's attending
9.30 physician determines that the inmate lacks decision-making capacity and:

10.1 (1) there is not a documented health care agent designated by the inmate or the health
10.2 care agent is not reasonably available to make the health care decision;

10.3 (2) if there is a documented health care directive, the decision is consistent with that
10.4 directive;

10.5 (3) the decision is consistent with reasonable medical practice and other applicable law;
10.6 and

10.7 (4) the medical director has made a good faith attempt to consult with the inmate's next
10.8 of kin or emergency contact person in making the decision, to the extent those persons are
10.9 reasonably available.

10.10 Sec. 6. Minnesota Statutes 2022, section 243.52, subdivision 2, is amended to read:

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

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

10.17 (1) a choke hold;

10.18 (2) a prone restraint;

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

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

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

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

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

11.3 (3) "deadly force" has the meaning given in section 609.066, subdivision 1.

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

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

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

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

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

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

11.15 Sec. 7. Minnesota Statutes 2023 Supplement, section 244.05, subdivision 5, is amended
11.16 to read:

11.17 Subd. 5. **Supervised release, life and indeterminate sentences.** (a) The board may,
11.18 under rules adopted by the commissioner, grant supervised release or parole as follows:

11.19 (1) to an inmate serving a mandatory life sentence after the inmate has served the
11.20 minimum term of imprisonment specified in subdivision 4 or section 243.05, subdivision
11.21 1, paragraph (a);

11.22 (2) at any time for an inmate serving a nonlife indeterminate sentence for a crime
11.23 committed on or before April 30, 1980; or

11.24 (3) to an inmate eligible for early supervised release under subdivision 4a after the inmate
11.25 has served the minimum term of imprisonment.

11.26 (b) For cases involving where an inmate is serving multiple sentences, ~~the board must~~
11.27 ~~grant or deny supervised release as follows:~~

11.28 ~~(1) if an inmate is serving multiple sentences that are concurrent to one another, the~~
11.29 ~~board must grant or deny supervised release on all unexpired sentences; and.~~

11.30 ~~(2)~~ Notwithstanding any other law to the contrary, if an inmate who was under the age
11.31 of 18 at the time of the commission of the relevant offenses and has served the minimum

12.1 term of imprisonment specified in subdivision 4b is serving multiple sentences that are
12.2 consecutive to one another, the board ~~may~~ must grant or deny supervised release on ~~one or~~
12.3 ~~more~~ all unexpired sentences.

12.4 (c) No less than three years before an inmate has served the applicable minimum term
12.5 of imprisonment, the board must assess the inmate's status and make programming
12.6 recommendations relevant to the inmate's release review. The commissioner must ensure
12.7 that any board programming recommendations are followed and implemented.

12.8 (d) The board must conduct a supervised release review hearing as soon as practicable
12.9 before an inmate has served the applicable minimum term of imprisonment.

12.10 (e) The board shall require the preparation of a community investigation report. The
12.11 report shall:

12.12 (1) reflect the sentiment of the various elements of the community toward the inmate,
12.13 both at the time of the offense and at the present time;

12.14 (2) include the views of the sentencing judge, the prosecutor, any law enforcement
12.15 personnel who may have been involved in the case, and any successors to these individuals
12.16 who may have information relevant to the supervised release decision; and

12.17 (3) include the views of the victim and the victim's family unless the victim or the victim's
12.18 family chooses not to participate.

12.19 (f) The board shall require the preparation of a development report when making a
12.20 supervised release decision regarding an inmate who was under 18 years of age at the time
12.21 of the commission of the offense. The report must be prepared by a mental health professional
12.22 qualified to provide services to a client under section 245I.04, subdivision 2, clause (1) to
12.23 (4) or (6), and must address the inmate's cognitive, emotional, and social maturity. The
12.24 board may use a previous report that was prepared within 12 months immediately preceding
12.25 the hearing.

12.26 (g) The board shall make reasonable efforts to notify the victim, in advance, of the time
12.27 and place of the inmate's release review hearing. The victim has a right to submit an oral
12.28 or written statement at the review hearing. Notwithstanding chapter 13D, the board may
12.29 meet in closed session to receive and review a victim's statement, at the request of the victim.
12.30 The statement may summarize the harm suffered by the victim as a result of the crime and
12.31 give the victim's recommendation on whether the inmate should be given supervised release
12.32 at this time.

13.1 (h) The board shall permit a prosecutor from the office that prosecuted the case to submit
13.2 a written statement in advance of the review hearing.

13.3 (i) When considering whether to grant supervised release or parole to an inmate serving
13.4 a life sentence or indeterminate sentence, the board shall consider, at a minimum, the
13.5 following:

13.6 (1) the report prepared pursuant to paragraph (e);

13.7 (2) the report prepared pursuant to paragraph (f), if applicable;

13.8 (3) a victim statement under paragraph (g), if submitted;

13.9 (4) the statement of a prosecutor under paragraph (h), if submitted;

13.10 (5) the risk the inmate poses to the community if released;

13.11 (6) the inmate's progress in treatment, if applicable;

13.12 (7) the inmate's behavior while incarcerated;

13.13 (8) psychological or other diagnostic evaluations of the inmate;

13.14 (9) information on the inmate's rehabilitation while incarcerated;

13.15 (10) the inmate's criminal history;

13.16 (11) if the inmate was under 18 years of age at the time of the commission of the offense,
13.17 relevant science on the neurological development of juveniles and information on the inmate's
13.18 maturity and development while incarcerated; and

13.19 (12) any other relevant conduct of the inmate while incarcerated or before incarceration.

13.20 (j) The board may not grant supervised release or parole to an inmate unless:

13.21 (1) while in prison:

13.22 (i) the inmate has successfully completed appropriate sex offender treatment, if applicable;

13.23 (ii) the inmate has been assessed for substance use disorder needs and, if appropriate,
13.24 has successfully completed substance use disorder treatment; and

13.25 (iii) the inmate has been assessed for mental health needs and, if appropriate, has
13.26 successfully completed mental health treatment; and

13.27 (2) a comprehensive individual release plan is in place for the inmate that:

13.28 (i) ensures that, after release, the inmate will have suitable housing and receive appropriate
13.29 aftercare and community-based treatment; and

14.1 (ii) includes a postprison employment or education plan for the inmate.

14.2 (k) Supervised release or parole must be granted with a majority vote of the quorum
14.3 required under section 244.049, subdivision 3. If there is a tie vote, supervised release or
14.4 parole is granted only if the commissioner votes in favor of granting supervised release or
14.5 parole.

14.6 (l) Within 30 days after a supervised release review hearing, the board must issue a
14.7 decision on granting release, including an explanation for the decision. If an inmate is serving
14.8 multiple sentences that are concurrent to one another, the board must grant or deny supervised
14.9 release on all sentences.

14.10 (m) If the board does not grant supervised release, the board shall conduct a subsequent
14.11 supervised release hearing within three years of the initial hearing. If release is denied at
14.12 the subsequent hearing, the board shall continue to hold hearings at least once every three
14.13 years. If the board denies an inmate's release under this paragraph, the explanation of that
14.14 decision must identify specific steps that the inmate can take to increase the likelihood that
14.15 release will be granted at a future hearing.

14.16 (n) When granting supervised release under this subdivision, the board must set prerelease
14.17 conditions to be followed by the inmate, if time permits, before their actual release or before
14.18 constructive parole becomes effective. If the inmate violates any of the prerelease conditions,
14.19 the commissioner may rescind the grant of supervised release without a hearing at any time
14.20 before the inmate's release or before constructive parole becomes effective. A grant of
14.21 constructive parole becomes effective once the inmate begins serving the consecutive
14.22 sentence.

14.23 (o) If the commissioner rescinds a grant of supervised release or parole, the board:

14.24 (1) must set a release review date that occurs within 90 days of the commissioner's
14.25 rescission; and

14.26 (2) by majority vote, may set a new supervised release date or set another review date.

14.27 (p) If the commissioner revokes supervised release or parole for an inmate serving a life
14.28 sentence, the revocation is not subject to the limitations under section 244.30 and the board:

14.29 (1) must set a release review date that occurs within one year of the commissioner's final
14.30 revocation decision; and

14.31 (2) by majority vote, may set a new supervised release date or set another review date.

15.1 (q) The board may, by a majority vote, grant a person on supervised release or parole
15.2 for a life or indeterminate sentence a final discharge from their sentence in accordance with
15.3 section 243.05, subdivision 3. In no case, however, may a person subject to a mandatory
15.4 lifetime conditional release term under section 609.3455, subdivision 7, be discharged from
15.5 that term.

15.6 (r) For purposes of this subdivision:

15.7 (1) "board" means the ~~Indeterminate Sentence~~ Supervised Release Board under section
15.8 244.049;

15.9 (2) "constructive parole" means the status of an inmate who has been paroled from an
15.10 indeterminate sentence to begin serving a consecutive sentence in prison; and

15.11 (3) "victim" has the meaning given in section 611A.01, paragraph (b).

15.12 **EFFECTIVE DATE.** The amendments to paragraph (g) of this section are effective
15.13 August 1, 2024. The remainder of this section is effective July 1, 2024, and applies to
15.14 inmates released on or after that date and retroactively to inmates eligible for early supervised
15.15 release under Minnesota Statutes, section 244.05, subdivision 4a, who had supervised release
15.16 review hearings conducted between July 1, 2023, and June 30, 2024.

15.17 Sec. 8. Minnesota Statutes 2023 Supplement, section 244.17, subdivision 3, is amended
15.18 to read:

15.19 Subd. 3. **Offenders not eligible.** ~~(a)~~ The following offenders are not eligible to be placed
15.20 in the challenge incarceration program:

15.21 (1) offenders who are committed to the commissioner's custody following a conviction
15.22 for murder, manslaughter, criminal sexual conduct, assault, kidnapping, robbery, carjacking,
15.23 arson, or any other offense involving death or intentional personal injury;

15.24 (2) offenders who were convicted within the preceding ten years of an offense described
15.25 in clause (1) and were committed to the custody of the commissioner;

15.26 (3) offenders who have been convicted or adjudicated delinquent within the past five
15.27 years for a violation of section 609.485;

15.28 (4) offenders who are committed to the commissioner's custody for an offense that
15.29 requires registration under section 243.166;

15.30 (5) offenders who are the subject of a current arrest warrant or detainer;

16.1 (6) offenders who have fewer than 180 days remaining until their supervised release
16.2 date;

16.3 (7) offenders who have had disciplinary confinement time added to their sentence or
16.4 who have been placed in segregation, unless 90 days have elapsed from the imposition of
16.5 the additional disciplinary confinement time or the last day of segregation;

16.6 (8) offenders who have received a suspended formal disciplinary sanction, unless the
16.7 suspension has expired; and

16.8 (9) offenders whose governing sentence is for an offense from another state or the United
16.9 States; and.

16.10 ~~(10) offenders who have a medical condition included on the list of ineligible conditions~~
16.11 ~~described in paragraph (b).~~

16.12 ~~(b) The commissioner of corrections shall develop a list of medical conditions that will~~
16.13 ~~disqualify an offender from participating in the challenge incarceration program. The~~
16.14 ~~commissioner shall submit the list and any changes to it to the chairs and ranking minority~~
16.15 ~~members of the senate and house committees having jurisdiction over criminal justice policy~~
16.16 ~~and funding.~~

16.17 Sec. 9. Minnesota Statutes 2023 Supplement, section 244.21, subdivision 2, is amended
16.18 to read:

16.19 Subd. 2. **Commissioner of corrections; report.** By ~~January 15~~ May 1 each year, the
16.20 commissioner must report to the chairs of the legislative committees with jurisdiction over
16.21 public safety policy and finance on ~~recommended methods of coordinating the exchange~~
16.22 ~~of information collected on individuals on probation under subdivision 1.~~

16.23 ~~(1) between probation service providers; and~~

16.24 ~~(2) between probation service providers and the Department of Corrections.~~

16.25 Sec. 10. Minnesota Statutes 2023 Supplement, section 401.01, subdivision 2, is amended
16.26 to read:

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

16.29 (b) "CCA jurisdiction" means a county or Tribal Nation that participates in the
16.30 Community Corrections Act, the subsidy program under this chapter.

16.31 (c) "Commissioner" means the commissioner of corrections or a designee.

17.1 (d) "Conditional release" means:

17.2 (1) parole, supervised release, or conditional release as authorized by section 609.3455,
17.3 subdivision 6, 7, or 8; Minnesota Statutes 2004, section 609.108, subdivision 6; or Minnesota
17.4 Statutes 2004, section 609.109, subdivision 7;

17.5 (2) work release as authorized by sections 241.26, 244.065, and 631.425; and

17.6 (3) probation, furlough, and any other authorized temporary release from a correctional
17.7 facility.

17.8 (e) "Detain" means to take into actual custody, including custody within a local
17.9 correctional facility.

17.10 (f) "Joint board" means the board under section 471.59.

17.11 (g) "Local advisory board" means:

17.12 (1) for a CCA jurisdiction, a corrections advisory board as defined in section 401.08;

17.13 (2) for a non-CCA jurisdiction other than a Tribal Nation, a human services advisory
17.14 board as defined in section 402.02, or advisory committee or task force as defined in section
17.15 402.03; or

17.16 (3) for a Tribal Nation that is a non-CCA jurisdiction, a board with membership as
17.17 determined by the Tribal Nation.

17.18 ~~(g)~~ (h) "Non-CCA jurisdiction" means a county or Tribal Nation that is not participating
17.19 in the Community Corrections Act subsidy program and provides or receives probation
17.20 services according to section 244.19.

17.21 ~~(h)~~ (i) "Probation officer" means a county or Tribal probation officer under a CCA or
17.22 non-CCA jurisdiction appointed with the powers under section 244.19.

17.23 ~~(i)~~ (j) "Release" means to release from actual custody.

17.24 ~~(j)~~ (k) "Tribal Nation" means a federally recognized Tribal Nation within the boundaries
17.25 of the state of Minnesota.

17.26 Sec. 11. Minnesota Statutes 2023 Supplement, section 609.133, subdivision 4, is amended
17.27 to read:

17.28 Subd. 4. **Petition; contents; fee.** (a) A prosecutor's petition for sentence adjustment
17.29 shall be filed in the district court where the individual was convicted and include the
17.30 following:

18.1 (1) the full name of the individual on whose behalf the petition is being brought and, to
18.2 the extent possible, all other legal names or aliases by which the individual has been known
18.3 at any time;

18.4 (2) the individual's date of birth;

18.5 (3) the individual's address;

18.6 (4) a brief statement of the reason the prosecutor is seeking a sentence adjustment for
18.7 the individual;

18.8 (5) the details of the offense for which an adjustment is sought, including:

18.9 (i) the date and jurisdiction of the occurrence;

18.10 (ii) either the names of any victims or that there were no identifiable victims;

18.11 (iii) whether there is a current order for protection, restraining order, or other no contact
18.12 order prohibiting the individual from contacting the victims or whether there has ever been
18.13 a prior order for protection or restraining order prohibiting the individual from contacting
18.14 the victims;

18.15 (iv) the court file number; and

18.16 (v) the date of conviction;

18.17 (6) what steps the individual has taken since the time of the offense toward personal
18.18 rehabilitation, including treatment, work, good conduct within correctional facilities, or
18.19 other personal history that demonstrates rehabilitation;

18.20 (7) the individual's criminal conviction record indicating all convictions for
18.21 misdemeanors, gross misdemeanors, or felonies in this state, and for all comparable
18.22 convictions in any other state, federal court, or foreign country, whether the convictions
18.23 occurred before or after the conviction for which an adjustment is sought;

18.24 (8) the individual's criminal charges record indicating all prior and pending criminal
18.25 charges against the individual in this state or another jurisdiction, including all criminal
18.26 charges that have been continued for dismissal, stayed for adjudication, or were the subject
18.27 of pretrial diversion; and

18.28 (9) to the extent known, all prior requests by the individual, whether for the present
18.29 offense or for any other offenses in this state or any other state or federal court, for pardon,
18.30 return of arrest records, or expungement or sealing of a criminal record, whether granted
18.31 or not, and all stays of adjudication or imposition of sentence involving the petitioner.

19.1 (b) The filing fee for a petition brought under this section shall be waived.

19.2 (c) Notwithstanding chapter 13 or any other statute related to the classification of
 19.3 government data, a supervising agent or the commissioner of corrections may provide private
 19.4 or confidential data to a prosecutor for purposes of a petition for sentence adjustment.

19.5 Sec. 12. Minnesota Statutes 2022, section 611A.06, subdivision 3a, is amended to read:

19.6 Subd. 3a. **Offender location.** ~~(a) Upon the victim's written or electronic request and if~~
 19.7 ~~the victim and offender have been household or family members as defined in section~~
 19.8 ~~518B.01, subdivision 2, paragraph (b),~~ The commissioner of corrections or the
 19.9 commissioner's designee ~~shall~~ may disclose to the victim of an offender ~~convicted of a~~
 19.10 ~~qualified domestic violence-related offense as defined in section 609.02, subdivision 16,~~
 19.11 notification of the city and five-digit zip code of the offender's residency upon release from
 19.12 a Department of Corrections facility, unless:

19.13 ~~(1) the offender is not under correctional supervision at the time of the victim's request;~~

19.14 ~~(2) the commissioner or the commissioner's designee does not have the city or zip code;~~

19.15 ~~or~~

19.16 ~~(3) the commissioner or the commissioner's designee reasonably believes that disclosure~~
 19.17 ~~of the city or zip code of the offender's residency creates a risk to the victim, offender, or~~
 19.18 ~~public safety.~~

19.19 ~~(b) All identifying information regarding the victim including, but not limited to, the~~
 19.20 ~~notification provided by the commissioner or the commissioner's designee is classified as~~
 19.21 ~~private data on individuals as defined in section 13.02, subdivision 12, and is accessible~~
 19.22 ~~only to the victim.~~

19.23 ~~(c) This subdivision applies only where the offender is serving a prison term for a~~
 19.24 ~~qualified domestic violence-related offense committed against the victim seeking notification.~~

19.25 Sec. 13. Minnesota Statutes 2023 Supplement, section 629.292, subdivision 2, is amended
 19.26 to read:

19.27 Subd. 2. **Procedure on receipt of request.** The request shall be delivered to the
 19.28 commissioner of corrections or other official designated by the commissioner having custody
 19.29 of the prisoner, who shall forthwith:

19.30 (1) certify the term of commitment under which the prisoner is being held, the time
 19.31 already served on the sentence, the time remaining to be served, the good time earned, the

20.1 time of parole eligibility of the prisoner, and any decisions of the commissioner of corrections
 20.2 relating to the prisoner; and

20.3 (2) send by registered or certified mail, return receipt requested, one copy of the request
 20.4 and certificate to the court and one copy to the prosecuting attorney to whom it is addressed;
 20.5 and, or

20.6 (3) send by e-filing and e-serving the paperwork, one copy of the request to the court
 20.7 and one copy to the prosecuting attorney to whom it is addressed.

20.8 Sec. 14. **RIGHT TO SUPERVISED RELEASE HEARING BEFORE SUPERVISED**
 20.9 **RELEASE BOARD.**

20.10 An inmate who had a supervised release hearing conducted by the commissioner of
 20.11 corrections during the period between May 19, 2023, and June 30, 2024, has the right to a
 20.12 new hearing before the Supervised Release Board. The board must attempt to accommodate
 20.13 any request for a hearing by an inmate under this section in a timely manner.

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

20.15 **ARTICLE 3**

20.16 **CRIMINAL PROVISIONS**

20.17 Section 1. Minnesota Statutes 2023 Supplement, section 146A.08, subdivision 1, is
 20.18 amended to read:

20.19 Subdivision 1. **Prohibited conduct.** (a) The commissioner may impose disciplinary
 20.20 action as described in section 146A.09 against any unlicensed complementary and alternative
 20.21 health care practitioner. The following conduct is prohibited and is grounds for disciplinary
 20.22 action:

20.23 (b) Conviction of a crime, including a finding or verdict of guilt, an admission of guilt,
 20.24 or a no-contest plea, in any court in Minnesota or any other jurisdiction in the United States,
 20.25 reasonably related to engaging in complementary and alternative health care practices.

20.26 Conviction, as used in this subdivision, includes a conviction of an offense which, if
 20.27 committed in this state, would be deemed a felony, gross misdemeanor, or misdemeanor,
 20.28 without regard to its designation elsewhere, or a criminal proceeding where a finding or
 20.29 verdict of guilty is made or returned but the adjudication of guilt is either withheld or not
 20.30 entered.

20.31 (c) Conviction of any crime against a person. For purposes of this chapter, a crime against
 20.32 a person means violations of the following: sections 609.185; 609.19; 609.195; 609.20;

21.1 609.205; 609.2112; 609.2113; 609.2114; 609.215; 609.221; 609.222; 609.223; 609.224;
21.2 609.2242; 609.23; 609.231; 609.2325; 609.233; 609.2335; 609.235; 609.24; 609.245;
21.3 609.247; 609.25; 609.255; 609.26, subdivision 1, clause (1) or (2); 609.265; 609.342;
21.4 609.343; 609.344; 609.345; 609.365; 609.498, subdivision 1 or 1b; 609.50, subdivision 1,
21.5 clause (1); 609.561; 609.562; 609.595; and 609.72, subdivision 3; and Minnesota Statutes
21.6 2012, section 609.21.

21.7 (d) Failure to comply with the self-reporting requirements of section 146A.03, subdivision
21.8 7.

21.9 (e) Engaging in sexual contact with a complementary and alternative health care client,
21.10 engaging in contact that may be reasonably interpreted by a client as sexual, engaging in
21.11 any verbal behavior that is seductive or sexually demeaning to the client, or engaging in
21.12 sexual exploitation of a client or former client.

21.13 (f) Advertising that is false, fraudulent, deceptive, or misleading.

21.14 (g) Conduct likely to deceive, defraud, or harm the public or demonstrating a willful or
21.15 careless disregard for the health, welfare, or safety of a complementary and alternative
21.16 health care client; or any other practice that may create danger to any client's life, health,
21.17 or safety, in any of which cases, proof of actual injury need not be established.

21.18 (h) Adjudication as mentally incompetent or as a person who is dangerous to self or
21.19 adjudication pursuant to chapter 253B as chemically dependent, mentally ill, developmentally
21.20 disabled, mentally ill and dangerous to the public, or as a sexual psychopathic personality
21.21 or sexually dangerous person.

21.22 (i) Inability to engage in complementary and alternative health care practices with
21.23 reasonable safety to complementary and alternative health care clients.

21.24 (j) The habitual overindulgence in the use of or the dependence on intoxicating liquors.

21.25 (k) Improper or unauthorized personal or other use of any legend drugs as defined in
21.26 chapter 151, any chemicals as defined in chapter 151, or any controlled substance as defined
21.27 in chapter 152.

21.28 (l) Revealing a communication from, or relating to, a complementary and alternative
21.29 health care client except when otherwise required or permitted by law.

21.30 (m) Failure to comply with a complementary and alternative health care client's request
21.31 made under sections 144.291 to 144.298 or to furnish a complementary and alternative
21.32 health care client record or report required by law.

22.1 (n) Splitting fees or promising to pay a portion of a fee to any other professional other
22.2 than for services rendered by the other professional to the complementary and alternative
22.3 health care client.

22.4 (o) Engaging in abusive or fraudulent billing practices, including violations of the federal
22.5 Medicare and Medicaid laws or state medical assistance laws.

22.6 (p) Failure to make reports as required by section 146A.03 or cooperate with an
22.7 investigation of the office.

22.8 (q) Obtaining money, property, or services from a complementary and alternative health
22.9 care client, other than reasonable fees for services provided to the client, through the use
22.10 of undue influence, harassment, duress, deception, or fraud.

22.11 (r) Failure to provide a complementary and alternative health care client with a copy of
22.12 the client bill of rights or violation of any provision of the client bill of rights.

22.13 (s) Violating any order issued by the commissioner.

22.14 (t) Failure to comply with any provision of sections 146A.01 to 146A.11 and the rules
22.15 adopted under those sections.

22.16 (u) Failure to comply with any additional disciplinary grounds established by the
22.17 commissioner by rule.

22.18 (v) Revocation, suspension, restriction, limitation, or other disciplinary action against
22.19 any health care license, certificate, registration, or right to practice of the unlicensed
22.20 complementary and alternative health care practitioner in this or another state or jurisdiction
22.21 for offenses that would be subject to disciplinary action in this state or failure to report to
22.22 the office that charges regarding the practitioner's license, certificate, registration, or right
22.23 of practice have been brought in this or another state or jurisdiction.

22.24 (w) Use of the title "doctor," "Dr.," or "physician" alone or in combination with any
22.25 other words, letters, or insignia to describe the complementary and alternative health care
22.26 practices the practitioner provides.

22.27 (x) Failure to provide a complementary and alternative health care client with a
22.28 recommendation that the client see a health care provider who is licensed or registered by
22.29 a health-related licensing board or the commissioner of health, if there is a reasonable
22.30 likelihood that the client needs to be seen by a licensed or registered health care provider.

22.31 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to violations
22.32 that occur on or after that date.

23.1 Sec. 2. Minnesota Statutes 2023 Supplement, section 152.023, subdivision 2, is amended
23.2 to read:

23.3 Subd. 2. **Possession crimes.** (a) A person is guilty of controlled substance crime in the
23.4 third degree if:

23.5 (1) on one or more occasions within a 90-day period the person unlawfully possesses
23.6 one or more mixtures of a total weight of ten grams or more containing a narcotic drug other
23.7 than heroin or fentanyl;

23.8 (2) on one or more occasions within a 90-day period the person unlawfully possesses
23.9 one or more mixtures of: (i) a total weight of three grams or more containing heroin; or (ii)
23.10 a total weight of five grams or more, or 25 dosage units or more, containing fentanyl;

23.11 (3) on one or more occasions within a 90-day period the person unlawfully possesses
23.12 one or more mixtures containing a narcotic drug other than heroin or fentanyl, it is packaged
23.13 in dosage units, and equals 50 or more dosage units;

23.14 (4) on one or more occasions within a 90-day period the person unlawfully possesses
23.15 ~~any~~ more than a residual amount of a schedule I or II narcotic drug or five or more dosage
23.16 units of lysergic acid diethylamide (LSD), 3,4-methylenedioxy amphetamine, or
23.17 3,4-methylenedioxymethamphetamine in a school zone, a park zone, a public housing zone,
23.18 or a drug treatment facility;

23.19 (5) on one or more occasions within a 90-day period the person unlawfully possesses:

23.20 (i) more than ten kilograms of cannabis flower;

23.21 (ii) more than two kilograms of cannabis concentrate; or

23.22 (iii) edible cannabis products, lower-potency hemp edibles, hemp-derived consumer
23.23 products, or any combination of those infused with more than 200 grams of
23.24 tetrahydrocannabinol; or

23.25 (6) the person unlawfully possesses one or more mixtures of more than a residual amount
23.26 containing methamphetamine or amphetamine in a school zone, a park zone, a public housing
23.27 zone, or a drug treatment facility.

23.28 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may
23.29 not be considered in measuring the weight of a mixture except in cases where the mixture
23.30 contains four or more fluid ounces of fluid.

23.31 **EFFECTIVE DATE.** This section is effective retroactively from August 1, 2023.

24.1 Sec. 3. Minnesota Statutes 2023 Supplement, section 152.025, subdivision 2, is amended
24.2 to read:

24.3 Subd. 2. **Possession and other crimes.** A person is guilty of controlled substance crime
24.4 in the fifth degree and upon conviction may be sentenced as provided in subdivision 4 if:

24.5 (1) the person unlawfully possesses one or more mixtures containing a controlled
24.6 substance classified in Schedule I, II, III, or IV, except cannabis flower, cannabis products,
24.7 lower-potency hemp edibles, or hemp-derived consumer products or a residual amount of
24.8 one or more mixtures of controlled substances ~~contained in drug paraphernalia~~; or

24.9 (2) the person procures, attempts to procure, possesses, or has control over a controlled
24.10 substance by any of the following means:

24.11 (i) fraud, deceit, misrepresentation, or subterfuge;

24.12 (ii) using a false name or giving false credit; or

24.13 (iii) falsely assuming the title of, or falsely representing any person to be, a manufacturer,
24.14 wholesaler, pharmacist, physician, doctor of osteopathic medicine licensed to practice
24.15 medicine, dentist, podiatrist, veterinarian, or other authorized person for the purpose of
24.16 obtaining a controlled substance.

24.17 **EFFECTIVE DATE.** This section is effective retroactively from August 1, 2023.

24.18 Sec. 4. Minnesota Statutes 2022, section 152.025, subdivision 4, is amended to read:

24.19 Subd. 4. **Penalty.** (a) A person convicted under the provisions of subdivision 2, clause
24.20 (1), who has not been previously convicted of a violation of this chapter or a similar offense
24.21 in another jurisdiction, is guilty of a gross misdemeanor if: (1) the amount of the controlled
24.22 substance possessed, other than heroin, is less than 0.25 grams or one dosage unit or less if
24.23 the controlled substance was possessed in dosage units; or (2) the controlled substance
24.24 possessed is heroin and the amount possessed is less than 0.05 grams.

24.25 (b) A person convicted under the provisions of subdivision 1; subdivision 2, clause (1),
24.26 unless the conduct is described in paragraph (a); or subdivision 2, clause (2), may be
24.27 sentenced to imprisonment for not more than five years or to payment of a fine of not more
24.28 than \$10,000, or both.

24.29 (c) If a peace officer encounters a person who is suspected of violating this section, the
24.30 peace officer may refer the person to a local service provider that can offer substance use
24.31 assistance to the person. Upon request at the time of initial contact, a peace officer must, if
24.32 practicable and available, provide a person suspected of violating this section with a referral

25.1 to local service providers. For purposes of this paragraph, "local service provider" includes
25.2 but is not limited to substance use disorder treatment and recovery providers, peer support
25.3 groups and systems, homeless shelters, detoxification centers, hospital systems, mental
25.4 health crisis centers, naloxone providers, syringe service providers, and harm reduction
25.5 programs.

25.6 **EFFECTIVE DATE.** This section is effective retroactively from August 1, 2023.

25.7 Sec. 5. Minnesota Statutes 2022, section 243.167, subdivision 1, is amended to read:

25.8 Subdivision 1. **Definition.** As used in this section, "crime against the person" means a
25.9 violation of any of the following or a similar law of another state or of the United States:
25.10 section 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.221; 609.222; 609.223;
25.11 609.2231; 609.224, subdivision 2 or 4; 609.2242, subdivision 2 or 4; 609.2247; 609.235;
25.12 609.245, subdivision 1; 609.25; 609.255; 609.3451, subdivision 2; 609.498, subdivision 1
25.13 or 1b; 609.582, subdivision 1; or 617.23, subdivision 2; or any felony-level violation of
25.14 section 609.229; 609.377; 609.749; or 624.713.

25.15 Sec. 6. Minnesota Statutes 2022, section 609.1056, is amended by adding a subdivision
25.16 to read:

25.17 **Subd. 3a. Reporting.** (a) If the court imposes a deferred sentence under subdivision 2,
25.18 the court shall prepare a deferred sentence report containing the following information:

25.19 (1) the name of the defendant;

25.20 (2) the case number;

25.21 (3) the underlying charge or charges;

25.22 (4) the fact that proceedings have been deferred pursuant to this section;

25.23 (5) the length of the term of probation ordered by the court;

25.24 (6) the conditions of probation; and

25.25 (7) a copy of the sentencing worksheet prepared pursuant to section 609.115, if a
25.26 worksheet was prepared.

25.27 (b) If the defendant violates a condition of probation and the court enters an adjudication
25.28 of guilt as described in subdivision 2, paragraph (d), the court shall prepare a violation report
25.29 containing the following information:

25.30 (1) the name of the defendant;

26.1 (2) the case number;

26.2 (3) whether the violation was a technical violation as defined in section 244.195,
26.3 subdivision 15, or involved allegation of a subsequent criminal act; and

26.4 (4) the sentence announced by the court.

26.5 (c) The deferred sentence report prepared under paragraph (a) and any violation report
26.6 prepared under paragraph (b) must be forwarded to the Sentencing Guidelines Commission.
26.7 By January 15 of each year, the Sentencing Guidelines Commission shall provide a report
26.8 to the committees and divisions with jurisdiction over public safety finance and policy and
26.9 veterans and military affairs finance and policy that consists solely of summary data and
26.10 includes:

26.11 (1) the number of individuals who received a deferred sentence pursuant to subdivision
26.12 2 in the previous year, disaggregated by county;

26.13 (2) the number of individuals who received an adjudication of guilt as described in
26.14 subdivision 2, paragraph (d), in the previous year, disaggregated by county;

26.15 (3) for the individuals identified in clause (2), the number who committed a technical
26.16 violation of probation and the number alleged to have committed a subsequent criminal act;
26.17 and

26.18 (4) the number of proceedings dismissed pursuant to subdivision 3 in the previous year,
26.19 disaggregated by county.

26.20 (d) The report required under paragraph (c) may be submitted as a section of any other
26.21 annual report required to be submitted by the Sentencing Guidelines Commission.

26.22 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to deferred
26.23 sentences announced on or after that date.

26.24 Sec. 7. Minnesota Statutes 2023 Supplement, section 609.1095, subdivision 1, is amended
26.25 to read:

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

26.28 (b) "Conviction" means any of the following accepted and recorded by the court: a plea
26.29 of guilty, a verdict of guilty by a jury, or a finding of guilty by the court. The term includes
26.30 a conviction by any court in Minnesota or another jurisdiction.

27.1 (c) "Prior conviction" means a conviction that occurred before the offender committed
27.2 the next felony resulting in a conviction and before the offense for which the offender is
27.3 being sentenced under this section.

27.4 (d) "Violent crime" means a violation of or an attempt or conspiracy to violate any of
27.5 the following laws of this state or any similar laws of the United States or any other state:
27.6 sections 152.137; 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.2112; 609.2113;
27.7 609.2114; 609.221; 609.222; 609.223; 609.228; 609.235; 609.24; 609.245; 609.247; 609.25;
27.8 609.255; 609.2661; 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268;
27.9 609.322; 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1 or 1b; 609.561;
27.10 609.562; 609.582, subdivision 1; 609.66, subdivision 1e; 609.687; and 609.855, subdivision
27.11 5; any provision of sections 609.229; 609.377; 609.378; 609.749; and 624.713 that is
27.12 punishable by a felony penalty; or any provision of chapter 152 that is punishable by a
27.13 maximum sentence of 15 years or more; or Minnesota Statutes 2012, section 609.21.

27.14 Sec. 8. Minnesota Statutes 2023 Supplement, section 609.135, subdivision 2, is amended
27.15 to read:

27.16 Subd. 2. **Stay of sentence maximum periods.** (a) Except as provided in paragraph (b),
27.17 if the conviction is for a felony, the stay shall be for not more than five years or the maximum
27.18 period for which the sentence of imprisonment might have been imposed, whichever is less.

27.19 (b) If the conviction is for a felony ~~described in~~ violation of, or a felony-level attempt
27.20 or conspiracy to violate, section 609.19; 609.195; 609.20; 609.2112; 609.2113, subdivision
27.21 2; 609.2662; 609.2663; 609.2664; 609.268; 609.342; 609.343; 609.344; 609.345; 609.3451;
27.22 609.3458; or 609.749; or a felony-level attempt or conspiracy to violate section 609.185 or
27.23 609.2661, the stay shall be for not more than four years or the maximum period for which
27.24 the sentence of imprisonment might have been imposed, whichever is longer.

27.25 (c) If the conviction is for a gross misdemeanor violation of section 169A.20, 609.2113,
27.26 subdivision 3, or 609.3451, the stay shall be for not more than four years. The court shall
27.27 provide for unsupervised probation for the last year of the stay unless the court finds that
27.28 the defendant needs supervised probation for all or part of the last year.

27.29 (d) If the conviction is for a gross misdemeanor not specified in paragraph (c), the stay
27.30 shall be for not more than two years.

27.31 (e) If the conviction is for any misdemeanor under section 169A.20; 609.746, subdivision
27.32 1; 609.79; or 617.23; or for a misdemeanor under section 609.2242 or 609.224, subdivision
27.33 1, in which the victim of the crime was a family or household member as defined in section

28.1 518B.01, the stay shall be for not more than two years. The court shall provide for
28.2 unsupervised probation for the second year of the stay unless the court finds that the
28.3 defendant needs supervised probation for all or part of the second year.

28.4 (f) If the conviction is for a misdemeanor not specified in paragraph (e), the stay shall
28.5 be for not more than one year.

28.6 (g) The defendant shall be discharged six months after the term of the stay expires, unless
28.7 the stay has been revoked or extended under paragraph (h), or the defendant has already
28.8 been discharged.

28.9 (h) Notwithstanding the maximum periods specified for stays of sentences under
28.10 paragraphs (a) to (g), a court may extend a defendant's term of probation for up to one year
28.11 if it finds, at a hearing conducted under subdivision 1a, that:

28.12 (1) the defendant has not paid court-ordered restitution in accordance with the payment
28.13 schedule or structure; and

28.14 (2) the defendant is likely to not pay the restitution the defendant owes before the term
28.15 of probation expires.

28.16 This one-year extension of probation for failure to pay restitution may be extended by the
28.17 court for up to one additional year if the court finds, at another hearing conducted under
28.18 subdivision 1a, that the defendant still has not paid the court-ordered restitution that the
28.19 defendant owes.

28.20 Nothing in this subdivision limits the court's ability to refer the case to collections under
28.21 section 609.104.

28.22 (i) Notwithstanding the maximum periods specified for stays of sentences under
28.23 paragraphs (a) to (g), a court may extend a defendant's term of probation for up to three
28.24 years if it finds, at a hearing conducted under subdivision 1c, that:

28.25 (1) the defendant has failed to complete court-ordered treatment successfully; and

28.26 (2) the defendant is likely not to complete court-ordered treatment before the term of
28.27 probation expires.

28.28 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to sentences
28.29 announced on or after that date.

29.1 Sec. 9. Minnesota Statutes 2023 Supplement, section 609.14, subdivision 1, is amended
29.2 to read:

29.3 Subdivision 1. **Grounds.** (a) When it appears that the defendant has violated any of the
29.4 conditions of probation or intermediate sanction, or has otherwise been guilty of misconduct
29.5 ~~which that~~ warrants the ~~imposing adjudication of guilt, or imposition~~ or execution of sentence,
29.6 the court may without notice revoke the stay and direct that the defendant be taken into
29.7 immediate custody. Revocation shall only be used as a last resort when rehabilitation has
29.8 failed.

29.9 (b) When it appears that the defendant violated any of the conditions of probation during
29.10 the term of the stay, but the term of the stay has since expired, the defendant's probation
29.11 officer or the prosecutor may ask the court to initiate probation revocation proceedings
29.12 under the Rules of Criminal Procedure at any time within six months after the expiration
29.13 of the stay. The court also may initiate proceedings under these circumstances on its own
29.14 motion. If proceedings are initiated within this six-month period, the court may conduct a
29.15 revocation hearing and take any action authorized under rule 27.04 at any time during or
29.16 after the six-month period.

29.17 (c) Notwithstanding the provisions of section 609.135 or any law to the contrary, after
29.18 proceedings to revoke the stay have been initiated by a court order revoking the stay and
29.19 directing either that the defendant be taken into custody or that a summons be issued in
29.20 accordance with paragraph (a), the proceedings to revoke the stay may be concluded and
29.21 the summary hearing provided by subdivision 2 may be conducted after the expiration of
29.22 the stay or after the six-month period set forth in paragraph (b). The proceedings to revoke
29.23 the stay shall not be dismissed on the basis that the summary hearing is conducted after the
29.24 term of the stay or after the six-month period. The ability or inability to locate or apprehend
29.25 the defendant prior to the expiration of the stay or during or after the six-month period shall
29.26 not preclude the court from conducting the summary hearing unless the defendant
29.27 demonstrates that the delay was purposefully caused by the state in order to gain an unfair
29.28 advantage.

29.29 Sec. 10. Minnesota Statutes 2022, section 609.14, subdivision 2, is amended to read:

29.30 Subd. 2. **Notification of grounds for revocation.** The defendant shall thereupon be
29.31 notified in writing and in such manner as the court directs of the grounds alleged to exist
29.32 for revocation of the stay ~~of imposition or execution of sentence~~. If such grounds are brought
29.33 in issue by the defendant, a summary hearing shall be held thereon at which the defendant
29.34 is entitled to be heard and to be represented by counsel.

30.1 Sec. 11. Minnesota Statutes 2022, section 609.14, subdivision 3, is amended to read:

30.2 Subd. 3. **Sentence.** If any of such grounds are found to exist the court may:

30.3 (1) if imposition of sentence was previously stayed, again stay sentence or impose
30.4 sentence and stay the execution thereof, and in either event place the defendant on probation
30.5 or order intermediate sanctions pursuant to section 609.135, or impose sentence and order
30.6 execution thereof; ~~or~~

30.7 (2) if sentence was previously imposed and execution thereof stayed, continue such stay
30.8 and place the defendant on probation or order intermediate sanctions in accordance with
30.9 the provisions of section 609.135, or order execution of the sentence previously imposed;
30.10 or

30.11 (3) if adjudication was stayed or prosecution was deferred, continue the stay without
30.12 intermediate sanctions, continue it with intermediate sanctions, or adjudicate guilt and
30.13 proceed as otherwise provided, including, in the event of a felony conviction, as provided
30.14 in section 244.10.

30.15 Sec. 12. Minnesota Statutes 2022, section 609.14, is amended by adding a subdivision to
30.16 read:

30.17 Subd. 5. **Definition.** For the purposes of this section, "stay" means a stay of adjudication,
30.18 a stay of imposition, a stay of execution, or a deferred prosecution.

30.19 Sec. 13. Minnesota Statutes 2022, section 609.324, subdivision 1, is amended to read:

30.20 Subdivision 1. **Engaging in, hiring, or agreeing to hire minor to engage in**
30.21 **prostitution; penalties.** (a) Whoever intentionally does any of the following may be
30.22 sentenced to imprisonment for not more than 20 years or to payment of a fine of not more
30.23 than \$40,000, or both:

30.24 (1) engages in prostitution with an individual under the age of 14 years;

30.25 (2) hires or offers or agrees to hire an individual under the age of 14 years to engage in
30.26 sexual penetration or sexual contact; or

30.27 (3) hires or offers or agrees to hire an individual who the actor reasonably believes to
30.28 be under the age of 14 years to engage in sexual penetration or sexual contact.

30.29 (b) Whoever intentionally does any of the following may be sentenced to imprisonment
30.30 for not more than ten years or to payment of a fine of not more than \$20,000, or both:

31.1 (1) engages in prostitution with an individual under the age of 16 years but at least 14
31.2 years;

31.3 (2) hires or offers or agrees to hire an individual under the age of 16 years but at least
31.4 14 years to engage in sexual penetration or sexual contact; or

31.5 (3) hires or offers or agrees to hire an individual who the actor reasonably believes to
31.6 be under the age of 16 years but at least ~~13~~ 14 years to engage in sexual penetration or sexual
31.7 contact.

31.8 (c) Whoever intentionally does any of the following may be sentenced to imprisonment
31.9 for not more than five years or to payment of a fine of not more than \$10,000, or both:

31.10 (1) engages in prostitution with an individual under the age of 18 years but at least 16
31.11 years;

31.12 (2) hires or offers or agrees to hire an individual under the age of 18 years but at least
31.13 16 years to engage in sexual penetration or sexual contact; or

31.14 (3) hires or offers or agrees to hire an individual who the actor reasonably believes to
31.15 be under the age of 18 years but at least 16 years to engage in sexual penetration or sexual
31.16 contact.

31.17 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to crimes
31.18 committed on or after that date.

31.19 **Sec. 14. [609.84] SALE OF HUMAN REMAINS FOR COMMERCIAL PURPOSES.**

31.20 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
31.21 the meanings given.

31.22 (b) "Human remains" means the calcified portion of a dead human body, not including
31.23 isolated teeth; the cremated remains of a dead human body deposited in a container or
31.24 discrete feature; or the hydrolyzed remains of a dead human body deposited in a container
31.25 or discrete feature.

31.26 (c) "Law enforcement agency" has the meaning given in section 626.84, subdivision 1,
31.27 paragraph (f).

31.28 (d) "Local organization for emergency management" has the meaning given in section
31.29 12.03, subdivision 6.

31.30 (e) "Search and rescue unit" means an organization, team, or individual authorized by
31.31 the state or federal government, a Tribal government, or by a county, city, town, or a

32.1 metropolitan airports commission organized and existing under sections 473.601 to 473.679
32.2 whose mission is to locate lost, missing, or trapped persons, victims of natural or other
32.3 disasters, and human bodies.

32.4 Subd. 2. **Sale of human remains for commercial purposes prohibited; exceptions.** (a)
32.5 Except as provided in paragraph (b), a person is prohibited from selling human remains or
32.6 offering human remains for sale for commercial purposes.

32.7 (b) Paragraph (a) does not apply to a sale or offer for sale of human remains:

32.8 (1) to a licensed health care provider, an individual employed by or under contract with
32.9 a licensed health care provider, a public or private postsecondary educational institution,
32.10 or an individual employed by or under contract with a public or private postsecondary
32.11 educational institution, for legitimate medical or scientific purposes or for educational
32.12 purposes;

32.13 (2) to a law enforcement agency, search and rescue unit, or local organization for
32.14 emergency management to conduct search and rescue training or to train dogs to locate
32.15 dead human bodies; or

32.16 (3) that is incidental to the sale of real property, including undisturbed burial plots,
32.17 cemeteries, crypts, or other burial features.

32.18 Subd. 3. **Penalty.** A person who violates this section is guilty of a felony.

32.19 **EFFECTIVE DATE.** This section is effective the day following final enactment and
32.20 applies to crimes committed on or after that date.

32.21 **ARTICLE 4**

32.22 **PUBLIC SAFETY PROVISIONS**

32.23 Section 1. Minnesota Statutes 2022, section 169A.03, is amended by adding a subdivision
32.24 to read:

32.25 Subd. 23a. **Search warrant.** As used in this section, "search warrant" means a judicially
32.26 approved search warrant obtained pursuant to the requirements in sections 626.04 to 626.18
32.27 or conforming statutes in an adjacent state.

32.28 Sec. 2. Minnesota Statutes 2022, section 169A.51, subdivision 3, is amended to read:

32.29 Subd. 3. **Blood or urine tests; search warrant required.** (a) Notwithstanding any
32.30 contrary provisions in sections 169A.51 to 169A.53, a blood or urine test may be conducted
32.31 only pursuant to a search warrant ~~under sections 626.04 to 626.18,~~ or a judicially recognized

33.1 exception to the search warrant requirement. In addition, blood and urine tests may be
33.2 conducted only as provided in sections 169A.51 to 169A.53 and 171.177.

33.3 (b) When, under the provisions of section 169A.20, 169A.51, or 171.177, a search
33.4 warrant is required for a blood or urine test, that requirement is met if a judicially recognized
33.5 exception to the warrant requirement is applicable.

33.6 Sec. 3. Minnesota Statutes 2023 Supplement, section 169A.51, subdivision 4, is amended
33.7 to read:

33.8 Subd. 4. **Requirement of urine or blood test.** A blood or urine test may be required
33.9 pursuant to a search warrant ~~under sections 626.04 to 626.18~~ even after a breath test has
33.10 been administered if there is probable cause to believe that:

33.11 (1) there is impairment by a controlled substance; an intoxicating substance; or cannabis
33.12 flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product,
33.13 artificially derived cannabinoids, or tetrahydrocannabinols that is not subject to testing by
33.14 a breath test;

33.15 (2) a controlled substance listed in Schedule I or II or its metabolite, other than cannabis
33.16 flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product,
33.17 artificially derived cannabinoids, or tetrahydrocannabinols, is present in the person's body;
33.18 or

33.19 (3) the person is unconscious or incapacitated to the point that the peace officer providing
33.20 a breath test advisory, administering a breath test, or serving the search warrant has a
33.21 good-faith belief that the person is mentally or physically unable to comprehend the breath
33.22 test advisory or otherwise voluntarily submit to chemical tests.

33.23 Action may be taken against a person who refuses to take a blood test under this
33.24 subdivision only if a urine test was offered and action may be taken against a person who
33.25 refuses to take a urine test only if a blood test was offered. This limitation does not apply
33.26 to an unconscious person under the circumstances described in clause (3).

33.27 Sec. 4. Minnesota Statutes 2022, section 171.177, subdivision 1, is amended to read:

33.28 Subdivision 1. **Search warrant-required testing advisory.** At the time a blood or urine
33.29 test is directed pursuant to a search warrant ~~under sections 626.04 to 626.18~~, the person
33.30 must be informed that refusal to submit to a blood or urine test is a crime.

34.1 Sec. 5. Minnesota Statutes 2022, section 171.177, subdivision 3, is amended to read:

34.2 Subd. 3. **License revocation pursuant to search warrant.** After executing a search
34.3 warrant ~~under sections 626.04 to 626.18~~ for the collection of a blood or urine sample based
34.4 upon probable cause of a violation of section 169A.20, the peace officer acting under sections
34.5 626.13 to 626.17 shall certify to the commissioner of public safety:

34.6 (1) when a person refuses to comply with the execution of the search warrant; or

34.7 (2) if a person submits to the test and the test results indicate:

34.8 (i) an alcohol concentration of 0.08 or more;

34.9 (ii) an alcohol concentration of 0.04 or more, if the person was driving, operating, or in
34.10 physical control of a commercial motor vehicle at the time of the violation; or

34.11 (iii) the presence of a controlled substance listed in Schedule I or II or its metabolite,
34.12 other than marijuana or tetrahydrocannabinols.

34.13 Sec. 6. Minnesota Statutes 2022, section 171.177, subdivision 4, is amended to read:

34.14 Subd. 4. **Test refusal; license revocation.** (a) Upon certification under subdivision 3
34.15 that there existed probable cause to believe the person had been driving, operating, or in
34.16 physical control of a motor vehicle in violation of section 169A.20, and that the person
34.17 refused to comply with the execution of the search warrant ~~under sections 626.04 to 626.18~~,
34.18 the commissioner shall revoke the person's license or permit to drive or nonresident operating
34.19 privilege. The commissioner shall revoke the license, permit, or nonresident operating
34.20 privilege:

34.21 (1) for a person with no qualified prior impaired driving incidents within the past ten
34.22 years, for a period of not less than one year;

34.23 (2) for a person under the age of 21 years and with no qualified prior impaired driving
34.24 incidents within the past ten years, for a period of not less than one year;

34.25 (3) for a person with one qualified prior impaired driving incident within the past ten
34.26 years or two qualified prior impaired driving incidents, for a period of not less than two
34.27 years;

34.28 (4) for a person with two qualified prior impaired driving incidents within the past ten
34.29 years or three qualified prior impaired driving incidents, for a period of not less than three
34.30 years;

35.1 (5) for a person with three qualified prior impaired driving incidents within the past ten
35.2 years, for a period of not less than four years; or

35.3 (6) for a person with four or more qualified prior impaired driving incidents, for a period
35.4 of not less than six years.

35.5 (b) When a person who had been driving, operating, or in physical control of a
35.6 commercial motor vehicle refuses to comply with the search warrant and permit testing,
35.7 the commissioner shall disqualify the person from operating a commercial motor vehicle
35.8 and shall revoke the person's license or permit to drive or nonresident operating privilege
35.9 according to the federal regulations adopted by reference in section 171.165, subdivision
35.10 2.

35.11 Sec. 7. Minnesota Statutes 2022, section 171.177, subdivision 5, is amended to read:

35.12 Subd. 5. **Test failure; license revocation.** (a) Upon certification under subdivision 3,
35.13 pursuant to a search warrant ~~under sections 626.04 to 626.18~~, that there existed probable
35.14 cause to believe the person had been driving, operating, or in physical control of a motor
35.15 vehicle in violation of section 169A.20, and that the person submitted to a test and the test
35.16 results indicate an alcohol concentration of 0.08 or more or the presence of a controlled
35.17 substance listed in Schedule I or II or its metabolite, other than marijuana or
35.18 tetrahydrocannabinols, the commissioner shall revoke the person's license or permit to drive
35.19 or nonresident operating privilege:

35.20 (1) for a period of 90 days or, if the test results indicate an alcohol concentration of twice
35.21 the legal limit or more, not less than one year;

35.22 (2) if the person is under the age of 21 years, for a period of not less than 180 days or,
35.23 if the test results indicate an alcohol concentration of twice the legal limit or more, not less
35.24 than one year;

35.25 (3) for a person with one qualified prior impaired driving incident within the past ten
35.26 years or two qualified prior impaired driving incidents, for a period of not less than one
35.27 year or, if the test results indicate an alcohol concentration of twice the legal limit or more,
35.28 not less than two years;

35.29 (4) for a person with two qualified prior impaired driving incidents within the past ten
35.30 years or three qualified prior impaired driving incidents, for a period of not less than three
35.31 years;

35.32 (5) for a person with three qualified prior impaired driving incidents within the past ten
35.33 years, for a period of not less than four years; or

36.1 (6) for a person with four or more qualified prior impaired driving incidents, for a period
36.2 of not less than six years.

36.3 (b) On certification by the peace officer that there existed probable cause to believe the
36.4 person had been driving, operating, or in physical control of a commercial motor vehicle
36.5 with any presence of alcohol and that the person submitted to a test and the test results
36.6 indicated an alcohol concentration of 0.04 or more, the commissioner shall disqualify the
36.7 person from operating a commercial motor vehicle under section 171.165.

36.8 (c) If the test is of a person's blood or urine by a laboratory operated by the Bureau of
36.9 Criminal Apprehension or authorized by the bureau to conduct the analysis of a blood or
36.10 urine sample, the laboratory may directly certify to the commissioner the test results, and
36.11 the peace officer shall certify to the commissioner that there existed probable cause to
36.12 believe the person had been driving, operating, or in physical control of a motor vehicle in
36.13 violation of section 169A.20, and that the person submitted to a test. Upon receipt of both
36.14 certifications, the commissioner shall undertake the license actions described in paragraphs
36.15 (a) and (b).

36.16 Sec. 8. Minnesota Statutes 2022, section 171.177, subdivision 8, is amended to read:

36.17 Subd. 8. **Test refusal; driving privilege lost.** (a) On behalf of the commissioner, a peace
36.18 officer requiring a test or directing the administration of a chemical test pursuant to a search
36.19 warrant ~~under sections 626.04 to 626.18~~ shall serve immediate notice of intention to revoke
36.20 and of revocation on a person who refuses to permit a test or on a person who submits to a
36.21 test, the results of which indicate an alcohol concentration of 0.08 or more.

36.22 (b) On behalf of the commissioner, a peace officer requiring a test or directing the
36.23 administration of a chemical test of a person driving, operating, or in physical control of a
36.24 commercial motor vehicle pursuant to a search warrant ~~under sections 626.04 to 626.18~~
36.25 shall serve immediate notice of intention to disqualify and of disqualification on a person
36.26 who refuses to permit a test or on a person who submits to a test, the results of which indicate
36.27 an alcohol concentration of 0.04 or more.

36.28 (c) The officer shall:

36.29 (1) invalidate the person's driver's license or permit card by clipping the upper corner
36.30 of the card in such a way that no identifying information including the photo is destroyed,
36.31 and immediately return the card to the person;

36.32 (2) issue the person a temporary license effective for only seven days; and

37.1 (3) send the notification of this action to the commissioner along with the certificate
37.2 required by subdivision 4 or 5.

37.3 Sec. 9. Minnesota Statutes 2022, section 171.177, subdivision 12, is amended to read:

37.4 Subd. 12. **Judicial hearing; issues, order, appeal.** (a) A judicial review hearing under
37.5 this section must be before a district judge in any county in the judicial district where the
37.6 alleged offense occurred. The hearing is to the court and may be conducted at the same time
37.7 and in the same manner as hearings upon pretrial motions in the criminal prosecution under
37.8 section 169A.20, if any. The hearing must be recorded. The commissioner shall appear and
37.9 be represented by the attorney general or through the prosecuting authority for the jurisdiction
37.10 involved. The hearing must be held at the earliest practicable date, and in any event no later
37.11 than 60 days following the filing of the petition for review. The judicial district administrator
37.12 shall establish procedures to ensure efficient compliance with this subdivision. To accomplish
37.13 this, the administrator may, whenever possible, consolidate and transfer review hearings
37.14 among the locations within the judicial district where terms of district court are held.

37.15 (b) The scope of the hearing is limited to the issues in clauses (1) to (13):

37.16 (1) Did the peace officer have probable cause to believe the person was driving, operating,
37.17 or in physical control of a motor vehicle or commercial motor vehicle in violation of section
37.18 169A.20?

37.19 (2) Was the person lawfully placed under arrest for violation of section 169A.20?

37.20 (3) Was the person involved in a motor vehicle accident or collision resulting in property
37.21 damage, personal injury, or death?

37.22 (4) Did a licensed peace officer apply for a search warrant in accordance with the
37.23 requirements set forth in sections 626.04 to 626.18 or conforming statutes in an adjacent
37.24 state?

37.25 (5) Did a neutral magistrate review the application for a search warrant and determine
37.26 there was probable cause to believe that the person was driving, operating, or in physical
37.27 control of a motor vehicle or commercial motor vehicle in violation of section 169A.20?

37.28 (6) Was the search warrant and the process by which it was obtained valid?

37.29 (7) At the time of directing the person to take the test, did the peace officer inform the
37.30 person that refusing the test was a crime as required by subdivision 1?

37.31 (8) Did the person refuse to permit the test?

38.1 (9) If a test was taken by a person driving, operating, or in physical control of a motor
38.2 vehicle, did the test results indicate at the time of testing:

38.3 (i) an alcohol concentration of 0.08 or more; or

38.4 (ii) the presence of a controlled substance listed in Schedule I or II or its metabolite,
38.5 other than marijuana or tetrahydrocannabinols?

38.6 (10) If a test was taken by a person driving, operating, or in physical control of a
38.7 commercial motor vehicle, did the test results indicate an alcohol concentration of 0.04 or
38.8 more at the time of testing?

38.9 (11) Was the testing method used valid and reliable and were the test results accurately
38.10 evaluated?

38.11 (12) Did the person prove the defense of necessity?

38.12 (13) Did the person prove the defense of controlled substance use in accordance with a
38.13 prescription?

38.14 (c) Certified or otherwise authenticated copies of laboratory or medical personnel reports,
38.15 records, documents, licenses, and certificates are admissible as substantive evidence.

38.16 (d) The court shall order that the revocation or disqualification be either rescinded or
38.17 sustained and forward the order to the commissioner. The court shall file its order within
38.18 14 days following the hearing. If the revocation or disqualification is sustained, the court
38.19 shall also forward the person's driver's license or permit to the commissioner for further
38.20 action by the commissioner if the license or permit is not already in the commissioner's
38.21 possession.

38.22 (e) Any party aggrieved by the decision of the reviewing court may appeal the decision
38.23 as provided in the Rules of Appellate Procedure.

38.24 (f) The civil hearing under this section shall not give rise to an estoppel on any issues
38.25 arising from the same set of circumstances in any criminal prosecution.

38.26 (g) It is an affirmative defense for the petitioner to prove a necessity.

38.27 (h) It is an affirmative defense to the presence of a Schedule I or II controlled substance
38.28 that the person used the controlled substance according to the terms of a prescription issued
38.29 for the person according to sections 152.11 and 152.12, unless the court finds by a
38.30 preponderance of the evidence that the use of the controlled substance impaired the person's
38.31 ability to operate a motor vehicle.

39.1 Sec. 10. Minnesota Statutes 2023 Supplement, section 243.166, subdivision 1b, is amended
39.2 to read:

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

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

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

39.9 (ii) kidnapping under section 609.25;

39.10 (iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451,
39.11 subdivision 3, paragraph (b); or 609.3453;

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

39.13 (v) surreptitious intrusion under the circumstances described in section 609.746,
39.14 subdivision 1, paragraph (h);

39.15 (2) the person was charged with or petitioned for a violation of, or attempt to violate, or
39.16 aiding, abetting, or conspiring to commit any of the following and convicted of or adjudicated
39.17 delinquent for that offense or another offense arising out of the same set of circumstances:

39.18 (i) criminal abuse in violation of Minnesota Statutes 2020, section 609.2325, subdivision
39.19 1, paragraph (b);

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

39.21 ~~(iii)~~ (ii) solicitation, inducement, or promotion of the prostitution of a minor or engaging
39.22 in the sex trafficking of a minor in violation of section 609.322;

39.23 ~~(iv)~~ (iii) a prostitution offense in violation of section 609.324, subdivision 1, paragraph
39.24 (a);

39.25 ~~(v)~~ (iv) soliciting a minor to engage in sexual conduct in violation of section 609.352,
39.26 subdivision 2 or 2a, clause (1);

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

39.28 ~~(vii)~~ (vi) possessing or disseminating a pornographic work involving a minor in violation
39.29 of section 617.247;

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

40.1 (4) the person was charged with or petitioned for, including pursuant to a court martial,
40.2 violating a law of the United States, including the Uniform Code of Military Justice, similar
40.3 to an offense or involving similar circumstances to an offense described in clause (1), (2),
40.4 or (3), and convicted of or adjudicated delinquent for that offense or another offense arising
40.5 out of the same set of circumstances.

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

40.7 (1) the person was charged with or petitioned for an offense in another state similar to
40.8 an offense or involving similar circumstances to an offense described in paragraph (a),
40.9 clause (1), (2), or (3), and convicted of or adjudicated delinquent for that offense or another
40.10 offense arising out of the same set of circumstances;

40.11 (2) the person enters this state to reside, work, or attend school, or enters this state and
40.12 remains for 14 days or longer or for an aggregate period of time exceeding 30 days during
40.13 any calendar year; and

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

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

40.23 (c) A person also shall register under this section if the person was committed pursuant
40.24 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter
40.25 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the
40.26 United States, regardless of whether the person was convicted of any offense.

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

40.28 (1) the person was charged with or petitioned for a felony violation or attempt to violate
40.29 any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or
40.30 the United States, or the person was charged with or petitioned for a violation of any of the
40.31 offenses listed in paragraph (a), clause (2), or a similar law of another state or the United
40.32 States;

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

41.4 (3) the person was committed pursuant to a court commitment order under section
41.5 253B.18 or a similar law of another state or the United States.

41.6 **EFFECTIVE DATE.** This section is effective July 1, 2024, and applies to:

41.7 (1) convictions and delinquency adjudications for a violation of Minnesota Statutes,
41.8 section 609.255, subdivision 2, or another offense arising out of the same set of circumstances
41.9 that occur on or after that date and to convictions and delinquency adjudications for such
41.10 an offense that are not yet final on that date; and

41.11 (2) convictions and delinquency adjudications for disseminating a pornographic work
41.12 involving a minor in violation of Minnesota Statutes, section 617.247 or another offense
41.13 arising out of the same set of circumstances that occur on or after that date and to convictions
41.14 and delinquency adjudications for such an offense that occurred before that date if the court
41.15 told the person of the duty to register.

41.16 Sec. 11. Minnesota Statutes 2022, section 243.166, subdivision 6, is amended to read:

41.17 Subd. 6. **Registration period.** (a) Notwithstanding the provisions of section 609.165,
41.18 subdivision 1, and except as provided in paragraphs (b), (c), and (d), a person required to
41.19 register under this section shall continue to comply with this section until ten years have
41.20 elapsed since the person initially registered in connection with the offense, or until the
41.21 probation, supervised release, or conditional release period expires, whichever occurs later.
41.22 For a person required to register under this section who is committed under section 253B.18,
41.23 Minnesota Statutes 2012, section 253B.185, or chapter 253D, the ten-year registration period
41.24 does not include the period of commitment.

41.25 (b) If a person required to register under this section fails to provide the person's primary
41.26 address as required by subdivision 3, paragraph (b), fails to comply with the requirements
41.27 of subdivision 3a, fails to provide information as required by subdivision 4a, or fails to
41.28 return the verification form referenced in subdivision 4 within ten days, the commissioner
41.29 of public safety shall require the person to continue to register for an additional period of
41.30 five years. This five-year period is added to the end of the offender's registration period.

41.31 (c) If a person required to register under this section is incarcerated due to a conviction
41.32 for a new offense that requires registration under this section or section 243.167 or following
41.33 a revocation of probation, supervised release, or conditional release for ~~any~~ an offense that

42.1 requires registration under this section or section 243.167, the person shall continue to
42.2 register until ten years have elapsed since the person was last released from incarceration
42.3 or until the person's probation, supervised release, or conditional release period expires,
42.4 whichever occurs later.

42.5 (d) A person shall continue to comply with this section for the life of that person:

42.6 (1) if the person is convicted of or adjudicated delinquent for any offense for which
42.7 registration is required under subdivision 1b, or any offense from another state or any federal
42.8 offense similar to the offenses described in subdivision 1b, and the person has a prior
42.9 conviction or adjudication for an offense for which registration was or would have been
42.10 required under subdivision 1b, or an offense from another state or a federal offense similar
42.11 to an offense described in subdivision 1b;

42.12 (2) if the person is required to register based upon a conviction or delinquency
42.13 adjudication for an offense under section 609.185, paragraph (a), clause (2), or a similar
42.14 statute from another state or the United States;

42.15 (3) if the person is required to register based upon a conviction for an offense under
42.16 section 609.342, subdivision 1, clause (a) to (c) or (e), or subdivision 1a, clause (a) to (e)
42.17 or (h); 609.343, subdivision 1, clause (a) to (c) or (e), or subdivision 1a, clause (a) to (e) or
42.18 (h); 609.344, subdivision 1, clause (a) or (c), or subdivision 1a, clause (a), (c), (g), or (h);
42.19 or 609.345, subdivision 1, clause (a) or (c), or subdivision 1a, clause (a), (c), (g), or (h); or
42.20 a statute from another state or the United States similar to the offenses described in this
42.21 clause; or

42.22 (4) if the person is required to register under subdivision 1b, paragraph (c), following
42.23 commitment pursuant to a court commitment under Minnesota Statutes 2012, section
42.24 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of
42.25 another state or the United States.

42.26 (e) A person described in subdivision 1b, paragraph (b), who is required to register under
42.27 the laws of a state in which the person has been previously convicted or adjudicated
42.28 delinquent, shall register under this section for the time period required by the state of
42.29 conviction or adjudication unless a longer time period is required elsewhere in this section.

42.30 **EFFECTIVE DATE.** This section is effective July 1, 2024, and applies to convictions
42.31 and revocations of probation, supervised release, or conditional release that occur on or
42.32 after that date and to convictions that are not yet final on that date.

43.1 Sec. 12. Minnesota Statutes 2022, section 244.052, subdivision 3, is amended to read:

43.2 Subd. 3. **End-of-confinement review committee.** (a) The commissioner of corrections
43.3 shall establish and administer end-of-confinement review committees at each state
43.4 correctional facility and at each state treatment facility where predatory offenders are
43.5 confined. The committees shall assess on a case-by-case basis the public risk posed by
43.6 predatory offenders who are about to be released from confinement.

43.7 (b) Each committee shall be a standing committee and shall consist of the following
43.8 members appointed by the commissioner:

43.9 (1) the chief executive officer or head of the correctional or treatment facility where the
43.10 offender is currently confined, or that person's designee;

43.11 (2) a law enforcement officer;

43.12 (3) a treatment professional who is trained in the assessment of sex offenders;

43.13 (4) a caseworker experienced in supervising sex offenders; and

43.14 (5) a victim's services professional.

43.15 Members of the committee, other than the facility's chief executive officer or head, shall
43.16 be appointed by the commissioner to two-year terms. The chief executive officer or head
43.17 of the facility or designee shall act as chair of the committee and shall use the facility's staff,
43.18 as needed, to administer the committee, obtain necessary information from outside sources,
43.19 and prepare risk assessment reports on offenders.

43.20 (c) The committee shall have access to the following data on a predatory offender only
43.21 for the purposes of its assessment and to defend the committee's risk assessment
43.22 determination upon administrative review under this section:

43.23 (1) private medical data under section 13.384 or sections 144.291 to 144.298, or welfare
43.24 data under section 13.46 that relate to medical treatment of the offender;

43.25 (2) private and confidential court services data under section 13.84;

43.26 (3) private and confidential corrections data under section 13.85; and

43.27 (4) private criminal history data under section 13.87.

43.28 Data collected and maintained by the committee under this paragraph may not be
43.29 disclosed outside the committee, except as provided under section 13.05, subdivision 3 or
43.30 4. The predatory offender has access to data on the offender collected and maintained by
43.31 the committee, unless the data are confidential data received under this paragraph.

44.1 (d)(i) Except as otherwise provided in items (ii), (iii), and (iv), at least 90 days before a
44.2 predatory offender is to be released from confinement, the commissioner of corrections
44.3 shall convene the appropriate end-of-confinement review committee for the purpose of
44.4 assessing the risk presented by the offender and determining the risk level to which the
44.5 offender shall be assigned under paragraph (e). The offender and the law enforcement agency
44.6 that was responsible for the charge resulting in confinement shall be notified of the time
44.7 and place of the committee's meeting. The offender has a right to be present and be heard
44.8 at the meeting. The law enforcement agency, agent, and victim may provide material in
44.9 writing that is relevant to the offender's risk level to the chair of the committee. The
44.10 committee shall use the risk factors described in paragraph (g) and the risk assessment scale
44.11 developed under subdivision 2 to determine the offender's risk assessment score and risk
44.12 level. Offenders scheduled for release from confinement shall be assessed by the committee
44.13 established at the facility from which the offender is to be released.

44.14 (ii) If an offender is received for confinement in a facility with less than 90 days remaining
44.15 in the offender's term of confinement, the offender's risk shall be assessed at the first regularly
44.16 scheduled end of confinement review committee that convenes after the appropriate
44.17 documentation for the risk assessment is assembled by the committee. The commissioner
44.18 shall make reasonable efforts to ensure that offender's risk is assessed and a risk level is
44.19 assigned or reassigned at least 30 days before the offender's release date.

44.20 (iii) If the offender is subject to a mandatory life sentence under section 609.3455,
44.21 subdivision 3 or 4, the commissioner of corrections shall convene the appropriate
44.22 end-of-confinement review committee at least nine months before the offender's minimum
44.23 term of imprisonment has been served. If the offender is received for confinement in a
44.24 facility with less than nine months remaining before the offender's minimum term of
44.25 imprisonment has been served, the committee shall conform its procedures to those outlined
44.26 in item (ii) to the extent practicable.

44.27 (iv) If the offender is granted supervised release, the commissioner of corrections shall
44.28 notify the appropriate end-of-confinement review committee that it needs to review the
44.29 offender's previously determined risk level at its next regularly scheduled meeting. The
44.30 commissioner shall make reasonable efforts to ensure that the offender's earlier risk level
44.31 determination is reviewed and the risk level is confirmed or reassigned at least 60 days
44.32 before the offender's release date. The committee shall give the report to the offender and
44.33 to the law enforcement agency, and the commissioner shall provide notice of the risk level
44.34 assignment to the victim, if requested, at least 60 days before an offender is released from
44.35 confinement.

45.1 (e) The committee shall assign to risk level I a predatory offender whose risk assessment
45.2 score indicates a low risk of reoffense. The committee shall assign to risk level II an offender
45.3 whose risk assessment score indicates a moderate risk of reoffense. The committee shall
45.4 assign to risk level III an offender whose risk assessment score indicates a high risk of
45.5 reoffense.

45.6 (f) Before the predatory offender is released from confinement, the committee shall
45.7 prepare a risk assessment report which specifies the risk level to which the offender has
45.8 been assigned and the reasons underlying the committee's risk assessment decision. Except
45.9 for an offender subject to a mandatory life sentence under section 609.3455, subdivision 3
45.10 or 4, who has not been granted supervised release, the committee shall give the report to
45.11 the offender and to the law enforcement agency, and the commissioner shall provide notice
45.12 of the risk level assignment to the victim, if requested, at least 60 days before an offender
45.13 is released from confinement. If the offender is subject to a mandatory life sentence and
45.14 has not yet served the entire minimum term of imprisonment, the committee shall give the
45.15 report to the offender and to the commissioner at least six months before the offender is
45.16 first eligible for release. If the risk assessment is performed under the circumstances described
45.17 in paragraph (d), item (ii), the report shall be given to the offender and the law enforcement
45.18 agency as soon as it is available. The committee also shall inform the offender of the
45.19 availability of review under subdivision 6.

45.20 (g) As used in this subdivision, "risk factors" includes, but is not limited to, the following
45.21 factors:

45.22 (1) the seriousness of the offense should the offender reoffend. This factor includes
45.23 consideration of the following:

45.24 (i) the degree of likely force or harm;

45.25 (ii) the degree of likely physical contact; and

45.26 (iii) the age of the likely victim;

45.27 (2) the offender's prior offense history. This factor includes consideration of the following:

45.28 (i) the relationship of prior victims to the offender;

45.29 (ii) the number of prior offenses or victims;

45.30 (iii) the duration of the offender's prior offense history;

45.31 (iv) the length of time since the offender's last prior offense while the offender was at
45.32 risk to commit offenses; and

- 46.1 (v) the offender's prior history of other antisocial acts;
- 46.2 (3) the offender's characteristics. This factor includes consideration of the following:
- 46.3 (i) the offender's response to prior treatment efforts; and
- 46.4 (ii) the offender's history of substance abuse;
- 46.5 (4) the availability of community supports to the offender. This factor includes
- 46.6 consideration of the following:
- 46.7 (i) the availability and likelihood that the offender will be involved in therapeutic
- 46.8 treatment;
- 46.9 (ii) the availability of residential supports to the offender, such as a stable and supervised
- 46.10 living arrangement in an appropriate location;
- 46.11 (iii) the offender's familial and social relationships, including the nature and length of
- 46.12 these relationships and the level of support that the offender may receive from these persons;
- 46.13 and
- 46.14 (iv) the offender's lack of education or employment stability;
- 46.15 (5) whether the offender has indicated or credible evidence in the record indicates that
- 46.16 the offender will reoffend if released into the community; and
- 46.17 (6) whether the offender demonstrates a physical condition that minimizes the risk of
- 46.18 reoffense, including but not limited to, advanced age or a debilitating illness or physical
- 46.19 condition.
- 46.20 (h) Upon the request of the law enforcement agency or the offender's corrections agent,
- 46.21 the commissioner may reconvene the end-of-confinement review committee for the purpose
- 46.22 of reassessing the risk level to which an offender has been assigned under paragraph (e). In
- 46.23 a request for a reassessment, the law enforcement agency which was responsible for the
- 46.24 charge resulting in confinement or agent shall list the facts and circumstances arising after
- 46.25 the initial assignment or facts and circumstances known to law enforcement or the agent
- 46.26 but not considered by the committee under paragraph (e) which support the request for a
- 46.27 reassessment. The request for reassessment by the law enforcement agency must occur
- 46.28 within 30 days of receipt of the report indicating the offender's risk level assignment. The
- 46.29 offender's corrections agent, in consultation with the chief law enforcement officer in the
- 46.30 area where the offender resides or intends to reside, may request a review of a risk level at
- 46.31 any time if substantial evidence exists that the offender's risk level should be reviewed by
- 46.32 an end-of-confinement review committee. This evidence includes, but is not limited to,

47.1 evidence of treatment failures or completions, evidence of exceptional crime-free community
47.2 adjustment or lack of appropriate adjustment, evidence of substantial community need to
47.3 know more about the offender or mitigating circumstances that would narrow the proposed
47.4 scope of notification, or other practical situations articulated and based in evidence of the
47.5 offender's behavior while under supervision. Upon review of the request, the
47.6 end-of-confinement review committee may reassign an offender to a different risk level. If
47.7 the offender is reassigned to a higher risk level, the offender has the right to seek review of
47.8 the committee's determination under subdivision 6.

47.9 (i) An offender may request the end-of-confinement review committee to reassess the
47.10 offender's assigned risk level after three years have elapsed since the committee's initial
47.11 risk assessment and may renew the request once every two years following subsequent
47.12 denials. In a request for reassessment, the offender shall list the facts and circumstances
47.13 which demonstrate that the offender no longer poses the same degree of risk to the
47.14 community. In order for a request for a risk level reduction to be granted, the offender must
47.15 demonstrate full compliance with supervised release conditions, completion of required
47.16 post-release treatment programming, and full compliance with all registration requirements
47.17 as detailed in section 243.166. The offender must also not have been convicted of any felony,
47.18 gross misdemeanor, or misdemeanor offenses subsequent to the assignment of the original
47.19 risk level. The committee shall follow the process outlined in paragraphs (a) to (c) in the
47.20 reassessment. An offender who is incarcerated may not request a reassessment under this
47.21 paragraph.

47.22 (j) Offenders returned to prison as release violators shall not have a right to a subsequent
47.23 risk reassessment by the end-of-confinement review committee unless substantial evidence
47.24 indicates that the offender's risk to the public has increased.

47.25 (k) If the committee assigns a predatory offender to risk level III, the committee shall
47.26 determine whether residency restrictions shall be included in the conditions of the offender's
47.27 release based on the offender's pattern of offending behavior.

47.28 Sec. 13. Minnesota Statutes 2022, section 260B.198, subdivision 7, is amended to read:

47.29 Subd. 7. **Continuance.** (a) When it is in the best interests of the child to do so and not
47.30 inimical to public safety and when the child has admitted the allegations contained in the
47.31 petition before the judge or referee, or when a hearing has been held as provided for in
47.32 section 260B.163 and the allegations contained in the petition have been duly proven but,
47.33 in either case, before a finding of delinquency has been entered, the court may continue the
47.34 case for a period not to exceed 180 days on any one order. Except as otherwise provided in

48.1 paragraph (c), the continuance may be extended for one additional successive period not to
48.2 exceed 180 days, but only with the consent of the prosecutor and only after the court has
48.3 reviewed the case and entered its order for the additional continuance without a finding of
48.4 delinquency. During a continuance the court may enter an order in accordance with the
48.5 provisions of subdivision 1, except clause (4), or enter an order to hold the child in detention
48.6 for a period not to exceed 15 days on any one order for the purpose of completing any
48.7 consideration, or any investigation or examination ordered in accordance with the provisions
48.8 of section 260B.157.

48.9 (b) A prosecutor may appeal a continuance ordered in contravention of this subdivision.
48.10 This subdivision does not extend the court's jurisdiction under section 260B.193 and does
48.11 not apply to an extended jurisdiction juvenile proceeding.

48.12 (c) A continuance granted under paragraph (a) for a violation of section 609.342; 609.343;
48.13 609.344; 609.345; 609.3451; 609.746, subdivision 1; 609.79; or 617.23 or another offense
48.14 arising out of a delinquency petition based on one or more of those sections that would
48.15 require the child to register as a predatory offender under section 243.166 may be extended
48.16 for additional successive periods not to exceed a total of 24 months so the offender can
48.17 receive sex offender treatment, but only with the consent of the prosecutor and only after
48.18 the court has reviewed the case and entered its order for the additional continuance without
48.19 a finding of delinquency.

48.20 Sec. 14. Minnesota Statutes 2023 Supplement, section 325E.21, subdivision 1b, is amended
48.21 to read:

48.22 Subd. 1b. **Purchase or acquisition record required.** (a) Every scrap metal dealer,
48.23 including an agent, employee, or representative of the dealer, shall create a ~~permanent~~ record
48.24 written in English, using an electronic record program at the time of each purchase or
48.25 acquisition of scrap metal or a motor vehicle. The record must include:

48.26 (1) a complete and accurate account or description, including the weight if customarily
48.27 purchased by weight, of the scrap metal or motor vehicle purchased or acquired;

48.28 (2) the date, time, and place of the receipt of the scrap metal or motor vehicle purchased
48.29 or acquired and a unique transaction identifier;

48.30 (3) a photocopy or electronic scan of the seller's proof of identification including the
48.31 identification number;

48.32 (4) the amount paid and the number of the check or electronic transfer used to purchase
48.33 or acquire the scrap metal or motor vehicle;

49.1 (5) the license plate number and description of the vehicle used by the person when
49.2 delivering the scrap metal or motor vehicle, including the vehicle make and model, and any
49.3 identifying marks on the vehicle, such as a business name, decals, or markings, if applicable;

49.4 (6) a statement signed by the seller, under penalty of perjury as provided in section
49.5 609.48, attesting that the scrap metal or motor vehicle is not stolen and is free of any liens
49.6 or encumbrances and the seller has the right to sell it;

49.7 (7) a copy of the receipt, which must include at least the following information: the name
49.8 and address of the dealer, the date and time the scrap metal or motor vehicle was received
49.9 by the dealer, an accurate description of the scrap metal or motor vehicle, and the amount
49.10 paid for the scrap metal or motor vehicle; and

49.11 ~~(8) in order to purchase or acquire a detached catalytic converter, the vehicle identification~~
49.12 ~~number of the car it was removed from or, as an alternative, any numbers, bar codes, stickers,~~
49.13 ~~or other unique markings, whether resulting from the pilot project created under subdivision~~
49.14 ~~2b or some other source. The alternative number must be under a numbering system that~~
49.15 ~~can be immediately linked to the vehicle identification number by law enforcement; and~~

49.16 ~~(9)~~ (8) the identity or identifier of the employee completing the transaction.

49.17 (b) The record, as well as the scrap metal or motor vehicle purchased or acquired, shall
49.18 at all reasonable times be open to the inspection of any properly identified law enforcement
49.19 officer.

49.20 (c) Except for the purchase or acquisition of detached catalytic converters or motor
49.21 vehicles, no record is required for property purchased or acquired from merchants,
49.22 manufacturers, salvage pools, insurance companies, rental car companies, financial
49.23 institutions, charities, dealers licensed under section 168.27, or wholesale dealers, having
49.24 an established place of business, or of any goods purchased or acquired at open sale from
49.25 any bankrupt stock, but a receipt as required under paragraph (a), clause (7), shall be obtained
49.26 and kept by the person, which must be shown upon demand to any properly identified law
49.27 enforcement officer.

49.28 (d) The dealer must provide a copy of the receipt required under paragraph (a), clause
49.29 (7), to the seller in every transaction.

49.30 (e) The commissioner of public safety and law enforcement agencies in the jurisdiction
49.31 where a dealer is located may conduct inspections and audits as necessary to ensure
49.32 compliance, refer violations to the city or county attorney for criminal prosecution, and
49.33 notify the registrar of motor vehicles.

50.1 (f) Except as otherwise provided in this section, a scrap metal dealer or the dealer's agent,
50.2 employee, or representative may not disclose personal information concerning a customer
50.3 without the customer's consent unless the disclosure is required by law or made in response
50.4 to a request from a law enforcement agency. A scrap metal dealer must implement reasonable
50.5 safeguards to protect the security of the personal information and prevent unauthorized
50.6 access to or disclosure of the information. For purposes of this paragraph, "personal
50.7 information" is any individually identifiable information gathered in connection with a
50.8 record under paragraph (a).

50.9 Sec. 15. Minnesota Statutes 2023 Supplement, section 325E.21, subdivision 11, is amended
50.10 to read:

50.11 Subd. 11. **Prohibition on possessing catalytic converters; exception.** (a) It is unlawful
50.12 for a person to possess a used catalytic converter that is not attached to a motor vehicle
50.13 except when:

50.14 (1) the converter is marked with the date the converter was removed from the vehicle
50.15 and the identification number of the vehicle from which the converter was removed or an
50.16 ~~alternative number to the vehicle identification number~~, as an alternative to the vehicle
50.17 identification number, any numbers, bar codes, stickers, or other unique markings, whether
50.18 resulting from the pilot project created under subdivision 2b or some other source; or

50.19 (2) the converter has been EPA certified for reuse as a replacement part.

50.20 (b) If an alternative number to the vehicle identification number is used, it must be under
50.21 a numbering system that can be immediately linked to the vehicle identification number by
50.22 law enforcement. The marking of the vehicle identification or alternative number may be
50.23 made in any permanent manner, including but not limited to an engraving or use of permanent
50.24 ink. The marking must clearly and legibly indicate the date removed and the vehicle
50.25 identification number or the alternative number and the method by which law enforcement
50.26 can link the converter to the vehicle identification number.

50.27 Sec. 16. Minnesota Statutes 2022, section 611A.06, is amended by adding a subdivision
50.28 to read:

50.29 Subd. 2a. **Notice of end-of-confinement review committee process and opportunity**
50.30 **to provide input.** If an individual scheduled to be released from imprisonment is subject
50.31 to an end-of-confinement review under section 244.052, the commissioner of corrections
50.32 shall make a good faith effort to notify the victim of the end-of-confinement review process
50.33 and that the victim has a right to submit written input for consideration at the

51.1 end-of-confinement review hearing. The victim has a continuing right to submit input if the
 51.2 end-of-confinement review committee receives a request to reassess the individual's assigned
 51.3 risk level. These notices shall only be provided to victims who have submitted a written
 51.4 request for this notice to the commissioner of corrections or an electronic request through
 51.5 the Department of Corrections electronic victim notification system. The good faith effort
 51.6 to notify the victim must occur before the offender's end-of-confinement review hearing
 51.7 and provide sufficient time for the input to be considered in the end-of-confinement
 51.8 determination.

51.9 Sec. 17. Minnesota Statutes 2022, section 611A.212, subdivision 1, is amended to read:

51.10 Subdivision 1. **Grants.** The commissioner of public safety shall award grants for
 51.11 statewide organizations to provide subgrants, support, resources, and technical assistance
 51.12 to sexual assault programs that provide sexual assault primary prevention services to prevent
 51.13 initial perpetration or victimization of sexual assault.

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

51.15 Sec. 18. **GRAND PORTAGE BAND OF LAKE SUPERIOR CHIPPEWA TRIBE;**
 51.16 **COAST GUARD SERVICES; GRANT PURPOSES EXPANSION.**

51.17 In addition to the uses specified in Laws 2023, chapter 52, article 2, section 3, subdivision
 51.18 3, paragraph (d), the Grand Portage Band of Lake Superior Chippewa may use the grant
 51.19 awarded for equipment, personnel, patrolling, and other related costs of providing coast
 51.20 guard services off the north shore of Lake Superior.

51.21 ARTICLE 5

51.22 MISCELLANEOUS CRIMINAL JUSTICE PROVISIONS

51.23 Section 1. Minnesota Statutes 2022, section 13.02, subdivision 3a, is amended to read:

51.24 Subd. 3a. **Criminal justice agencies.** "Criminal justice agencies" means all state and
 51.25 local prosecution authorities, all state and local law enforcement agencies, the Sentencing
 51.26 Guidelines Commission, the Bureau of Criminal Apprehension, the Department of
 51.27 Corrections, the Minnesota National Guard, and all probation officers who are not part of
 51.28 the judiciary.

51.29 Sec. 2. Minnesota Statutes 2022, section 260B.007, subdivision 6, is amended to read:

51.30 Subd. 6. **Delinquent child.** (a) Except as otherwise provided in paragraphs (b), ~~and~~ (c),
 51.31 and (d), "delinquent child" means a child:

52.1 (1) who has violated any state or local law, except as provided in section 260B.225,
52.2 subdivision 1, and except for juvenile offenders as described in subdivisions 16 to 18;

52.3 (2) who has violated a federal law or a law of another state and whose case has been
52.4 referred to the juvenile court if the violation would be an act of delinquency if committed
52.5 in this state or a crime or offense if committed by an adult;

52.6 (3) who has escaped from confinement to a state juvenile correctional facility after being
52.7 committed to the custody of the commissioner of corrections; or

52.8 (4) who has escaped from confinement to a local juvenile correctional facility after being
52.9 committed to the facility by the court.

52.10 (b) The term delinquent child does not include a child alleged to have committed murder
52.11 in the first degree after becoming 16 years of age, but the term delinquent child does include
52.12 a child alleged to have committed attempted murder in the first degree.

52.13 (c) The term delinquent child does not include a child alleged to have engaged in conduct
52.14 which would, if committed by an adult, violate any federal, state, or local law relating to
52.15 being hired, offering to be hired, or agreeing to be hired by another individual to engage in
52.16 sexual penetration or sexual conduct.

52.17 (d) Effective August 1, 2026, and applied to acts committed on or after that date, the
52.18 term delinquent child does not include a child alleged to have committed a delinquent act
52.19 before becoming 13 years old.

52.20 Sec. 3. Minnesota Statutes 2022, section 260B.007, subdivision 16, is amended to read:

52.21 Subd. 16. **Juvenile petty offender; juvenile petty offense.** (a) "Juvenile petty offense"
52.22 includes a juvenile alcohol offense, a juvenile controlled substance offense, a violation of
52.23 section 609.685, or a violation of a local ordinance, which by its terms prohibits conduct
52.24 by a child under the age of 18 years which would be lawful conduct if committed by an
52.25 adult.

52.26 (b) Except as otherwise provided in paragraph (c), "juvenile petty offense" also includes
52.27 an offense that would be a misdemeanor if committed by an adult.

52.28 (c) "Juvenile petty offense" does not include any of the following:

52.29 (1) a misdemeanor-level violation of section 518B.01, 588.20, 609.224, 609.2242,
52.30 609.324, subdivision 2 or 3, 609.5632, 609.576, 609.66, 609.746, 609.748, 609.79, or
52.31 617.23;

53.1 (2) a major traffic offense or an adult court traffic offense, as described in section
53.2 260B.225;

53.3 (3) a misdemeanor-level offense committed by a child whom the juvenile court previously
53.4 has found to have committed a misdemeanor, gross misdemeanor, or felony offense; or

53.5 (4) a misdemeanor-level offense committed by a child whom the juvenile court has
53.6 found to have committed a misdemeanor-level juvenile petty offense on two or more prior
53.7 occasions, unless the county attorney designates the child on the petition as a juvenile petty
53.8 offender notwithstanding this prior record. As used in this clause, "misdemeanor-level
53.9 juvenile petty offense" includes a misdemeanor-level offense that would have been a juvenile
53.10 petty offense if it had been committed on or after July 1, 1995.

53.11 (d) A child who commits a juvenile petty offense is a "juvenile petty offender." The
53.12 term juvenile petty offender does not include a child alleged to have violated any law relating
53.13 to being hired, offering to be hired, or agreeing to be hired by another individual to engage
53.14 in sexual penetration or sexual conduct which, if committed by an adult, would be a
53.15 misdemeanor.

53.16 (e) Effective August 1, 2026, and applied to acts committed on or after that date,
53.17 notwithstanding any contrary provision in paragraphs (a) to (d), a juvenile petty offender
53.18 does not include a child who is alleged to have committed a juvenile petty offense before
53.19 reaching the age of 13 years.

53.20 Sec. 4. Minnesota Statutes 2022, section 260C.007, subdivision 6, is amended to read:

53.21 Subd. 6. **Child in need of protection or services.** "Child in need of protection or
53.22 services" means a child who is in need of protection or services because the child:

53.23 (1) is abandoned or without parent, guardian, or custodian;

53.24 (2)(i) has been a victim of physical or sexual abuse as defined in section 260E.03,
53.25 subdivision 18 or 20, (ii) resides with or has resided with a victim of child abuse as defined
53.26 in subdivision 5 or domestic child abuse as defined in subdivision 13, (iii) resides with or
53.27 would reside with a perpetrator of domestic child abuse as defined in subdivision 13 or child
53.28 abuse as defined in subdivision 5 or 13, or (iv) is a victim of emotional maltreatment as
53.29 defined in subdivision 15;

53.30 (3) is without necessary food, clothing, shelter, education, or other required care for the
53.31 child's physical or mental health or morals because the child's parent, guardian, or custodian
53.32 is unable or unwilling to provide that care;

54.1 (4) is without the special care made necessary by a physical, mental, or emotional
54.2 condition because the child's parent, guardian, or custodian is unable or unwilling to provide
54.3 that care;

54.4 (5) is medically neglected, which includes, but is not limited to, the withholding of
54.5 medically indicated treatment from an infant with a disability with a life-threatening
54.6 condition. The term "withholding of medically indicated treatment" means the failure to
54.7 respond to the infant's life-threatening conditions by providing treatment, including
54.8 appropriate nutrition, hydration, and medication which, in the treating physician's, advanced
54.9 practice registered nurse's, or physician assistant's reasonable medical judgment, will be
54.10 most likely to be effective in ameliorating or correcting all conditions, except that the term
54.11 does not include the failure to provide treatment other than appropriate nutrition, hydration,
54.12 or medication to an infant when, in the treating physician's, advanced practice registered
54.13 nurse's, or physician assistant's reasonable medical judgment:

54.14 (i) the infant is chronically and irreversibly comatose;

54.15 (ii) the provision of the treatment would merely prolong dying, not be effective in
54.16 ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be
54.17 futile in terms of the survival of the infant; or

54.18 (iii) the provision of the treatment would be virtually futile in terms of the survival of
54.19 the infant and the treatment itself under the circumstances would be inhumane;

54.20 (6) is one whose parent, guardian, or other custodian for good cause desires to be relieved
54.21 of the child's care and custody, including a child who entered foster care under a voluntary
54.22 placement agreement between the parent and the responsible social services agency under
54.23 section 260C.227;

54.24 (7) has been placed for adoption or care in violation of law;

54.25 (8) is without proper parental care because of the emotional, mental, or physical disability,
54.26 or state of immaturity of the child's parent, guardian, or other custodian;

54.27 (9) is one whose behavior, condition, or environment is such as to be injurious or
54.28 dangerous to the child or others. An injurious or dangerous environment may include, but
54.29 is not limited to, the exposure of a child to criminal activity in the child's home;

54.30 (10) is experiencing growth delays, which may be referred to as failure to thrive, that
54.31 have been diagnosed by a physician and are due to parental neglect;

54.32 (11) is a sexually exploited youth;

55.1 (12) has committed a delinquent act or a juvenile petty offense before becoming ten
55.2 years old. This clause expires on July 31, 2026;

55.3 (13) is a runaway;

55.4 (14) is a habitual truant;

55.5 (15) has been found incompetent to proceed or has been found not guilty by reason of
55.6 mental illness or mental deficiency in connection with a delinquency proceeding, a
55.7 certification under section 260B.125, an extended jurisdiction juvenile prosecution, or a
55.8 proceeding involving a juvenile petty offense; ~~or~~

55.9 (16) has a parent whose parental rights to one or more other children were involuntarily
55.10 terminated or whose custodial rights to another child have been involuntarily transferred to
55.11 a relative and there is a case plan prepared by the responsible social services agency
55.12 documenting a compelling reason why filing the termination of parental rights petition under
55.13 section 260C.503, subdivision 2, is not in the best interests of the child; or

55.14 (17) effective August 1, 2026, has committed a delinquent act or a juvenile petty offense
55.15 before becoming 13 years old.

55.16 Sec. 5. Minnesota Statutes 2022, section 590.01, subdivision 4, is amended to read:

55.17 Subd. 4. **Time limit.** (a) No petition for postconviction relief may be filed more than
55.18 two years after the later of:

55.19 (1) the entry of judgment of conviction or sentence if no direct appeal is filed; or

55.20 (2) an appellate court's disposition of petitioner's direct appeal.

55.21 (b) Notwithstanding paragraph (a), a court may hear a petition for postconviction relief
55.22 if:

55.23 (1) the petitioner establishes that a physical disability or mental disease precluded a
55.24 timely assertion of the claim;

55.25 (2) the petitioner alleges the existence of newly discovered evidence, including scientific
55.26 evidence, that provides facts necessary to sustain one or more legally cognizable claims for
55.27 postconviction relief, if such evidence could not have been ascertained by the exercise of
55.28 due diligence by the petitioner or petitioner's attorney within the two-year time period for
55.29 filing a postconviction petition, ~~and the evidence~~ is not cumulative to evidence presented
55.30 at trial, and is not for impeachment purposes, ~~and establishes by a clear and convincing~~
55.31 ~~standard that the petitioner is innocent of the offense or offenses for which the petitioner~~
55.32 ~~was convicted;~~

56.1 (3) the petitioner asserts a new interpretation of federal or state constitutional or statutory
 56.2 law by either the United States Supreme Court or a Minnesota appellate court and the
 56.3 petitioner establishes that this interpretation is retroactively applicable to the petitioner's
 56.4 case;

56.5 (4) the petition is brought pursuant to subdivision 3; or

56.6 (5) the petitioner establishes to the satisfaction of the court that the petition is not frivolous
 56.7 and is in the interests of justice.

56.8 (c) Any petition invoking an exception provided in paragraph (b) must be filed within
 56.9 two years of the date the claim arises.

56.10 Sec. 6. Minnesota Statutes 2022, section 590.03, is amended to read:

56.11 **590.03 PLEADINGS AND PRACTICE AFTER FILING A POSTCONVICTION**
 56.12 **PETITION.**

56.13 Within ~~20~~ 45 days after the filing of the petition pursuant to section 590.01 or within
 56.14 such time as the judge to whom the matter has been assigned may fix, the county attorney,
 56.15 or the attorney general, on behalf of the state, shall respond to the petition by answer or
 56.16 motion which shall be filed with the court administrator of district court and served on the
 56.17 petitioner if unrepresented or on the petitioner's attorney. No further pleadings are necessary
 56.18 except as the court may order. The court may at any time prior to its decision on the merits
 56.19 permit a withdrawal of the petition, may permit amendments thereto, and to the answer.
 56.20 The court shall liberally construe the petition and any amendments thereto and shall look
 56.21 to the substance thereof and waive any irregularities or defects in form.

56.22 Sec. 7. Minnesota Statutes 2022, section 604A.05, subdivision 1, is amended to read:

56.23 Subdivision 1. **Person seeking medical providing assistance; immunity from**
 56.24 **prosecution.** A person acting in good faith who seeks medical assistance for or acts in
 56.25 concert with a person seeking medical assistance for another person who is experiencing a
 56.26 drug-related overdose may not be charged or prosecuted for the possession, sharing, or use
 56.27 of a controlled substance under section 152.023, subdivision 2, ~~clauses (4) and (6),~~ 152.024,
 56.28 or 152.025, ~~or possession of drug paraphernalia.~~ A person qualifies for the immunities
 56.29 provided in this subdivision only if:

56.30 (1) the evidence for the charge or prosecution was obtained as a result of the person's
 56.31 seeking medical assistance for or acting in concert with a person seeking medical assistance
 56.32 for another person; and

57.1 (2) the person seeks medical assistance for or acts in concert with a person seeking
57.2 medical assistance for another person who is in need of medical assistance for an immediate
57.3 health or safety concern, provided that the person ~~who seeks the medical assistance is the~~
57.4 ~~first person to seek the assistance~~, provides a name and contact information, remains on the
57.5 scene until assistance arrives or is provided, and cooperates with the authorities.

57.6 Good faith does not include seeking medical assistance during the course of the execution
57.7 of an arrest warrant or search warrant or a lawful search.

57.8 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to acts
57.9 committed on or after that date.

57.10 Sec. 8. Minnesota Statutes 2023 Supplement, section 609A.015, subdivision 3, is amended
57.11 to read:

57.12 Subd. 3. **Eligibility; certain criminal proceedings.** (a) A person is eligible for a grant
57.13 of expungement relief if the person:

57.14 (1) was convicted of a qualifying offense;

57.15 (2) has not been convicted of a new offense, other than an offense that would be a petty
57.16 misdemeanor, in Minnesota:

57.17 (i) during the applicable waiting period immediately following discharge of the disposition
57.18 or sentence for the crime; or

57.19 (ii) during the applicable waiting period immediately preceding a subsequent review
57.20 performed pursuant to subdivision 5, paragraph (a); and

57.21 (3) is not charged with an offense, other than an offense that would be a petty
57.22 misdemeanor, in Minnesota at the time the person reaches the end of the applicable waiting
57.23 period or at the time of a subsequent review.

57.24 (b) As used in this subdivision, "qualifying offense" means a conviction for:

57.25 (1) any petty misdemeanor offense other than a violation of a traffic regulation relating
57.26 to the operation or parking of motor vehicles;

57.27 (2) any misdemeanor offense other than:

57.28 (i) section 169A.20 under the terms described in section 169A.27 (fourth-degree driving
57.29 while impaired);

57.30 (ii) section 518B.01, subdivision 14 (violation of an order for protection);

57.31 (iii) section 609.224 (assault in the fifth degree);

- 58.1 (iv) section 609.2242 (domestic assault);
- 58.2 (v) section 609.746 (interference with privacy);
- 58.3 (vi) section 609.748 (violation of a harassment restraining order);
- 58.4 (vii) section 609.78 (interference with emergency call);
- 58.5 (viii) section 609.79 (obscene or harassing phone calls);
- 58.6 (ix) section 617.23 (indecent exposure); or
- 58.7 (x) section 629.75 (violation of domestic abuse no contact order);
- 58.8 (3) any gross misdemeanor offense other than:
- 58.9 (i) section 169.13, subdivision 1, if the person causes great bodily harm or death to
- 58.10 another (reckless driving resulting in great bodily harm or death);
- 58.11 ~~(i)~~ (ii) section 169A.25 (second-degree driving while impaired);
- 58.12 ~~(ii)~~ (iii) section 169A.26 (third-degree driving while impaired);
- 58.13 ~~(iii)~~ (iv) section 518B.01, subdivision 14 (violation of an order for protection);
- 58.14 ~~(iv)~~ (v) section 609.2113, subdivision 3 (criminal vehicular operation);
- 58.15 ~~(v)~~ (vi) section 609.2231 (assault in the fourth degree);
- 58.16 ~~(vi)~~ (vii) section 609.224 (assault in the fifth degree);
- 58.17 ~~(vii)~~ (viii) section 609.2242 (domestic assault);
- 58.18 ~~(viii)~~ (ix) section 609.233 (criminal neglect);
- 58.19 ~~(ix)~~ (x) section 609.3451 (criminal sexual conduct in the fifth degree);
- 58.20 ~~(x)~~ (xi) section 609.377 (malicious punishment of child);
- 58.21 ~~(xi)~~ (xii) section 609.485 (escape from custody);
- 58.22 ~~(xii)~~ (xiii) section 609.498 (tampering with witness);
- 58.23 ~~(xiii)~~ (xiv) section 609.582, subdivision 4 (burglary in the fourth degree);
- 58.24 ~~(xiv)~~ (xv) section 609.746 (interference with privacy);
- 58.25 ~~(xv)~~ (xvi) section 609.748 (violation of a harassment restraining order);
- 58.26 ~~(xvi)~~ (xvii) section 609.749 (harassment; stalking);
- 58.27 ~~(xvii)~~ (xviii) section 609.78 (interference with emergency call);

- 59.1 ~~(xviii)~~ (xix) section 617.23 (indecent exposure);
- 59.2 ~~(xix)~~ (xx) section 617.261 (nonconsensual dissemination of private sexual images); or
- 59.3 ~~(xx)~~ (xxi) section 629.75 (violation of domestic abuse no contact order); or
- 59.4 (4) any felony offense listed in section 609A.02, subdivision 3, paragraph (b), other
- 59.5 than:
- 59.6 (i) section 152.023, subdivision 2 (possession of a controlled substance in the third
- 59.7 degree);
- 59.8 (ii) 152.024, subdivision 2 (possession of a controlled substance in the fourth degree);
- 59.9 (iii) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil
- 59.10 commitment for mental illness); ~~or~~
- 59.11 (iv) section 609.582, subdivision 3, paragraph (a) (burglary in the third degree; other
- 59.12 than trespass); or
- 59.13 (v) section 609.746, subdivision 1, paragraph ~~(e)~~ (g) (interference with privacy;
- 59.14 subsequent violation or minor victim).
- 59.15 (c) As used in this subdivision, "applicable waiting period" means:
- 59.16 (1) if the offense was a petty misdemeanor, two years since discharge of the sentence;
- 59.17 (2) if the offense was a misdemeanor, two years since discharge of the sentence for the
- 59.18 crime;
- 59.19 (3) if the offense was a gross misdemeanor, three years since discharge of the sentence
- 59.20 for the crime;
- 59.21 (4) if the offense was a felony violation of section 152.025, four years since the discharge
- 59.22 of the sentence for the crime; and
- 59.23 (5) if the offense was any other felony, five years since discharge of the sentence for the
- 59.24 crime.
- 59.25 (d) Felony offenses deemed to be a gross misdemeanor or misdemeanor pursuant to
- 59.26 section 609.13, subdivision 1, remain ineligible for expungement under this section. Gross
- 59.27 misdemeanor offenses ineligible for a grant of expungement under this section remain
- 59.28 ineligible if deemed to be for a misdemeanor pursuant to section 609.13, subdivision 2.
- 59.29 (e) The service requirements in section 609A.03, subdivision 8, do not apply to any
- 59.30 expungements ordered under this subdivision.

60.1 (f) An expungement order does not apply to records held by the commissioners of health
60.2 and human services.

60.3 Sec. 9. Minnesota Statutes 2023 Supplement, section 609A.02, subdivision 3, is amended
60.4 to read:

60.5 Subd. 3. **Certain criminal proceedings.** (a) A petition may be filed under section
60.6 609A.03 to seal all records relating to an arrest, indictment or information, trial, or verdict
60.7 if the records are not subject to section 299C.11, subdivision 1, paragraph (b), and if:

60.8 (1) all pending actions or proceedings were resolved in favor of the petitioner. For
60.9 purposes of this chapter, a verdict of not guilty by reason of mental illness is not a resolution
60.10 in favor of the petitioner. For the purposes of this chapter, an action or proceeding is resolved
60.11 in favor of the petitioner, if the petitioner received an order under section 590.11 determining
60.12 that the petitioner is eligible for compensation based on exoneration;

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

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

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

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

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

60.30 (7) the petitioner was convicted of a felony that is deemed to be for a gross misdemeanor
60.31 or misdemeanor pursuant to section 609.13, subdivision 1, clause (2), and has not been
60.32 convicted of a new crime for at least:

61.1 (i) four years since discharge of the sentence for the crime if the conviction was for an
61.2 offense listed in paragraph (b); or

61.3 (ii) five years since discharge of the sentence for the crime if the conviction was for any
61.4 other offense; or

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

61.8 (b) Paragraph (a), clause (7), applies to the following offenses:

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

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

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

61.12 (4) section 152.023, subdivision 2 (possession of a controlled substance in the third
61.13 degree); 152.024, subdivision 2 (possession of a controlled substance in the fourth degree);
61.14 152.025 (controlled substance in the fifth degree); or 152.097 (sale of simulated controlled
61.15 substance);

61.16 (5) section 168A.30, subdivision 1 (certificate of title false information); or 169.09,
61.17 subdivision 14, paragraph (a), clause (2) (accident resulting in great bodily harm);

61.18 (6) chapter 201; 203B; or 204C (voting violations);

61.19 (7) section 228.45; 228.47; 228.49; 228.50; or 228.51 (false bill of lading);

61.20 (8) section 256.984 (false declaration in assistance application);

61.21 (9) section 296A.23, subdivision 2 (willful evasion of fuel tax);

61.22 (10) section 297D.09, subdivision 1 (failure to affix stamp on scheduled substances);

61.23 (11) section 297G.19 (liquor taxation); or 340A.701 (unlawful acts involving liquor);

61.24 (12) section 325F.743 (precious metal dealers); or 325F.755, subdivision 7 (prize notices
61.25 and solicitations);

61.26 (13) section 346.155, subdivision 10 (failure to control regulated animal);

61.27 (14) section 349.2127; or 349.22 (gambling regulations);

61.28 (15) section 588.20 (contempt);

61.29 (16) section 609.27, subdivision 1, clauses (2) to (5) (coercion);

- 62.1 (17) section 609.31 (leaving state to evade establishment of paternity);
- 62.2 (18) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil
62.3 commitment for mental illness);
- 62.4 (19) section 609.49 (failure to appear in court);
- 62.5 (20) section 609.52, subdivision 2, when sentenced pursuant to section 609.52,
62.6 subdivision 3, clause (3)(a) (theft of \$5,000 or less) or 609.52, subdivision 3a, clause (1)
62.7 (theft of \$1,000 or less with risk of bodily harm); or any other offense sentenced pursuant
62.8 to section 609.52, subdivision 3, clause (3)(a);
- 62.9 (21) section 609.521 (possession of shoplifting gear);
- 62.10 (22) section 609.525 (bringing stolen goods into state);
- 62.11 (23) section 609.526, subdivision 2, clause (2) (metal dealer receiving stolen goods);
- 62.12 (24) section 609.527, subdivision 5b (possession or use of scanning device or reencoder);
62.13 609.528, subdivision 3, clause (3) (possession or sale of stolen or counterfeit check); or
62.14 609.529 (mail theft);
- 62.15 (25) section 609.53 (receiving stolen goods);
- 62.16 (26) section 609.535, subdivision 2a, paragraph (a), clause (1) (dishonored check over
62.17 \$500);
- 62.18 (27) section 609.54, clause (1) (embezzlement of public funds \$2,500 or less);
- 62.19 (28) section 609.551 (rustling and livestock theft);
- 62.20 (29) section 609.5641, subdivision 1a, paragraph (a) (wildfire arson);
- 62.21 (30) section 609.576, subdivision 1, clause (3), item (iii) (negligent fires);
- 62.22 (31) section 609.582, subdivision 3 (burglary in the third degree);
- 62.23 (32) section 609.59 (possession of burglary or theft tools);
- 62.24 (33) section 609.595, subdivision 1, clauses (3) to (5), and subdivision 1a, paragraph
62.25 (a) (criminal damage to property);
- 62.26 (34) section 609.597, subdivision 3, clause (3) (assaulting or harming police horse);
- 62.27 (35) section 609.625 (aggravated forgery); 609.63 (forgery); 609.631, subdivision 4,
62.28 clause (3)(a) (check forgery and offering forged check, \$2,500 or less); 609.635 (obtaining
62.29 signature by false pretense); 609.64 (recording, filing forged instrument); or 609.645
62.30 (fraudulent statements);

63.1 (36) section 609.65, clause (1) (false certification by notary); or 609.651, subdivision
63.2 4, paragraph (a) (lottery fraud);

63.3 (37) section 609.652 (fraudulent driver's license and identification card);

63.4 (38) section 609.66, subdivision 1a, paragraph (a) (discharge of firearm; silencer); or
63.5 609.66, subdivision 1b (furnishing firearm to minor);

63.6 (39) section 609.662, subdivision 2, paragraph (b) (duty to render aid);

63.7 (40) section 609.686, subdivision 2 (tampering with fire alarm);

63.8 (41) section 609.746, subdivision 1, paragraph (g) (interference with privacy; subsequent
63.9 violation or minor victim);

63.10 (42) section 609.80, subdivision 2 (interference with cable communications system);

63.11 (43) section 609.821, subdivision 2 (financial transaction card fraud);

63.12 (44) section 609.822 (residential mortgage fraud);

63.13 (45) section 609.825, subdivision 2 (bribery of participant or official in contest);

63.14 (46) section 609.855, subdivision 2, paragraph (c), clause (1) (interference with transit
63.15 operator);

63.16 (47) section 609.88 (computer damage); or 609.89 (computer theft);

63.17 (48) section 609.893, subdivision 2 (telecommunications and information services fraud);

63.18 (49) section 609.894, subdivision 3 or 4 (cellular counterfeiting);

63.19 (50) section 609.895, subdivision 3, paragraph (a) or (b) (counterfeited intellectual
63.20 property);

63.21 (51) section 609.896 (movie pirating);

63.22 (52) section 624.7132, subdivision 15, paragraph (b) (transfer pistol to minor); 624.714,
63.23 subdivision 1a (pistol without permit; subsequent violation); or 624.7141, subdivision 2
63.24 (transfer of pistol to ineligible person); or

63.25 (53) section 624.7181 (rifle or shotgun in public by minor).

63.26 Sec. 10. Minnesota Statutes 2023 Supplement, section 611.55, subdivision 1, is amended
63.27 to read:

63.28 Subdivision 1. **Definition.** As used in this section, "board" means the State Minnesota
63.29 Competency Attainment Board established in section 611.56.

64.1 Sec. 11. Minnesota Statutes 2023 Supplement, section 611.56, subdivision 1, is amended
64.2 to read:

64.3 Subdivision 1. **Establishment; membership.** (a) The ~~State~~ Minnesota Competency
64.4 Attainment Board is established in the judicial branch. The board is not subject to the
64.5 administrative control of the judiciary. The board shall consist of seven members, including:

64.6 (1) three members appointed by the supreme court, at least one of whom must be a
64.7 defense attorney, one a county attorney, and one public member; and

64.8 (2) four members appointed by the governor, at least one of whom must be a mental
64.9 health professional with experience in competency attainment.

64.10 (b) The appointing authorities may not appoint an active judge to be a member of the
64.11 board, but may appoint a retired judge.

64.12 (c) All members must demonstrate an interest in maintaining a high quality, independent
64.13 forensic navigator program and a thorough process for certification of competency attainment
64.14 programs. Members shall be familiar with the Minnesota Rules of Criminal Procedure,
64.15 particularly rule 20; chapter 253B; and sections 611.40 to 611.59. Following the initial
64.16 terms of appointment, at least one member appointed by the supreme court must have
64.17 previous experience working as a forensic navigator. At least three members of the board
64.18 shall live outside the First, Second, Fourth, and Tenth Judicial Districts. The terms,
64.19 compensation, and removal of members shall be as provided in section 15.0575. The members
64.20 shall elect the chair from among the membership for a term of two years.

64.21 Sec. 12. Minnesota Statutes 2023 Supplement, section 611.56, subdivision 6, is amended
64.22 to read:

64.23 Subd. 6. **Fees and costs; civil actions on contested case.** Sections 15.039 and 15.471
64.24 to 15.474 apply to the ~~State~~ Minnesota Competency Attainment Board.

64.25 Sec. 13. Minnesota Statutes 2023 Supplement, section 611.57, subdivision 1, is amended
64.26 to read:

64.27 Subdivision 1. **Establishment.** The Certification Advisory Committee is established to
64.28 provide the ~~State~~ Minnesota Competency Attainment Board with advice and expertise
64.29 related to the certification of competency attainment programs, including jail-based programs.

65.1 Sec. 14. Minnesota Statutes 2023 Supplement, section 611.57, subdivision 4, is amended
65.2 to read:

65.3 Subd. 4. **Duties.** The Certification Advisory Committee shall consult with the Department
65.4 of Human Services, the Department of Health, and the Department of Corrections; make
65.5 recommendations to the ~~State~~ Minnesota Competency Attainment Board regarding
65.6 competency attainment curriculum, certification requirements for competency attainment
65.7 programs including jail-based programs, and certification of individuals to provide
65.8 competency attainment services; and provide information and recommendations on other
65.9 issues relevant to competency attainment as requested by the board.

65.10 Sec. 15. **[634.025] CONFESSION; INADMISSIBLE WHEN DECEPTION IS USED.**

65.11 (a) Any admission, confession, or statement, whether written or oral, made by any person
65.12 during a custodial interrogation by a law enforcement agency official, juvenile court official,
65.13 or their agent, is presumed involuntarily made and inadmissible in any proceeding if, during
65.14 the interrogation, a law enforcement agency official or juvenile court official or their agent
65.15 knowingly:

65.16 (1) communicated false facts about the existence or nature of evidence to the extent such
65.17 evidence would be material to assessing any suspected or alleged criminal conduct on behalf
65.18 of the individual being interrogated; or

65.19 (2) communicated unauthorized statements regarding leniency.

65.20 (b) The presumption that any such admission, confession, or statement is involuntarily
65.21 made and inadmissible may be overcome if the state proves by a preponderance of the
65.22 evidence that the admission, confession, or statement was voluntary, reliable, and not induced
65.23 by any act described in paragraph (a).

65.24 **EFFECTIVE DATE.** This section is effective January 1, 2025, and applies to admission,
65.25 confession, or statement, whether written or oral, made on or after that date.

65.26 Sec. 16. Minnesota Statutes 2023 Supplement, section 638.12, subdivision 2, is amended
65.27 to read:

65.28 Subd. 2. **Pardon eligibility; waiver.** (a) Except as provided in paragraphs (b) and (c),
65.29 an individual convicted of a crime in a court of this state may apply for a pardon of the
65.30 individual's conviction on or after five years from the sentence's expiration or discharge
65.31 date.

66.1 (b) An individual convicted before August 1, 2023, of a violation of section 609.19,
66.2 subdivision 1, clause (1), under the theory of liability for crimes of another may apply for
66.3 a pardon upon the sentence's expiration or discharge date if the individual:

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

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

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

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

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

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

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

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

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

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

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

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

66.22 Sec. 17. Minnesota Statutes 2023 Supplement, section 638.15, subdivision 1, is amended
66.23 to read:

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

66.27 (1) the nature, seriousness, and circumstances of the applicant's crime; the applicant's
66.28 age at the time of the crime; and the time that has elapsed between the crime and the
66.29 application;

- 67.1 (2) the successful completion or revocation of previous probation, parole, supervised
67.2 release, or conditional release;
- 67.3 (3) the number, nature, and circumstances of the applicant's other criminal convictions;
- 67.4 (4) the extent to which the applicant has demonstrated rehabilitation through
67.5 postconviction conduct, character, and reputation;
- 67.6 (5) the extent to which the applicant has accepted responsibility, demonstrated remorse,
67.7 and made restitution to victims;
- 67.8 (6) whether the sentence is clearly excessive in light of the applicant's crime and criminal
67.9 history and any sentence received by an accomplice and with due regard given to:
- 67.10 (i) any plea agreement;
- 67.11 (ii) the sentencing judge's views; and
- 67.12 (iii) the sentencing ranges established by law;
- 67.13 (7) whether the applicant was convicted before August 1, 2023, of a violation of section
67.14 609.19, subdivision 1, clause (1), under the theory of liability for crimes of another and, if
67.15 so, whether the applicant:
- 67.16 (i) was charged with a violation of section 609.185, paragraph (a), clause (3), and:
- 67.17 (A) thereafter pled guilty to a violation of section 609.19, subdivision 1, clause (1);
- 67.18 (B) did not cause the death of a human being; and
- 67.19 (C) did not intentionally aid, advise, hire, counsel, or conspire with or otherwise procure
67.20 another with the intent to cause the death of a human being; or
- 67.21 (ii) was charged with a violation of section 609.19, subdivision 2, and:
- 67.22 (A) thereafter pled guilty to a violation of section 609.19, subdivision 1, clause (1);
- 67.23 (B) did not cause the death of a human being; and
- 67.24 (C) was not a major participant, as defined in section 609.05, subdivision 2a, paragraph
67.25 (c), in the underlying felony ~~and~~ or did not act with extreme indifference to human life;
- 67.26 (8) whether the applicant's age or medical status indicates that it is in the best interest
67.27 of society that the applicant receive clemency;
- 67.28 (9) the applicant's asserted need for clemency, including family needs and barriers to
67.29 housing or employment created by the conviction;

68.1 (10) for an applicant under the department's custody, the adequacy of the applicant's
68.2 reentry plan;

68.3 (11) the amount of time already served by the applicant and the availability of other
68.4 forms of judicial or administrative relief;

68.5 (12) the extent to which there is credible evidence indicating that the applicant is or may
68.6 be innocent of the crime for which they were convicted; and

68.7 (13) if provided by the applicant, the applicant's demographic information, including
68.8 race, ethnicity, gender, disability status, and age.

68.9 (b) Unless an applicant knowingly omitted past criminal convictions on the application,
68.10 the commission or the board must not prejudice an applicant for failing to identify past
68.11 criminal convictions.

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

68.13 Sec. 18. Laws 2023, chapter 52, article 4, section 24, subdivision 3, is amended to read:

68.14 Subd. 3. **Notification.** (a) By ~~December~~ July 1, 2023 2024, the commissioner of
68.15 corrections shall notify individuals convicted for a violation of Minnesota Statutes, section
68.16 609.185, paragraph (a), clause (3), or 609.19, subdivision 2, clause (1), of the right to file
68.17 a preliminary application for relief if:

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

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

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

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

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

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

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

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

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

69.2 Sec. 19. Laws 2023, chapter 52, article 4, section 24, subdivision 4, is amended to read:

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

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

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

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

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

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

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

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

69.16 (b) The preliminary application may contain:

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

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

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

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

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

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

70.1 Sec. 20. Laws 2023, chapter 52, article 4, section 24, subdivision 7, is amended to read:

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

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

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

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

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

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

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

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

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

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

70.27 (e) If, pursuant to paragraph (c), the court either resents a petitioner or imposes a
70.28 sentence, the court shall also resentence the petitioner for any other offense if the sentence
70.29 was announced by a district court of the same county, the sentence was either ordered to
70.30 be served consecutively to the vacated conviction or the criminal history calculation for
70.31 that sentence included the vacated sentence, and the changes made pursuant to paragraph

71.1 (c) would have resulted in a different criminal history score being used at the time of
71.2 sentencing.

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

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

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

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

71.20 Sec. 21. **ADDITIONAL REQUIREMENTS.**

71.21 (a) An individual who was denied relief under Laws 2023, chapter 52, article 4, section
71.22 24, for a conviction under Minnesota Statutes, section 609.19, subdivision 2, clause (1),
71.23 due to a determination that the individual was not a major participant in the underlying
71.24 felony and did not act with extreme indifference to human life, and who is now eligible for
71.25 relief under the charges made in this act, may reapply for relief.

71.26 (b) By July 1, 2024, the commissioner of corrections shall notify individuals to whom
71.27 notice was previously provided under Laws 2023, chapter 52, article 4, section 24,
71.28 subdivision 3, paragraph (a), clause (2), about the changes to law made in this act. The
71.29 notice must inform the individual that the individual may apply or reapply for relief under
71.30 Laws 2023, chapter 52, article 4, section 24, if eligible based on the changes made in this
71.31 act.

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

72.1 **ARTICLE 6**

72.2 **JUDICIAL BRANCH POLICY**

72.3 Section 1. Minnesota Statutes 2022, section 117.042, is amended to read:

72.4 **117.042 POSSESSION.**

72.5 Whenever the petitioner shall require title and possession of all or part of the owner's
 72.6 property prior to the filing of an award by the court appointed commissioners, the petitioner
 72.7 shall, at least 90 days prior to the date on which possession is to be taken, notify the owner
 72.8 of the intent to possess by notice served by certified mail and before taking title and
 72.9 possession shall pay to the owner or deposit with the court an amount equal to petitioner's
 72.10 approved appraisal of value. Amounts deposited with the court shall be paid out under the
 72.11 direction of the court. If it is deemed necessary to deposit the above amount with the court
 72.12 the petitioner may apply to the court for an order transferring title and possession of the
 72.13 property or properties involved from the owner to the petitioner. In all other cases, petitioner
 72.14 has the right to the title and possession after the filing of the award by the court appointed
 72.15 commissioners as follows:

72.16 (1) if appeal is waived by the parties upon payment of the award;

72.17 (2) if appeal is not waived by the parties upon payment or deposit of three-fourths of
 72.18 the award to be deposited with the court administrator. ~~The amount deposited~~ If the amount
 72.19 exceeds \$10,000, it shall be deposited by the court administrator in an interest bearing
 72.20 account no later than ~~the~~ five business day days next following the day on which the amount
 72.21 was deposited with the court. All interest credited to the amount deposited from the date of
 72.22 deposit shall be paid to the ultimate recipient of the amount deposited.

72.23 Nothing in this section shall limit rights granted in section 117.155.

72.24 Sec. 2. Minnesota Statutes 2022, section 171.182, subdivision 2, is amended to read:

72.25 Subd. 2. **Copy of judgment to commissioner.** If a person fails within 30 days to satisfy
 72.26 a judgment, the court administrator, upon affidavit of the judgment creditor that the judgment
 72.27 has not been satisfied, shall immediately ~~forward to~~ notify the commissioner ~~a certified~~
 72.28 ~~copy of the judgment and affidavit of identification~~ that the judgment has not been satisfied.

72.29 If the judgment debtor named in a ~~certified copy of a judgment~~ reported to the
 72.30 commissioner is a nonresident, the commissioner shall ~~transmit a certified copy of the~~
 72.31 ~~judgment to~~ notify the official in charge of the issuance of drivers' licenses of the state of
 72.32 which the judgment debtor is a resident.

73.1 Sec. 3. Minnesota Statutes 2022, section 171.182, subdivision 3, is amended to read:

73.2 Subd. 3. **Conditions.** (a) The commissioner, upon ~~receipt of a certified copy~~ notification
73.3 of a judgment, shall suspend the license or the nonresident's operating privilege of the person
73.4 against whom judgment was rendered if:

73.5 (1) at the time of the accident the person did not maintain the reparation security required
73.6 by section 65B.48; and

73.7 (2) the judgment has not been satisfied.

73.8 (b) Suspensions under this section are subject to the notice requirements of section
73.9 171.18, subdivision 2.

73.10 Sec. 4. Minnesota Statutes 2022, section 253B.02, subdivision 4d, is amended to read:

73.11 Subd. 4d. **Court examiner.** "Court examiner" means a person appointed to serve the
73.12 court, and who is a physician or ~~licensed~~ psychologist who has a doctoral degree in
73.13 psychology, and is either licensed in Minnesota or who holds current authority to practice
73.14 in Minnesota under an approved interstate compact.

73.15 Sec. 5. Minnesota Statutes 2022, section 480.15, subdivision 10c, is amended to read:

73.16 Subd. 10c. **Uniform collections policies and procedures for courts.** (a) The state court
73.17 administrator under the direction of the Judicial Council may promulgate uniform collections
73.18 policies and procedures for the courts and may contract with credit bureaus, public and
73.19 private collection agencies, the Department of Revenue, and other public or private entities
73.20 providing collection services as necessary for the collection of court debts. The court
73.21 collection process and procedures are not subject to section 16A.1285. Court debts referred
73.22 to the Department of Revenue for collection are not subject to section 16D.07. Court debts
73.23 referred to the Department of Revenue for revenue recapture are not subject to section
73.24 270A.08 or 270A.09.

73.25 (b) Court debt means an amount owed to the state directly or through the judicial branch
73.26 on account of a fee, duty, rent, service, overpayment, fine, assessment, surcharge, court
73.27 cost, penalty, restitution, damages, interest, bail bond, forfeiture, reimbursement, liability
73.28 owed, an assignment to the judicial branch, recovery of costs incurred by the judicial branch,
73.29 or any other source of indebtedness to the judicial branch as well as amounts owed to other
73.30 public or private entities for which the judicial branch acts in providing collection services,
73.31 or any other amount owed to the judicial branch.

74.1 (c) The courts must pay for the collection services of public or private collection entities
74.2 as well as the cost of one or more court employees to provide collection interface services
74.3 between the Department of Revenue, the courts, and one or more collection entities from
74.4 the money collected. The portion of the money collected which must be paid to the collection
74.5 entity as collection fees and costs and the portion of the money collected which must be
74.6 paid to the courts or Department of Revenue for collection services are appropriated from
74.7 the fund to which the collected money is due.

74.8 (d) As determined by the state court administrator, collection costs shall be added to the
74.9 debts referred to a public or private collection entity for collection.

74.10 Collection costs shall include the fees of the collection entity, and may include, if
74.11 separately provided, skip tracing fees, credit bureau reporting charges, fees assessed by any
74.12 public entity for obtaining information necessary for debt collection, or other
74.13 collection-related costs. Collection costs shall also include the costs of one or more court
74.14 employees employed by the state court administrator to provide a collection interface
74.15 between the collection entity, the Department of Revenue, and the courts.

74.16 If the collection entity collects an amount less than the total due, the payment is applied
74.17 proportionally to collection costs and the underlying debt. Collection costs in excess of
74.18 collection agency fees and court employee collection interface costs must be deposited in
74.19 the general fund as nondedicated receipts.

74.20 Sec. 6. Minnesota Statutes 2022, section 518B.01, subdivision 8, is amended to read:

74.21 Subd. 8. **Service; alternate service; publication; notice.** (a) The petition and any order
74.22 issued under this section other than orders for dismissal shall be served on the respondent
74.23 personally, or if the respondent appears remotely for a hearing and is notified at the hearing
74.24 by the judicial officer that an order for protection will issue, the order may be served on the
74.25 respondent electronically or by first class mail, as ordered by the court. Orders for dismissal
74.26 may be served personally or by certified mail. In lieu of personal service of an order for
74.27 protection, a law enforcement officer may serve a person with a short-form notification as
74.28 provided in subdivision 8a.

74.29 (b) When service is made out of this state and in the United States, it may be proved by
74.30 the affidavit of the person making the service. When service is made outside the United
74.31 States, it may be proved by the affidavit of the person making the service, taken before and
74.32 certified by any United States minister, charge d'affaires, commissioner, consul, or
74.33 commercial agent, or other consular or diplomatic officer of the United States appointed to
74.34 reside in the other country, including all deputies or other representatives of the officer

75.1 authorized to perform their duties; or before an office authorized to administer an oath with
75.2 the certificate of an officer of a court of record of the country in which the affidavit is taken
75.3 as to the identity and authority of the officer taking the affidavit.

75.4 (c) If personal service cannot be made, the court may order service of the petition and
75.5 any order issued under this section by alternate means, or by publication, which publication
75.6 must be made as in other actions. The application for alternate service must include the last
75.7 known location of the respondent; the petitioner's most recent contacts with the respondent;
75.8 the last known location of the respondent's employment; the names and locations of the
75.9 respondent's parents, siblings, children, and other close relatives; the names and locations
75.10 of other persons who are likely to know the respondent's whereabouts; and a description of
75.11 efforts to locate those persons.

75.12 The court shall consider the length of time the respondent's location has been unknown,
75.13 the likelihood that the respondent's location will become known, the nature of the relief
75.14 sought, and the nature of efforts made to locate the respondent. The court shall order service
75.15 by first class mail, forwarding address requested, to any addresses where there is a reasonable
75.16 possibility that mail or information will be forwarded or communicated to the respondent.

75.17 The court may also order publication, within or without the state, but only if it might
75.18 reasonably succeed in notifying the respondent of the proceeding. Service shall be deemed
75.19 complete 14 days after mailing or 14 days after court-ordered publication.

75.20 (d) A petition and any order issued under this section, including the short-form
75.21 notification, must include a notice to the respondent that if an order for protection is issued
75.22 to protect the petitioner or a child of the parties, upon request of the petitioner in any
75.23 parenting time proceeding, the court shall consider the order for protection in making a
75.24 decision regarding parenting time.

75.25 Sec. 7. Minnesota Statutes 2022, section 593.50, subdivision 1, is amended to read:

75.26 Subdivision 1. **Juror protection.** An employer must release an employee from the
75.27 employee's regular work schedule, including any shift work, to permit the employee to
75.28 attend court for prospective jury service. An employer shall not require an employee to
75.29 work an alternative work schedule, deprive an employee of employment, or threaten or
75.30 otherwise coerce the employee with respect ~~thereto~~ to employment status, because the
75.31 employee receives a summons, responds thereto, serves as a juror, or attends court for
75.32 prospective jury service.

76.1 Sec. 8. Minnesota Statutes 2022, section 609.748, subdivision 5, is amended to read:

76.2 Subd. 5. **Restraining order.** (a) The court may issue a restraining order that provides
76.3 any or all of the following:

76.4 (1) orders the respondent to cease or avoid the harassment of another person; or

76.5 (2) orders the respondent to have no contact with another person.

76.6 (b) The court may issue an order under paragraph (a) if all of the following occur:

76.7 (1) the petitioner has filed a petition under subdivision 3;

76.8 (2) a peace officer has served respondent with a copy of the temporary restraining order
76.9 obtained under subdivision 4, and with notice of the right to request a hearing, or service
76.10 has been made by publication under subdivision 3, paragraph (b); and

76.11 (3) the court finds at the hearing that there are reasonable grounds to believe that the
76.12 respondent has engaged in harassment.

76.13 A restraining order may be issued only against the respondent named in the petition; except
76.14 that if the respondent is an organization, the order may be issued against and apply to all of
76.15 the members of the organization. If the court finds that the petitioner has had two or more
76.16 previous restraining orders in effect against the same respondent or the respondent has
76.17 violated a prior or existing restraining order on two or more occasions, relief granted by the
76.18 restraining order may be for a period of up to 50 years. In all other cases, relief granted by
76.19 the restraining order must be for a fixed period of not more than two years. When a referee
76.20 presides at the hearing on the petition, the restraining order becomes effective upon the
76.21 referee's signature.

76.22 (c) An order issued under this subdivision must be personally served upon the respondent,
76.23 or if the respondent appears remotely for a hearing and is notified at the hearing by the
76.24 judicial officer that a restraining order will issue, the order may be served on the respondent
76.25 electronically or by first class mail, as ordered by the court.

76.26 (d) If the court orders relief for a period of up to 50 years under paragraph (a), the
76.27 respondent named in the restraining order may request to have the restraining order vacated
76.28 or modified if the order has been in effect for at least five years and the respondent has not
76.29 violated the order. Application for relief under this paragraph must be made in the county
76.30 in which the restraining order was issued. Upon receipt of the request, the court shall set a
76.31 hearing date. Personal service must be made upon the petitioner named in the restraining
76.32 order not less than 30 days before the date of the hearing. At the hearing, the respondent
76.33 named in the restraining order has the burden of proving by a preponderance of the evidence

77.1 that there has been a material change in circumstances and that the reasons upon which the
77.2 court relied in granting the restraining order no longer apply and are unlikely to occur. If
77.3 the court finds that the respondent named in the restraining order has met the burden of
77.4 proof, the court may vacate or modify the order. If the court finds that the respondent named
77.5 in the restraining order has not met the burden of proof, the court shall deny the request and
77.6 no request may be made to vacate or modify the restraining order until five years have
77.7 elapsed from the date of denial. An order vacated or modified under this paragraph must
77.8 be personally served on the petitioner named in the restraining order.

77.9 Sec. 9. Minnesota Statutes 2023 Supplement, section 611.41, subdivision 7, is amended
77.10 to read:

77.11 Subd. 7. **Court examiner.** "Court examiner" means a person appointed to serve the
77.12 court ~~by examining a defendant whose competency is at issue~~ and who is a physician or
77.13 ~~licensed~~ psychologist who has a doctoral degree in psychology, and is either licensed in
77.14 Minnesota or who holds current authority to practice in Minnesota under an approved
77.15 interstate compact.

77.16 ARTICLE 7

77.17 REAL PROPERTY, TRUSTS, AND GUARDIANSHIP

77.18 Section 1. Minnesota Statutes 2022, section 501C.0202, is amended to read:

77.19 **501C.0202 SUBJECT MATTER OF JUDICIAL PROCEEDINGS.**

77.20 A judicial proceeding, whether filed by petition under the district court's in rem or in
77.21 personam jurisdiction, involving a trust may relate to one or more of the following matters:

77.22 (1) to confirm an action taken by a trustee;

77.23 (2) upon the filing of an account, to settle and allow the account;

77.24 (3) to determine the persons having an interest in the income or principal of the trust
77.25 and the nature and extent of their interests;

77.26 (4) to construe, interpret, or reform the terms of a trust, or authorize a deviation from
77.27 the terms of a trust, including a proceeding involving section 501B.31;

77.28 (5) to approve payment of the trustee's, attorney, or accountant fees, or any other fees
77.29 to be charged against the trust;

77.30 (6) to confirm the appointment of a trustee;

- 78.1 (7) to accept a trustee's resignation and discharge the trustee from the trust as provided
78.2 in section 501C.0705;
- 78.3 (8) to require a trustee to account;
- 78.4 (9) to remove a trustee as provided in section 501C.0706;
- 78.5 (10) to appoint a successor trustee when required by the terms of the trust instrument or
78.6 when by reason of death, resignation, removal, or other cause there is no acting trustee;
- 78.7 (11) to appoint an additional trustee or special fiduciary whether or not a vacancy in
78.8 trusteeship exists as provided in section 501C.0704;
- 78.9 (12) to confirm an act taken by a person with respect to a trust while there was no acting
78.10 trustee or otherwise in compliance with section 501C.0701;
- 78.11 (13) to subject a trust to or remove a trust from continuing court supervision under
78.12 section 501C.0205;
- 78.13 (14) to mortgage, lease, sell, or otherwise dispose of real property held by the trustee
78.14 notwithstanding any contrary provision of the trust instrument;
- 78.15 (15) to suspend the powers and duties of a trustee in military service or war service, in
78.16 accordance with section 525.95, and to order further action authorized in that section;
- 78.17 (16) to secure compliance with the provisions of sections 501B.33 to 501B.45, in
78.18 accordance with section 501B.41, relating to charitable trusts;
- 78.19 (17) to determine the validity of a disclaimer under sections 524.2-1101 to 524.2-1116;
- 78.20 (18) to transfer the trust's principal place of administration as provided in section
78.21 501C.0108;
- 78.22 (19) to redress a breach of trust;
- 78.23 (20) to terminate a trust;
- 78.24 (21) to divide a trust or to merge two or more trusts as provided in section 501C.0417;
- 78.25 (22) to approve a nonjudicial settlement as provided in section 501C.0111;
- 78.26 (23) to approve, modify, or object to a proposed trust decanting as provided in section
78.27 502.851; or
- 78.28 (24) to instruct the trustee regarding any matter involving the trust's administration or
78.29 the discharge of the trustee's duties, including a request for instructions and an action to
78.30 declare rights.

79.1 **EFFECTIVE DATE.** This section is effective retroactively from January 1, 2016.

79.2 Sec. 2. Minnesota Statutes 2022, section 501C.0204, subdivision 1, is amended to read:

79.3 Subdivision 1. **In rem judicial proceedings.** Upon the hearing of a petition under the
79.4 district court's in rem jurisdiction, the court shall make an order it considers appropriate.
79.5 The order is binding in rem upon the trust estate and ~~upon the interests of all interested~~
79.6 persons, including without limitation all beneficiaries, vested or contingent, even though
79.7 unascertained or not in being. An appeal from an order which, in effect, determines the
79.8 petition may be taken by any party after service by any party of written notice of its filing
79.9 as provided under the Rules of Appellate Procedure or, if no notice is served, within six
79.10 months after the filing of the order.

79.11 **EFFECTIVE DATE.** This section is effective retroactively from January 1, 2016.

79.12 Sec. 3. Minnesota Statutes 2022, section 507.071, is amended to read:

79.13 **507.071 TRANSFER ON DEATH DEEDS.**

79.14 Subdivision 1. **Definitions.** For the purposes of this section the following terms have
79.15 the meanings given:

79.16 (a) "Beneficiary" or "grantee beneficiary" means a person or entity named as a grantee
79.17 beneficiary in a transfer on death deed, including a successor grantee beneficiary.

79.18 (b) "County agency" means the county department or office designated to recover medical
79.19 assistance benefits from the estates of decedents.

79.20 (c) "Grantor owner" means an owner, whether individually, as a joint tenant, or as a
79.21 tenant in common, named as a grantor in a transfer on death deed upon whose death the
79.22 conveyance or transfer of the described real property is conditioned. Grantor owner does
79.23 not include a spouse who joins in a transfer on death deed solely for the purpose of conveying
79.24 or releasing statutory or other marital interests in the real property to be conveyed or
79.25 transferred by the transfer on death deed.

79.26 (d) "Owner" means a person having an ownership or other interest in all or part of the
79.27 real property to be conveyed or transferred by a transfer on death deed either at the time the
79.28 deed is executed or at the time the transfer becomes effective. Owner does not include a
79.29 spouse who joins in a transfer on death deed solely for the purpose of conveying or releasing
79.30 statutory or other marital interests in the real property to be conveyed or transferred by the
79.31 transfer on death deed.

80.1 (e) "Property" and "interest in real property" mean any interest in real property located
80.2 in this state which is transferable on the death of the owner and includes, without limitation,
80.3 an interest in real property defined in chapter 500, a mortgage, a deed of trust, a security
80.4 interest in, or a security pledge of, an interest in real property, including the rights to
80.5 payments of the indebtedness secured by the security instrument, a judgment, a tax lien,
80.6 both the seller's and purchaser's interest in a contract for deed, land contract, purchase
80.7 agreement, or earnest money contract for the sale and purchase of real property, including
80.8 the rights to payments under such contracts, or any other lien on, or interest in, real property.

80.9 (f) "Recorded" means recorded in the office of the county recorder or registrar of titles,
80.10 as appropriate for the real property described in the instrument to be recorded.

80.11 (g) "State agency" means the Department of Human Services or any successor agency.

80.12 (h) "Transfer on death deed" means a deed authorized under this section.

80.13 Subd. 2. **Effect of transfer on death deed.** A deed that conveys or assigns an interest
80.14 in real property, to a grantee beneficiary and that expressly states that the deed is only
80.15 effective on the death of one or more of the grantor owners, transfers the interest to the
80.16 grantee beneficiary upon the death of the grantor owner upon whose death the conveyance
80.17 or transfer is stated to be effective, but subject to the survivorship provisions and requirements
80.18 of section 524.2-702. Until a transfer on death deed becomes effective, it has no effect on
80.19 title to the real property described in the deed, but it does create an insurable interest in the
80.20 real property in favor of the designated grantee beneficiary or beneficiaries for purposes of
80.21 insuring the real property against loss or damage that occurs on or after the transfer on death
80.22 deed becomes effective. A transfer on death deed must comply with all provisions of
80.23 Minnesota law applicable to deeds of real property including, but not limited to, the
80.24 provisions of sections 507.02, 507.24, 507.34, 508.48, and 508A.48. If a spouse who is
80.25 neither a grantor owner nor an owner joins in the execution of, or consents in writing to,
80.26 the transfer on death deed, such joinder or consent shall be conclusive proof that upon the
80.27 transfer becoming effective, the spouse no longer has or can claim any statutory interest or
80.28 other marital interest in the interest in real property transferred by the transfer on death deed.
80.29 However, such transfer shall remain an interest as identified in section 256B.15 for purposes
80.30 of complying with and satisfying any claim or lien as authorized by subdivision 3.

80.31 Subd. 3. **Rights of creditors and rights of state and county under sections 246.53,**
80.32 **256B.15, 256D.16, 261.04, and 514.981.** The interest transferred to a beneficiary under a
80.33 transfer on death deed after the death of a grantor owner is transferred subject to all effective
80.34 conveyances, assignments, contracts, mortgages, deeds of trust, liens, security pledges,

81.1 judgments, tax liens, and any other matters or encumbrances to which the interest was
81.2 subject on the date of death of the grantor owner, upon whose death the transfer becomes
81.3 effective including, but not limited to, any claim by a surviving spouse who did not join in
81.4 the execution of, or consent in writing to, the transfer on death deed, and any claim or lien
81.5 by the state or county agency authorized by sections 246.53, 256B.15, 256D.16, 261.04,
81.6 and 514.981, if other assets of the deceased grantor's estate are insufficient to pay the amount
81.7 of any such claim. A beneficiary to whom the interest is transferred after the death of a
81.8 grantor owner shall be liable to account to the state or county agency with a claim or lien
81.9 authorized by section 246.53, 256B.15, 256D.16, 261.04, or 514.981, to the extent necessary
81.10 to discharge any such claim remaining unpaid after application of the assets of the deceased
81.11 grantor owner's estate, but such liability shall be limited to the value of the interest transferred
81.12 to the beneficiary. To establish compliance with this subdivision and subdivision 23, the
81.13 beneficiary must record a clearance certificate issued in accordance with subdivision 23 in
81.14 each county in which the real property described in the transfer on death deed is located.

81.15 Subd. 4. **Multiple grantee beneficiaries.** A transfer on death deed may designate multiple
81.16 grantee beneficiaries to take title as joint tenants, as tenants in common or in any other form
81.17 of ownership or tenancy that is valid under the laws of this state. If a grantee joint tenant
81.18 dies before the grantor owner upon whose death the transfer occurs and no successor
81.19 beneficiary for the deceased grantee is designated in the transfer on death deed, the surviving
81.20 joint tenants are the successors and no interest lapses.

81.21 Subd. 5. **Successor grantee beneficiaries.** A transfer on death deed may designate one
81.22 or more successor grantee beneficiaries or a class of successor grantee beneficiaries, or
81.23 both. If the transfer on death deed designates successor grantee beneficiaries or a class of
81.24 successor grantee beneficiaries, the deed shall state the condition under which the interest
81.25 of the successor grantee beneficiaries would vest.

81.26 Subd. 6. **Multiple joint tenant grantors.** If an interest in real property is owned as joint
81.27 tenants, a transfer on death deed executed by all of the owners and, if required by section
81.28 507.02, their respective spouses, if any, that conveys an interest in real property to one or
81.29 more grantee beneficiaries transfers the interest to the grantee beneficiary or beneficiaries
81.30 effective only after the death of the last surviving grantor owner. If the last surviving joint
81.31 tenant owner did not execute the transfer on death deed, the deed is ineffective to transfer
81.32 any interest and the deed is void. An estate in joint tenancy is not severed or affected by the
81.33 subsequent execution of a transfer on death deed and the right of a surviving joint tenant
81.34 owner who did not execute the transfer on death deed shall prevail over a grantee beneficiary

82.1 named in a transfer on death deed unless the deed specifically states that it severs the joint
82.2 tenancy ownership.

82.3 Subd. 7. **Execution by attorney-in-fact.** A transfer on death deed may be executed by
82.4 a duly appointed attorney-in-fact pursuant to a power of attorney which grants the
82.5 attorney-in-fact the authority to execute deeds.

82.6 Subd. 8. **Recording requirements and authorization.** A transfer on death deed is valid
82.7 if the deed is recorded in a county in which at least a part of the real property described in
82.8 the deed is located and is recorded before the death of the grantor owner upon whose death
82.9 the conveyance or transfer is effective. Notwithstanding the definition of recorded under
82.10 subdivision 1, if the real property is registered property, a transfer on death deed that was
82.11 recorded incorrectly or incompletely is valid if the deed was recorded before the death of
82.12 the grantor owner in the office of the county recorder or the registrar of titles in a county
82.13 in which at least part of the real property is located, and is memorialized on the certificate
82.14 of title after death. A transfer on death deed is not effective for purposes of section 507.34,
82.15 508.47, or 508A.47 until the deed is properly recorded in the county in which the real
82.16 property is located. When a transfer on death deed is presented for recording, no certification
82.17 by the county auditor as to transfer of ownership and current and delinquent taxes shall be
82.18 required or made and the transfer on death deed shall not be required to be accompanied
82.19 by a certificate of real estate value. A transfer on death deed that otherwise satisfies all
82.20 statutory requirements for recording may be recorded and shall be accepted for recording
82.21 in the county in which the property described in the deed is located. If any part of the property
82.22 described in the transfer on death deed is registered property, the registrar of titles shall
82.23 accept the transfer on death deed for recording only if at least one of the grantors who
82.24 executes the transfer on death deed appears of record to have an ownership interest or other
82.25 interest in the real property described in the deed. No certification or approval of a transfer
82.26 on death deed shall be required of the examiner of titles prior to recording of the deed in
82.27 the office of the registrar of titles.

82.28 Subd. 9. **Deed to trustee or other entity.** A transfer on death deed may transfer an
82.29 interest in real property to the trustee of an inter vivos trust even if the trust is revocable, to
82.30 the trustee of a testamentary trust or to any other entity legally qualified to hold title to real
82.31 property under the laws of this state.

82.32 Subd. 10. **Revocation or modification of transfer on death deed.** (a) A transfer on
82.33 death deed may be revoked at any time by the grantor owner or, if there is more than one
82.34 grantor owner, by any of the grantor owners. A revocation revokes the transfer on death
82.35 deed in its entirety. To be effective, the revocation must be recorded in a county in which

83.1 at least a part of the real property is located before the death of the grantor owner or owners
83.2 who execute the revocation. Notwithstanding the definition of recorded under subdivision
83.3 1, if the real property is registered property, a revocation that was recorded incorrectly or
83.4 incompletely is effective if it was recorded before the death of the grantor owner in the
83.5 office of the county recorder or the registrar of titles in a county in which at least part of
83.6 the real property is located, and is memorialized on the certificate of title after death. The
83.7 revocation is not effective for purposes of section 507.34, 508.47, or 508A.47 until the
83.8 revocation is properly recorded in a county in which the real property is located.

83.9 (b) If a grantor owner conveys to a third party, subsequent to the recording of the transfer
83.10 on death deed, by means other than a transfer on death deed, all or a part of such grantor
83.11 owner's interest in the property described in the transfer on death deed, no transfer of the
83.12 conveyed interest shall occur on such grantor owner's death and the transfer on death deed
83.13 shall be ineffective as to the conveyed or transferred interests, but the transfer on death deed
83.14 remains effective with respect to the conveyance or transfer on death of any other interests
83.15 described in the transfer on death deed owned by the grantor owner at the time of the grantor
83.16 owner's death.

83.17 (c) A transfer on death deed is a "governing instrument" within the meaning of section
83.18 524.2-804 and, except as may otherwise be specifically provided for in the transfer on death
83.19 deed, is subject to the same provisions as to revocation, revival, and nonrevocation set forth
83.20 in section 524.2-804.

83.21 Subd. 11. **Antilapse; deceased beneficiary; words of survivorship.** (a) Except when
83.22 a successor grantee beneficiary is designated in the transfer on death deed for the grantee
83.23 beneficiary who did not survive the grantor owner, if a grantee beneficiary who is a
83.24 grandparent or lineal descendant of a grandparent of the grantor owner fails to survive the
83.25 grantor owner, the issue of the deceased grantee beneficiary who survive the grantor owner
83.26 take in place of the deceased grantee beneficiary. If they are all of the same degree of kinship
83.27 to the deceased grantee beneficiary, they take equally. If they are of unequal degree, those
83.28 of more remote degree take by right of representation.

83.29 (b) For the purposes of this subdivision, words of survivorship such as, in a conveyance
83.30 to an individual, "if he or she survives me," or, in a class gift, to "my surviving children,"
83.31 are a sufficient indication of intent to condition the conveyance or transfer upon the
83.32 beneficiary surviving the grantor owner.

83.33 (c) When issue of a deceased grantee beneficiary or members of a class take in place of
83.34 the named grantee beneficiary pursuant to subdivision 5 or paragraph (a) or (b) or when a

84.1 beneficiary dies and has no issue under paragraph (a), an affidavit of survivorship stating
84.2 the names and shares of the beneficiaries or stating that a deceased beneficiary had no issue
84.3 is not conclusive and a court order made in accordance with Minnesota probate law
84.4 determining the beneficiaries and shares must also be recorded.

84.5 Subd. 12. **Lapse.** If all beneficiaries and all successor beneficiaries, if any, designated
84.6 in a transfer on death deed, and also all successor beneficiaries who would take under the
84.7 antilapse provisions of subdivision 11, fail to survive the grantor owner or the last survivor
84.8 of the grantor owners if there are multiple grantor owners, if the beneficiary is a trust which
84.9 has been revoked prior to the grantor owner's death, or if the beneficiary is an entity no
84.10 longer in existence at the grantor owner's death, no transfer shall occur and the transfer on
84.11 death deed is void.

84.12 Subd. 13. **Multiple transfer on death deeds.** If a grantor owner executes and records
84.13 more than one transfer on death deed conveying the same interest in real property or a
84.14 greater interest in the real property, or conveying part of the property in the earlier transfer
84.15 on death deed, the transfer on death deed that has the latest acknowledgment date and that
84.16 is recorded before the death of the grantor owner upon whose death the conveyance or
84.17 transfer is conditioned is the effective transfer on death deed and all other transfer on death
84.18 deeds, if any, executed by the grantor owner or the grantor owners are ineffective to transfer
84.19 any interest and are void, except that if the later transfer on death deed included only part
84.20 of the land of the earlier deed, the earlier deed is effective for the lands not included in the
84.21 subsequent deed, absent language to the contrary in the subsequent deed.

84.22 Subd. 14. **Nonademption; unpaid proceeds of sale, condemnation, or insurance;**
84.23 **sale by conservator or guardian.** If at the time of the death of the grantor owner upon
84.24 whose death the conveyance or transfer is stated to be effective, the grantor owner did not
84.25 own a part or all of the real property described in the transfer on death deed, no conveyance
84.26 or transfer to the beneficiary of the nonowned part of the real property shall occur upon the
84.27 death of the grantor owner and the transfer on death deed is void as to the nonowned part
84.28 of the real property, but the beneficiary shall have the same rights to unpaid proceeds of
84.29 sale, condemnation or insurance, and, if sold by a conservator or guardian of the grantor
84.30 owner during the grantor owner's lifetime, the same rights to a general pecuniary devise, as
84.31 that of a specific devisee as set forth in section 524.2-606.

84.32 Subd. 15. **Nonexoneration.** Except as otherwise provided in subdivision 3, a conveyance
84.33 or transfer under a transfer on death deed passes the described property subject to any
84.34 mortgage or security interest existing at the date of death of the grantor owner, without right

85.1 of exoneration, regardless of any statutory obligations to pay the grantor owner's debts upon
85.2 death and regardless of a general directive in the grantor owner's will to pay debts.

85.3 Subd. 16. **Disclaimer by beneficiary.** A grantee beneficiary's interest under a transfer
85.4 on death deed may be disclaimed as provided in sections 524.2-1101 to 524.2-1116, or as
85.5 otherwise provided by law.

85.6 Subd. 17. **Effect on other conveyances.** This section does not prohibit other methods
85.7 of conveying property that are permitted by law and that have the effect of postponing
85.8 ownership or enjoyment of an interest in real property until the death of the owner. This
85.9 section does not invalidate any deed that is not a transfer on death deed and that is otherwise
85.10 effective to convey title to the interests and estates described in the deed that is not recorded
85.11 until after the death of the owner.

85.12 Subd. 18. **Notice, consent, and delivery not required.** The signature, consent or
85.13 agreement of, or notice to, a grantee beneficiary under a transfer on death deed, or delivery
85.14 of the transfer on death deed to the grantee beneficiary, is not required for any purpose
85.15 during the lifetime of the grantor owner.

85.16 Subd. 19. **Nonrevocation by will.** A transfer on death deed that is executed,
85.17 acknowledged, and recorded in accordance with this section is not revoked by the provisions
85.18 of a will.

85.19 Subd. 20. **Proof of survivorship and clearance from public assistance claims and**
85.20 **liens; recording.** An affidavit of identity and survivorship with a certified copy of a record
85.21 of death as an attachment may be combined with a clearance certificate under this section
85.22 and the combined documents may be recorded separately or as one document in each county
85.23 in which the real estate described in the clearance certificate is located. The affidavit must
85.24 include the name and mailing address of the person to whom future property tax statements
85.25 should be sent. The affidavit, record of death, and clearance certificate, whether combined
85.26 or separate, shall be prima facie evidence of the facts stated in each, and the registrar of
85.27 titles may rely on the statements to transfer title to the property described in the clearance
85.28 certificate, except in cases where a court order is required pursuant to the provisions of
85.29 subdivision 11, paragraph (c).

85.30 Subd. 21. **After-acquired property.** Except as provided in this subdivision, a transfer
85.31 on death deed is not effective to transfer any interest in real property acquired by a grantor
85.32 owner subsequent to the date of signing of a transfer on death deed. A grantor owner may
85.33 provide by specific language in a transfer on death deed that the transfer on death deed will

86.1 apply to any interest in the described property acquired by the grantor owner after the signing
86.2 or recording of the deed.

86.3 Subd. 22. **Anticipatory alienation prohibited.** The interest of a grantee beneficiary
86.4 under a transfer on death deed which has not yet become effective is not subject to alienation;
86.5 assignment; encumbrance; appointment or anticipation by the beneficiary; garnishment;
86.6 attachment; execution or bankruptcy proceedings; claims for alimony, support, or
86.7 maintenance; payment of other obligations by any person against the beneficiary; or any
86.8 other transfer, voluntary or involuntary, by or from any beneficiary.

86.9 Subd. 23. **Clearance for public assistance claims and liens.** Any person claiming an
86.10 interest in real property conveyed or transferred by a transfer on death deed, or the person's
86.11 attorney or other agent, may apply to the county agency in the county in which the real
86.12 property is located for a clearance certificate for the real property described in the transfer
86.13 on death deed. The application for a clearance certificate and the clearance certificate must
86.14 contain the legal description of each parcel of property covered by the clearance certificate.
86.15 The county agency shall provide a sufficient number of clearance certificates to allow a
86.16 clearance certificate to be recorded in each county in which the real property described in
86.17 the transfer on death deed is located. The real property described in the clearance certificate
86.18 is bound by any conditions or other requirements imposed by the county agency as specified
86.19 in the clearance certificate. If the real property is registered property, a new certificate of
86.20 title must not be issued until the clearance certificate is recorded. If the clearance certificate
86.21 shows the continuation of a medical assistance claim or lien after issuance of the clearance
86.22 certificate, the real property remains subject to the claim or lien. If the real property is
86.23 registered property, the clearance certificate must be carried forward as a memorial in any
86.24 new certificate of title. The application shall contain the same information and shall be
86.25 submitted, processed, and resolved in the same manner and on the same terms and conditions
86.26 as provided in section 525.313 for a clearance certificate in a decree of descent proceeding,
86.27 except that a copy of a notice of hearing does not have to accompany the application. The
86.28 application may contain a statement that the applicant, after reasonably diligent inquiry, is
86.29 not aware of the existence of a predeceased spouse or the existence of a claim which could
86.30 be recovered under section 246.53, 256B.15, 256D.16, 261.04, or 514.981. If the county
86.31 agency determines that a claim or lien exists under section 246.53, 256B.15, 256D.16,
86.32 261.04, or 514.981, the provisions of section 525.313 shall apply to collection, compromise,
86.33 and settlement of the claim or lien. A person claiming an interest in real property transferred
86.34 or conveyed by a transfer on death deed may petition or move the district court, as
86.35 appropriate, in the county in which the real property is located or in the county in which a

87.1 probate proceeding affecting the estate of the grantor of the transfer on death deed is pending,
 87.2 for an order allowing sale of the real property free and clear of any public assistance claim
 87.3 or lien but subject to disposition of the sale proceeds as provided in section 525.313. On a
 87.4 showing of good cause and subject to such notice as the court may require, the court without
 87.5 hearing may issue an order allowing the sale free and clear of any public assistance claim
 87.6 or lien on such terms and conditions as the court deems advisable to protect the interests of
 87.7 the state or county agency.

87.8 Subd. 24. **Form of transfer on death deed.** A transfer on death deed may be substantially
 87.9 in the following form:

87.10 **Transfer on Death Deed**

87.11 I (we) (grantor owner or owners and spouses, if any, with
 87.12 marital status designated), grantor(s), hereby convey(s) and quitclaim(s) to
 87.13 (grantee beneficiary, whether one or more) effective (check
 87.14 only one of the following)

87.15 on the death of the grantor owner, if only one grantor is named above, or on the
 87.16 death of the last of the grantor owners to die, if more than one grantor owner is named
 87.17 above, or

87.18 on the death of (name of grantor owner)

87.19 (must be one of the grantor owners named above), the
 87.20 following described real property:

87.21 (Legal description)

87.22 If checked, the following optional statement applies:

87.23When effective, this instrument conveys any and all interests in the described real
 87.24 property acquired by the grantor owner(s) before, on, or after the date of this
 87.25 instrument.

87.26
 87.27 (Signature of grantor(s))

87.28 (acknowledgment)

87.29 Subd. 25. **Form of instrument of revocation.** An instrument of revocation may be
 87.30 substantially in the following form:

87.31 **Revocation of Transfer on Death Deed**

88.1 The undersigned hereby revokes the transfer on death deed recorded on, ..,
 88.2 as Document No. (or in Book of, Page) in the office of the
 88.3 (County Recorder) (Registrar of Titles) of County, Minnesota, affecting real
 88.4 property legally described as follows:

88.5 (legal description)

88.6 Dated:

88.7

88.8 Signature

88.9 (acknowledgment)

88.10 Subd. 26. **Jurisdiction.** In counties where the district court has a probate division, the
 88.11 application of subdivision 11 or other issues of interpretation or validity of the transfer on
 88.12 death deed, and actions to enforce a medical assistance lien or claim against real property
 88.13 described in a transfer on death deed and any matter raised in connection with enforcement
 88.14 shall be determined in the probate division. ~~Notwithstanding any other law to the contrary,~~
 88.15 ~~the provisions of section 256B.15 shall apply to any proceeding to enforce a medical~~
 88.16 ~~assistance lien or claim under chapter 524 or 525.~~ In other counties, the district court shall
 88.17 have jurisdiction to determine any matter affecting real property purporting to be transferred
 88.18 by a transfer on death deed. Notwithstanding any other law to the contrary, the provisions
 88.19 of section 256B.15 shall apply to any proceeding to enforce a medical assistance lien or
 88.20 claim under chapter 524 or 525.

88.21 Sec. 4. **[507.072] PROPERTY INSURANCE FOR GRANTEE BENEFICIARIES**
 88.22 **OF TRANSFER ON DEATH DEEDS.**

88.23 Subdivision 1. **Definitions.** (a) For purposes of this section, the following definitions
 88.24 apply unless the context indicates otherwise.

88.25 (b) "Grantee beneficiary" has the meaning given in section 507.071, subdivision 1.

88.26 (c) "Insurance policy" means an insurance policy governed by chapter 65A.

88.27 (d) "Transfer on death deed" means a deed described in section 507.071.

88.28 (e) "Grantor owner" has the meaning given in section 507.071, subdivision 1.

88.29 (f) "Extended coverage" or "temporary extended coverage" means insurance coverage
 88.30 continuing beyond the death of the named insured.

88.31 Subd. 2. **Insurance policy to include grantee beneficiary.** An insurer providing an
 88.32 insurance policy on real property transferred by a transfer on death deed shall provide

89.1 temporary extended coverage on the real property to the designated grantee beneficiary for
89.2 a period commencing on the date of death of the grantor owner and ending when the grantee
89.3 beneficiary replaces the insurance policy on the insured property with an insurance policy
89.4 or the expiration of the time limitations set forth in subdivision 4, whichever is sooner.

89.5 Subd. 3. **Notice to the insurer.** To obtain temporary extended coverage for a transfer
89.6 on death deed as provided in this section, the grantor owner must notify the insurer of the
89.7 existence of a transfer on death deed. The notice shall include the names and contact
89.8 information of all designated grantee beneficiaries.

89.9 Subd. 4. **Coverage extended.** The coverage to be extended under this section applies
89.10 only with respect to the insurance policy insuring the real property of the grantor owner.
89.11 The period of extended coverage shall not exceed 30 days from the date of the grantor
89.12 owner's death or the expiration date of the insurance policy, whichever is less. An insurer
89.13 is not required to provide notice to the grantee beneficiary for cancellation of coverage
89.14 following the shorter of the 30 days or expiration date of the policy or the placement of
89.15 replacement insurance coverage.

89.16 Subd. 5. **Proof demanded; policy conditions.** Before making any payment for a claim
89.17 under this section, the insurer may require proof that the claimant is a grantee beneficiary
89.18 under a transfer on death deed, the transfer on death deed was recorded as provided in
89.19 section 507.071, and that an affidavit of survivorship and death certificate of the grantor
89.20 owner was recorded as provided in section 507.071. The grantee beneficiary shall comply
89.21 with the conditions of the policy.

89.22 Subd. 6. **Insurable interest.** A grantee beneficiary does not hold an insurable interest
89.23 in the real property described in a transfer on death deed prior to the death of the grantor
89.24 owner. Any claim on the insured real property described in a transfer on death deed initiated
89.25 before the death of the grantor owner or the death benefits associated with the policy prior
89.26 to the death of the grantor owner shall be settled with the estate of the grantor owner, not
89.27 with the grantee beneficiary. A grantee beneficiary is not entitled to recover benefits under
89.28 an insurance policy extended as provided in this section in an amount greater than the grantee
89.29 beneficiary's insurable interest at the time of loss or damage. A grantee beneficiary is not
89.30 entitled to any amounts paid out in prior claims on the property. If the transfer on death
89.31 deed designates multiple grantee beneficiaries, nothing in this section requires the insurer
89.32 to pay an amount for loss or damage to the insured real property that exceeds the amount
89.33 that would be owed to the grantor owner if the grantor owner was living at the time of loss
89.34 or damage.

90.1 Subd. 7. Warnings on transfer on death deeds. On or after August 1 of the year of the
90.2 effective date of this section, a transfer on death deed shall contain the following warnings
90.3 in substantially the following form:

90.4 "Warning to Grantor Owner: Temporary extended coverage of any fire and casualty
90.5 insurance policy on the property under Minnesota Statutes, chapter 65A, will exist only if
90.6 the grantor owner has given notice to the insurer under Minnesota Statutes, section 507.072,
90.7 subdivision 3, including the existence of a transfer on death deed and the names and contact
90.8 information of all designated grantee beneficiaries. Any temporary extended coverage
90.9 terminates on the earlier of (1) 30 days after the date of the grantor owner's death, (2) the
90.10 expiration date of the policy, or (3) upon placement of a replacement insurance policy.

90.11 Warning to Grantee Beneficiary: A grantee beneficiary shall not presume insurance
90.12 coverage continues after the death of the grantor owner. Upon the death of the grantor
90.13 owner, the grantee beneficiary should determine whether the provisions of Minnesota
90.14 Statutes, section 507.072, apply and consult with an insurance agent or attorney."

90.15 The failure to include warnings in a transfer on death deed in accordance with this
90.16 subdivision shall not invalidate the transfer on death deed or affect recording of the transfer
90.17 on death deed.

90.18 Sec. 5. Minnesota Statutes 2023 Supplement, section 524.5-313, is amended to read:

90.19 **524.5-313 POWERS AND DUTIES OF GUARDIAN.**

90.20 (a) A guardian shall be subject to the control and direction of the court at all times and
90.21 in all things.

90.22 (b) The court shall grant to a guardian only those powers necessary to provide for the
90.23 demonstrated needs of the person subject to guardianship.

90.24 (c) The court may appoint a guardian if it determines that all the powers and duties listed
90.25 in this section are needed to provide for the needs of the incapacitated person. The court
90.26 may also appoint a guardian if it determines that a guardian is needed to provide for the
90.27 needs of the incapacitated person through the exercise of some, but not all, of the powers
90.28 and duties listed in this section. The duties and powers of a guardian or those which the
90.29 court may grant to a guardian include, but are not limited to:

90.30 (1) the power to have custody of the person subject to guardianship and the power to
90.31 establish a place of abode within or outside the state, except as otherwise provided in this
90.32 clause. The person subject to guardianship or any interested person may petition the court

91.1 to prevent or to initiate a change in abode. A person subject to guardianship may not be
91.2 admitted to a regional treatment center by the guardian except:

91.3 (i) after a hearing under chapter 253B;

91.4 (ii) for outpatient services; or

91.5 (iii) for the purpose of receiving temporary care for a specific period of time not to
91.6 exceed 90 days in any calendar year;

91.7 (2) the duty to provide for the care, comfort, and maintenance needs of the person subject
91.8 to guardianship, including food, clothing, shelter, health care, social and recreational
91.9 requirements, and, whenever appropriate, training, education, and habilitation or
91.10 rehabilitation. The guardian has no duty to pay for these requirements out of personal funds.
91.11 Whenever possible and appropriate, the guardian should meet these requirements through
91.12 governmental benefits or services to which the person subject to guardianship is entitled,
91.13 rather than from the estate of the person subject to guardianship. ~~Failure to satisfy the needs
91.14 and requirements of this clause shall be grounds for removal of a private guardian, but the
91.15 guardian shall have no personal or monetary liability;~~

91.16 (3) the duty to take reasonable care of the clothing, furniture, vehicles, and other personal
91.17 effects of the person subject to guardianship, and, if other property requires protection, the
91.18 power to seek appointment of a conservator of the estate. The guardian must give notice by
91.19 mail to interested persons prior to the disposition of the clothing, furniture, vehicles, or
91.20 other personal effects of the person subject to guardianship. The notice must inform the
91.21 person of the right to object to the disposition of the property within ten days of the date of
91.22 mailing and to petition the court for a review of the guardian's proposed actions. Notice of
91.23 the objection must be served by mail or personal service on the guardian and the person
91.24 subject to guardianship unless the person subject to guardianship is the objector. The guardian
91.25 served with notice of an objection to the disposition of the property may not dispose of the
91.26 property unless the court approves the disposition after a hearing;

91.27 (4)(i) the power to give any necessary consent to enable the person subject to guardianship
91.28 to receive necessary medical or other professional care, counsel, treatment, or service, except
91.29 that no guardian may give consent for psychosurgery, electroshock, sterilization, or
91.30 experimental treatment of any kind unless the procedure is first approved by order of the
91.31 court as provided in this clause. The guardian shall not consent to any medical care for the
91.32 person subject to guardianship which violates the known conscientious, religious, or moral
91.33 belief of the person subject to guardianship;

92.1 (ii) a guardian who believes a procedure described in item (i) requiring prior court
92.2 approval to be necessary for the proper care of the person subject to guardianship, shall
92.3 petition the court for an order and, in the case of a public guardianship under chapter 252A,
92.4 obtain the written recommendation of the commissioner of human services. The court shall
92.5 fix the time and place for the hearing and shall give notice to the person subject to
92.6 guardianship in such manner as specified in section 524.5-308 and to interested persons.
92.7 The court shall appoint an attorney to represent the person subject to guardianship who is
92.8 not represented by counsel, provided that such appointment shall expire upon the expiration
92.9 of the appeal time for the order issued by the court under this section or the order dismissing
92.10 a petition, or upon such other time or event as the court may direct. In every case the court
92.11 shall determine if the procedure is in the best interest of the person subject to guardianship.
92.12 In making its determination, the court shall consider a written medical report which
92.13 specifically considers the medical risks of the procedure, whether alternative, less restrictive
92.14 methods of treatment could be used to protect the best interest of the person subject to
92.15 guardianship, and any recommendation of the commissioner of human services for a public
92.16 person subject to guardianship. The standard of proof is that of clear and convincing evidence;

92.17 (iii) in the case of a petition for sterilization of a person with developmental disabilities
92.18 subject to guardianship, the court shall appoint a licensed physician, a psychologist who is
92.19 qualified in the diagnosis and treatment of developmental disability, and a social worker
92.20 who is familiar with the social history and adjustment of the person subject to guardianship
92.21 or the case manager for the person subject to guardianship to examine or evaluate the person
92.22 subject to guardianship and to provide written reports to the court. The reports shall indicate
92.23 why sterilization is being proposed, whether sterilization is necessary and is the least intrusive
92.24 method for alleviating the problem presented, and whether it is in the best interest of the
92.25 person subject to guardianship. The medical report shall specifically consider the medical
92.26 risks of sterilization, the consequences of not performing the sterilization, and whether
92.27 alternative methods of contraception could be used to protect the best interest of the person
92.28 subject to guardianship;

92.29 (iv) any person subject to guardianship whose right to consent to a sterilization has not
92.30 been restricted under this section or section 252A.101 may be sterilized only if the person
92.31 subject to guardianship consents in writing or there is a sworn acknowledgment by an
92.32 interested person of a nonwritten consent by the person subject to guardianship. The consent
92.33 must certify that the person subject to guardianship has received a full explanation from a
92.34 physician or registered nurse of the nature and irreversible consequences of the sterilization;

93.1 (v) a guardian or the public guardian's designee who acts within the scope of authority
93.2 conferred by letters of guardianship under section 252A.101, subdivision 7, and according
93.3 to the standards established in this chapter or in chapter 252A shall not be civilly or criminally
93.4 liable for the provision of any necessary medical care, including, but not limited to, the
93.5 administration of psychotropic medication or the implementation of aversive and deprivation
93.6 procedures to which the guardian or the public guardian's designee has consented;

93.7 (5) in the event there is no duly appointed conservator of the estate of the person subject
93.8 to guardianship, the guardian shall have the power to approve or withhold approval of any
93.9 contract, except for necessities, which the person subject to guardianship may make or wish
93.10 to make;

93.11 (6) the duty and power to exercise supervisory authority over the person subject to
93.12 guardianship in a manner which limits civil rights and restricts personal freedom only to
93.13 the extent necessary to provide needed care and services. A guardian may not restrict the
93.14 ability of the person subject to guardianship to communicate, visit, or interact with others,
93.15 including receiving visitors or making or receiving telephone calls, personal mail, or
93.16 electronic communications including through social media, or participating in social activities,
93.17 unless the guardian has good cause to believe restriction is necessary because interaction
93.18 with the person poses a risk of significant physical, psychological, or financial harm to the
93.19 person subject to guardianship, and there is no other means to avoid such significant harm.
93.20 In all cases, the guardian shall provide written notice of the restrictions imposed to the court,
93.21 to the person subject to guardianship, and to the person subject to restrictions. The person
93.22 subject to guardianship or the person subject to restrictions may petition the court to remove
93.23 or modify the restrictions;

93.24 (7) if there is no acting conservator of the estate for the person subject to guardianship,
93.25 the guardian has the power to apply on behalf of the person subject to guardianship for any
93.26 assistance, services, or benefits available to the person subject to guardianship through any
93.27 unit of government;

93.28 (8) unless otherwise ordered by the court, the person subject to guardianship retains the
93.29 right to vote;

93.30 (9) the power to establish an ABLE account for a person subject to guardianship or
93.31 conservatorship. By this provision a guardian only has the authority to establish an ABLE
93.32 account, but may not administer the ABLE account in the guardian's capacity as guardian.
93.33 The guardian may appoint or name a person to exercise signature authority over an ABLE
93.34 account, including the individual selected by the eligible individual or the eligible individual's

94.1 agent under a power of attorney; conservator; spouse; parent; sibling; grandparent; or
94.2 representative payee, whether an individual or organization, appointed by the SSA, in that
94.3 order; and

94.4 (10) if there is no conservator appointed for the person subject to guardianship, the
94.5 guardian has the duty and power to institute suit on behalf of the person subject to
94.6 guardianship and represent the person subject to guardianship in expungement proceedings,
94.7 harassment proceedings, and all civil court proceedings, including but not limited to
94.8 restraining orders, orders for protection, name changes, conciliation court, housing court,
94.9 family court, probate court, and juvenile court, provided that a guardian may not settle or
94.10 compromise any claim or debt owed to the estate without court approval.

94.11 Sec. 6. Minnesota Statutes 2022, section 524.5-315, is amended to read:

94.12 **524.5-315 RIGHTS AND IMMUNITIES OF GUARDIAN; LIMITATIONS.**

94.13 (a) A guardian is entitled to reasonable compensation for services as guardian and to
94.14 reimbursement for expenditures made on behalf of the person subject to guardianship, in a
94.15 manner consistent with section 524.5-502.

94.16 (b) a guardian is not liable to a third person for acts of the person subject to guardianship
94.17 solely by reason of the relationship. A guardian who exercises reasonable care in choosing
94.18 a third person providing medical or other care, treatment, or service for the person subject
94.19 to guardianship is not liable for injury to the person subject to guardianship resulting from
94.20 the wrongful conduct of the third person.

94.21 (c) A guardian may not revoke the health care directive of a person subject to guardianship
94.22 or conservatorship absent a court order.

94.23 (d) A guardian may not initiate the commitment of a person subject to guardianship to
94.24 an institution except in accordance with section 524.5-313.

94.25 (e) Failure to satisfy the duties of a guardian under section 524.5-313, paragraph (c),
94.26 shall be grounds for removal of a private guardian but such guardian shall not be held liable
94.27 for acts or omissions made in the discharge of the guardian's duties except for acts or
94.28 omissions that result in harm to the person subject to guardianship and that constitute reckless
94.29 or willful misconduct, or gross negligence.

94.30 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to causes
94.31 of action accruing on or after that date.

95.1 Sec. 7. Minnesota Statutes 2022, section 524.5-317, is amended to read:

95.2 **524.5-317 TERMINATION OR MODIFICATION OF GUARDIANSHIP; COURT**
95.3 **ORDERS.**

95.4 (a) A guardianship terminates upon the death of the person subject to guardianship, upon
95.5 the expiration of the duration of guardianship established in the order appointing the guardian,
95.6 or upon order of the court.

95.7 (b) On petition of any person interested in the welfare of the person subject to
95.8 guardianship the court may terminate a guardianship if the person subject to guardianship
95.9 no longer needs the assistance or protection of a guardian. The court may modify the type
95.10 of appointment or powers granted to the guardian if the extent of protection or assistance
95.11 previously granted is currently excessive or insufficient or the capacity of the person subject
95.12 to guardianship to provide for support, care, education, health, and welfare has so changed
95.13 as to warrant that action. The court may make any other order that is in the best interests of
95.14 the person subject to guardianship or may grant other appropriate relief.

95.15 (c) Except as otherwise ordered by the court for good cause, the court, before terminating
95.16 a guardianship, shall follow the same procedures to safeguard the rights of the person subject
95.17 to guardianship as apply to a petition for guardianship. Upon presentation by the petitioner
95.18 of evidence establishing a prima facie case for termination, the court shall order the
95.19 termination and discharge the guardian unless it is proven that continuation of the
95.20 guardianship is in the best interest of the person subject to guardianship.

95.21 (d) Any documents or information disclosing or pertaining to health or financial
95.22 information shall be filed as confidential documents, consistent with the bill of particulars
95.23 under section 524.5-121.

95.24 (e) A guardian has the right to petition the court for discharge from the guardianship.

95.25 (f) If, after a good faith effort, the guardian is unable to find a successor guardian, the
95.26 guardian may petition the court for resignation. The court may allow the guardian to resign
95.27 if such resignation would not result in substantial harm to the person subject to guardianship
95.28 based on clear and convincing evidence.

95.29 Sec. 8. **EFFECTIVE DATE.**

95.30 Sections 3 and 4 are effective on the day following final enactment and apply to insurance
95.31 policies issued or renewed in Minnesota on or after August 1 of the year of final enactment.
95.32 Sections 3 and 4 do not apply to insurance policies issued or renewed prior to August 1 of

96.1 the year of final enactment or to transfer on death deeds recorded prior to that date unless
 96.2 the grantor owner provides the notice specified by section 4, subdivision 3.

96.3 **ARTICLE 8**

96.4 **OTHER CIVIL LAW PROVISIONS**

96.5 Section 1. Minnesota Statutes 2022, section 13D.05, subdivision 3, is amended to read:

96.6 Subd. 3. **What meetings may be closed.** (a) A public body may close a meeting to
 96.7 evaluate the performance of an individual who is subject to its authority. The public body
 96.8 shall identify the individual to be evaluated prior to closing a meeting. At its next open
 96.9 meeting, the public body shall summarize its conclusions regarding the evaluation. A meeting
 96.10 must be open at the request of the individual who is the subject of the meeting.

96.11 (b) Meetings may be closed if the closure is expressly authorized by statute ~~or permitted~~
 96.12 ~~by the attorney-client privilege.~~

96.13 (c) A meeting may be closed if permitted by the attorney-client privilege. A public body
 96.14 must identify on the record the legal issue or case to be discussed prior to closing a meeting
 96.15 under this paragraph. Any person in any court of competent jurisdiction where the
 96.16 administrative office of the local body is located may bring an action claiming that a public
 96.17 body closed a meeting in violation of this paragraph or discussed public business not
 96.18 permitted by attorney-client privilege.

96.19 ~~(e)~~ (d) A public body may close a meeting:

96.20 (1) to determine the asking price for real or personal property to be sold by the
 96.21 government entity;

96.22 (2) to review confidential or protected nonpublic appraisal data under section 13.44,
 96.23 subdivision 3; and

96.24 (3) to develop or consider offers or counteroffers for the purchase or sale of real or
 96.25 personal property.

96.26 Before holding a closed meeting under this paragraph, the public body must identify on
 96.27 the record the particular real or personal property that is the subject of the closed meeting.
 96.28 The proceedings of a meeting closed under this paragraph must be tape recorded at the
 96.29 expense of the public body. The recording must be preserved for eight years after the date
 96.30 of the meeting and made available to the public after all real or personal property discussed
 96.31 at the meeting has been purchased or sold or the governing body has abandoned the purchase
 96.32 or sale. The real or personal property that is the subject of the closed meeting must be

97.1 specifically identified on the tape. A list of members and all other persons present at the
97.2 closed meeting must be made available to the public after the closed meeting. If an action
97.3 is brought claiming that public business other than discussions allowed under this paragraph
97.4 was transacted at a closed meeting held under this paragraph during the time when the tape
97.5 is not available to the public, section 13D.03, subdivision 3, applies.

97.6 An agreement reached that is based on an offer considered at a closed meeting is contingent
97.7 on approval of the public body at an open meeting. The actual purchase or sale must be
97.8 approved at an open meeting after the notice period required by statute or the governing
97.9 body's internal procedures, and the purchase price or sale price is public data.

97.10 ~~(d)~~ (e) Meetings may be closed to receive security briefings and reports, to discuss issues
97.11 related to security systems, to discuss emergency response procedures and to discuss security
97.12 deficiencies in or recommendations regarding public services, infrastructure and facilities,
97.13 if disclosure of the information discussed would pose a danger to public safety or compromise
97.14 security procedures or responses. Financial issues related to security matters must be
97.15 discussed and all related financial decisions must be made at an open meeting. Before closing
97.16 a meeting under this paragraph, the public body, in describing the subject to be discussed,
97.17 must refer to the facilities, systems, procedures, services, or infrastructures to be considered
97.18 during the closed meeting. A closed meeting must be tape recorded at the expense of the
97.19 governing body, and the recording must be preserved for at least four years.

97.20 Sec. 2. Minnesota Statutes 2022, section 13D.06, subdivision 3, is amended to read:

97.21 Subd. 3. **Forfeit office if three violations.** (a) If a person has been found to have
97.22 ~~intentionally violated this chapter in~~ committed three or more ~~actions brought under separate,~~
97.23 intentional violations of this chapter involving the same governing body, such person shall
97.24 forfeit any further right to serve on such governing body or in any other capacity with such
97.25 public body for a period of time equal to the term of office such person was then serving.

97.26 (b) The court determining the merits of any action in connection with any alleged third
97.27 violation shall receive competent, relevant evidence in connection therewith and, upon
97.28 finding as to the occurrence of a separate third violation, ~~unrelated to the previous violations,~~
97.29 issue its order declaring the position vacant and notify the appointing authority or clerk of
97.30 the governing body.

97.31 (c) As soon as practicable thereafter the appointing authority or the governing body shall
97.32 fill the position as in the case of any other vacancy.

98.1 Sec. 3. Minnesota Statutes 2022, section 491A.01, subdivision 3a, is amended to read:

98.2 Subd. 3a. **Jurisdiction; general.** (a) Except as provided in subdivisions 4 and 5, the
98.3 conciliation court has jurisdiction to hear, conciliate, try, and determine civil claims if the
98.4 amount of money or property that is the subject matter of the claim does not exceed: (1)
98.5 ~~\$15,000~~ \$20,000; or (2) \$4,000, if the claim involves a consumer credit transaction.

98.6 (b) "Consumer credit transaction" means a sale of personal property, or a loan arranged
98.7 to facilitate the purchase of personal property, in which:

98.8 (1) credit is granted by a seller or a lender who regularly engages as a seller or lender
98.9 in credit transactions of the same kind;

98.10 (2) the buyer is a natural person;

98.11 (3) the claimant is the seller or lender in the transaction; and

98.12 (4) the personal property is purchased primarily for a personal, family, or household
98.13 purpose and not for a commercial, agricultural, or business purpose.

98.14 (c) Except as otherwise provided in this subdivision and subdivisions 5 to 11, the
98.15 territorial jurisdiction of conciliation court is coextensive with the county in which the court
98.16 is established. The summons in a conciliation court action under subdivisions 6 to 10 may
98.17 be served anywhere in the state, and the summons in a conciliation court action under
98.18 subdivision 7, paragraph (b), may be served outside the state in the manner provided by
98.19 law. The court administrator shall serve the summons in a conciliation court action by first
98.20 class mail, except that if the amount of money or property that is the subject of the claim
98.21 exceeds \$2,500, the summons must be served by the plaintiff by certified mail, and service
98.22 on nonresident defendants must be made in accordance with applicable law or rule.

98.23 Subpoenas to secure the attendance of nonparty witnesses and the production of documents
98.24 at trial may be served anywhere within the state in the manner provided by law.

98.25 When a court administrator is required to summon the defendant by certified mail under
98.26 this paragraph, the summons may be made by personal service in the manner provided in
98.27 the Rules of Civil Procedure for personal service of a summons of the district court as an
98.28 alternative to service by certified mail.

98.29 Sec. 4. Minnesota Statutes 2022, section 518B.01, subdivision 2, is amended to read:

98.30 Subd. 2. **Definitions.** As used in this section, the following terms shall have the meanings
98.31 given them:

99.1 (a) "Domestic abuse" means the following, if committed against a family or household
99.2 member by a family or household member:

99.3 (1) physical harm, bodily injury, or assault;

99.4 (2) the infliction of fear of imminent physical harm, bodily injury, or assault; or

99.5 (3) terroristic threats, within the meaning of section 609.713, subdivision 1; criminal
99.6 sexual conduct, within the meaning of section 609.342, 609.343, 609.344, 609.345, or
99.7 609.3451; sexual extortion within the meaning of section 609.3458; or interference with an
99.8 emergency call within the meaning of section 609.78, subdivision 2.

99.9 (b) "Family or household members" means:

99.10 (1) spouses and former spouses;

99.11 (2) parents and children;

99.12 (3) persons related by blood;

99.13 (4) persons who are presently residing together or who have resided together in the past;

99.14 (5) persons who have a child in common regardless of whether they have been married
99.15 or have lived together at any time;

99.16 (6) a man and woman if the woman is pregnant and the man is alleged to be the father,
99.17 regardless of whether they have been married or have lived together at any time; and

99.18 (7) persons involved in a significant romantic or sexual relationship.

99.19 Issuance of an order for protection on the ground in clause (6) does not affect a
99.20 determination of paternity under sections 257.51 to 257.74. In determining whether persons
99.21 are or have been involved in a significant romantic or sexual relationship under clause (7),
99.22 the court shall consider the length of time of the relationship; type of relationship; frequency
99.23 of interaction between the parties; and, if the relationship has terminated, length of time
99.24 since the termination.

99.25 (c) "Qualified domestic violence-related offense" has the meaning given in section
99.26 609.02, subdivision 16.

99.27 (d) "Custodian" means any person other than the petitioner or respondent who is under
99.28 a legal obligation to provide care and support for a minor child of a petitioner or who is in
99.29 fact providing care and support for a minor child of a petitioner. Custodian does not include
99.30 any person caring for a minor child if the petitioner's parental rights have been terminated.

100.1 Sec. 5. Minnesota Statutes 2022, section 518B.01, subdivision 3b, is amended to read:

100.2 Subd. 3b. **Information on petitioner's location or residence.** (a) Upon the petitioner's
100.3 request, information maintained by the court regarding the petitioner's location or residence
100.4 is not accessible to the public and may be disclosed only to court personnel or law
100.5 enforcement for purposes of service of process, conducting an investigation, or enforcing
100.6 an order.

100.7 (b) Upon request of the petitioner or a custodian of petitioner's minor children,
100.8 information maintained by the court regarding the location or residence of the petitioner's
100.9 minor children is not accessible to the public and may be disclosed only to court personnel
100.10 or law enforcement for purposes of service of process, conducting an investigation, or
100.11 enforcing an order. If any custodian is a program participant as defined in section 5B.02,
100.12 paragraph (g), the protections, limitations, and requirements in chapter 5B apply and
100.13 information maintained by the court regarding the location or residence of the petitioner's
100.14 minor children is not accessible to the public.

100.15 Sec. 6. Minnesota Statutes 2022, section 518B.01, subdivision 4, is amended to read:

100.16 Subd. 4. **Order for protection.** There shall exist an action known as a petition for an
100.17 order for protection in cases of domestic abuse.

100.18 (a) A petition for relief under this section may be made by any family or household
100.19 member personally or by a family or household member, a guardian as defined in section
100.20 524.1-201, clause (27), or, if the court finds that it is in the best interests of the minor, by
100.21 a reputable adult age 25 or older on behalf of minor family or household members. A minor
100.22 age 16 or older may make a petition on the minor's own behalf against a spouse or former
100.23 spouse, or a person with whom the minor has a child in common, if the court determines
100.24 that the minor has sufficient maturity and judgment and that it is in the best interests of the
100.25 minor.

100.26 (b) A petition for relief shall allege the existence of domestic abuse, and shall be
100.27 accompanied by an affidavit made under oath stating the specific facts and circumstances
100.28 from which relief is sought.

100.29 (c) A petition for relief must state whether the petitioner has ever had an order for
100.30 protection in effect against the respondent.

100.31 (d) A petition for relief must state whether there is an existing order for protection in
100.32 effect under this chapter governing both the parties and whether there is a pending lawsuit,
100.33 complaint, petition or other action between the parties under chapter 257, 518, 518A, 518B,

101.1 or 518C. The court administrator shall verify the terms of any existing order governing the
101.2 parties. The court may not delay granting relief because of the existence of a pending action
101.3 between the parties or the necessity of verifying the terms of an existing order. A subsequent
101.4 order in a separate action under this chapter may modify only the provision of an existing
101.5 order that grants relief authorized under subdivision 6, paragraph (a), clause (1). A petition
101.6 for relief may be granted, regardless of whether there is a pending action between the parties.

101.7 (e) A petition for relief must state whether the petitioner has any minor children and, if
101.8 so, must provide the name of any custodian of the minor children and must identify the
101.9 location or residence of the custodian. If any custodian is a program participant as defined
101.10 in section 5B.02, paragraph (g), the location or residence of the custodian is the address
101.11 designated by the secretary of state as the address of the program participant. A petition
101.12 must not be rejected or denied for failure to identify any custodian.

101.13 ~~(e)~~ (f) The court shall provide simplified forms and clerical assistance to help with the
101.14 writing and filing of a petition under this section.

101.15 ~~(f)~~ (g) The court shall advise a petitioner under paragraph ~~(e)~~ (f) of the right to file a
101.16 motion and affidavit and to sue in forma pauperis pursuant to section 563.01 and shall assist
101.17 with the writing and filing of the motion and affidavit.

101.18 ~~(g)~~ (h) The court shall advise a petitioner under paragraph ~~(e)~~ (f) of the right to serve
101.19 the respondent by published notice under subdivision 5, paragraph (b), if the respondent is
101.20 avoiding personal service by concealment or otherwise, and shall assist with the writing
101.21 and filing of the affidavit.

101.22 ~~(h)~~ (i) The court shall advise the petitioner of the right to seek restitution under the
101.23 petition for relief.

101.24 ~~(i)~~ (j) The court shall advise the petitioner of the right to request a hearing under
101.25 subdivision 7, paragraph (c). If the petitioner does not request a hearing, the court shall
101.26 advise the petitioner that the respondent may request a hearing and that notice of the hearing
101.27 date and time will be provided to the petitioner and the custodian of any of petitioner's minor
101.28 children by mail at least five days before the hearing.

101.29 ~~(j)~~ (k) The court shall advise the petitioner of the right to request supervised parenting
101.30 time, as provided in section 518.175, subdivision 1a.

102.1 Sec. 7. Minnesota Statutes 2022, section 518B.01, subdivision 5, is amended to read:

102.2 Subd. 5. **Hearing on application; notice.** (a) Upon receipt of the petition, the court
102.3 shall order a hearing which shall be held not later than 14 days from the date of the order
102.4 for hearing unless an ex parte order is issued.

102.5 (b) If an ex parte order has been issued under subdivision 7 and the petitioner seeks only
102.6 the relief under subdivision 7, paragraph (a), a hearing is not required unless:

102.7 (1) the court declines to order the requested relief; or

102.8 (2) one of the parties requests a hearing.

102.9 (c) If an ex parte order has been issued under subdivision 7 and the petitioner seeks relief
102.10 beyond that specified in subdivision 7, paragraph (a), or if the court declines to order relief
102.11 requested by the petitioner, a hearing must be held within seven days. Personal service of
102.12 the ex parte order may be made upon the respondent and any custodian at any time up to
102.13 12 hours prior to the time set for the hearing, provided that the respondent at the hearing
102.14 may request a continuance of up to five days if served fewer than five days prior to the
102.15 hearing which continuance shall be granted unless there are compelling reasons not to.

102.16 (d) If an ex parte order has been issued only granting relief under subdivision 7, paragraph
102.17 (a), and the respondent requests a hearing, the hearing shall be held within ten days of the
102.18 court's receipt of the respondent's request. Service of the notice of hearing must be made
102.19 upon the petitioner and any custodian not less than five days prior to the hearing. The court
102.20 shall serve the notice of hearing upon the petitioner and any custodian by mail in the manner
102.21 provided in the Rules of Civil Procedure for pleadings subsequent to a complaint and motions
102.22 and shall also mail notice of the date and time of the hearing to the respondent. In the event
102.23 that service cannot be completed in time to give the respondent ~~or~~ petitioner, or any custodian
102.24 the minimum notice required under this subdivision, the court may set a new hearing date
102.25 no more than five days later.

102.26 (e) If for good cause shown either party is unable to proceed at the initial hearing and
102.27 requests a continuance and the court finds that a continuance is appropriate, the hearing
102.28 may be continued. Unless otherwise agreed by the parties and approved by the court, the
102.29 continuance shall be for no more than five days. If the court grants the requested continuance,
102.30 the court shall also issue a written order continuing all provisions of the ex parte order
102.31 pending the issuance of an order after the hearing.

102.32 (f) Notwithstanding the preceding provisions of this subdivision, service on the respondent
102.33 may be made by one week published notice, as provided under section 645.11, provided

103.1 the petitioner files with the court an affidavit stating that an attempt at personal service
103.2 made by a sheriff or other law enforcement or corrections officer was unsuccessful because
103.3 the respondent is avoiding service by concealment or otherwise, and that a copy of the
103.4 petition and notice of hearing has been mailed to the respondent at the respondent's residence
103.5 or that the residence is not known to the petitioner. Service under this paragraph is complete
103.6 seven days after publication. The court shall set a new hearing date if necessary to allow
103.7 the respondent the five-day minimum notice required under paragraph (d).

103.8 Sec. 8. Minnesota Statutes 2022, section 518B.01, subdivision 6a, is amended to read:

103.9 Subd. 6a. **Subsequent orders and extensions.** (a) Upon application, notice to all parties,
103.10 notice to any custodian, and hearing, the court may extend the relief granted in an existing
103.11 order for protection or, if a petitioner's order for protection is no longer in effect when an
103.12 application for subsequent relief is made, grant a new order. If the petitioner seeks only the
103.13 relief under subdivision 7, paragraph (a), a hearing is not required unless the court declines
103.14 to order the requested relief or the respondent requests a hearing. If a hearing is required,
103.15 subdivisions 5 and 7 apply to service of the application, notice to the parties and any
103.16 custodian, and time for the hearing.

103.17 (b) The court may extend the terms of an existing order or, if an order is no longer in
103.18 effect, grant a new order upon a showing that:

103.19 (1) the respondent has violated a prior or existing order for protection;

103.20 (2) the petitioner is reasonably in fear of physical harm from the respondent;

103.21 (3) the respondent has engaged in the act of harassment within the meaning of section
103.22 609.749, subdivision 2; or

103.23 (4) the respondent is incarcerated and about to be released, or has recently been released
103.24 from incarceration.

103.25 A petitioner does not need to show that physical harm is imminent to obtain an extension
103.26 or a subsequent order under this subdivision.

103.27 (c) Relief granted by the order for protection may be for a period of up to 50 years, if
103.28 the court finds:

103.29 (1) the respondent has violated a prior or existing order for protection on two or more
103.30 occasions; or

103.31 (2) the petitioner has had two or more orders for protection in effect against the same
103.32 respondent.

104.1 An order issued under this paragraph may restrain the abusing party from committing
104.2 acts of domestic abuse; or prohibit the abusing party from having any contact with the
104.3 petitioner, whether in person, by telephone, mail or electronic mail or messaging, through
104.4 electronic devices, through a third party, or by any other means.

104.5 Sec. 9. Minnesota Statutes 2022, section 518B.01, subdivision 7, is amended to read:

104.6 Subd. 7. **Ex parte order.** (a) Where an application under this section alleges an immediate
104.7 and present danger of domestic abuse, the court may grant an ex parte order for protection
104.8 and granting relief as the court deems proper, including an order:

104.9 (1) restraining the abusing party from committing acts of domestic abuse;

104.10 (2) excluding any party from the dwelling they share or from the residence of the other,
104.11 including a reasonable area surrounding the dwelling or residence, which area shall be
104.12 described specifically in the order, except by further order of the court;

104.13 (3) excluding the abusing party from the place of employment of the petitioner or
104.14 otherwise limiting access to the petitioner by the abusing party at the petitioner's place of
104.15 employment;

104.16 (4) ordering the abusing party to have no contact with the petitioner whether in person,
104.17 by telephone, mail, email, through electronic devices, or through a third party;

104.18 (5) continuing all currently available insurance coverage without change in coverage or
104.19 beneficiary designation;

104.20 (6) directing the care, possession, or control of a pet or companion animal owned,
104.21 possessed, or kept by a party or a child of a party; and

104.22 (7) directing the respondent to refrain from physically abusing or injuring any pet or
104.23 companion animal, without legal justification, known to be owned, possessed, kept, or held
104.24 by either party or a minor child residing in the residence or household of either party as an
104.25 indirect means of intentionally threatening the safety of such person.

104.26 (b) A finding by the court that there is a basis for issuing an ex parte order for protection
104.27 constitutes a finding that sufficient reasons exist not to require notice under applicable court
104.28 rules governing applications for ex parte relief.

104.29 (c) Subject to paragraph (d), an ex parte order for protection shall be effective for a fixed
104.30 period set by the court, as provided in subdivision 6, paragraph (b), or until modified or
104.31 vacated by the court pursuant to a hearing. When signed by a referee, the ex parte order
104.32 becomes effective upon the referee's signature. Upon request, a hearing, as provided by this

105.1 section, shall be set. Except as provided in paragraph (d), the respondent shall be personally
105.2 served forthwith a copy of the ex parte order along with a copy of the petition and, if
105.3 requested by the petitioner, notice of the date set for the hearing. Any custodian must be
105.4 served with a copy of the ex parte order. Service on a custodian may be made by personal
105.5 service or by certified mail. If the petitioner does not request a hearing, an order served on
105.6 a respondent under this subdivision must include a notice advising the respondent of the
105.7 right to request a hearing, must be accompanied by a form that can be used by the respondent
105.8 to request a hearing and must include a conspicuous notice that a hearing will not be held
105.9 unless requested by the respondent within five days of service of the order.

105.10 (d) Service of the ex parte order on the respondent may be made by published notice,
105.11 as provided under subdivision 5, provided that the petitioner files the affidavit required
105.12 under that subdivision. If personal service is not made or the affidavit is not filed within 14
105.13 days of issuance of the ex parte order, the order expires. If the petitioner does not request
105.14 a hearing, the petition mailed to the respondent's residence, if known, must be accompanied
105.15 by the form for requesting a hearing and notice described in paragraph (c). Unless personal
105.16 service is completed, if service by published notice is not completed within 28 days of
105.17 issuance of the ex parte order, the order expires. Notice that an order has expired under this
105.18 paragraph must be sent to any custodian.

105.19 (e) If the petitioner seeks relief under subdivision 6 other than the relief described in
105.20 paragraph (a), the petitioner must request a hearing to obtain the additional relief.

105.21 (f) Nothing in this subdivision affects the right of a party to seek modification of an
105.22 order under subdivision 11.

105.23 Sec. 10. Minnesota Statutes 2022, section 518B.01, subdivision 8, is amended to read:

105.24 **Subd. 8. Service; alternate service; publication; notice.** (a) The petition and any order
105.25 issued under this section other than orders for dismissal shall be served on the respondent
105.26 personally. Orders for dismissal may be served on the respondent personally or by certified
105.27 mail. In lieu of personal service of an order for protection, a law enforcement officer may
105.28 serve a ~~person~~ respondent with a short-form notification as provided in subdivision 8a. The
105.29 petition and any order issued under this section may be served on any custodian personally
105.30 or by certified mail.

105.31 (b) When service is made out of this state and in the United States, it may be proved by
105.32 the affidavit of the person making the service. When service is made outside the United
105.33 States, it may be proved by the affidavit of the person making the service, taken before and
105.34 certified by any United States minister, charge d'affaires, commissioner, consul, or

106.1 commercial agent, or other consular or diplomatic officer of the United States appointed to
106.2 reside in the other country, including all deputies or other representatives of the officer
106.3 authorized to perform their duties; or before an office authorized to administer an oath with
106.4 the certificate of an officer of a court of record of the country in which the affidavit is taken
106.5 as to the identity and authority of the officer taking the affidavit.

106.6 (c) If personal service cannot be made on a respondent, the court may order service of
106.7 the petition and any order issued under this section by alternate means, or by publication,
106.8 which publication must be made as in other actions. The application for alternate service
106.9 must include the last known location of the respondent; the petitioner's most recent contacts
106.10 with the respondent; the last known location of the respondent's employment; the names
106.11 and locations of the respondent's parents, siblings, children, and other close relatives; the
106.12 names and locations of other persons who are likely to know the respondent's whereabouts;
106.13 and a description of efforts to locate those persons.

106.14 The court shall consider the length of time the respondent's location has been unknown,
106.15 the likelihood that the respondent's location will become known, the nature of the relief
106.16 sought, and the nature of efforts made to locate the respondent. The court shall order service
106.17 by first class mail, forwarding address requested, to any addresses where there is a reasonable
106.18 possibility that mail or information will be forwarded or communicated to the respondent.

106.19 The court may also order publication, within or without the state, but only if it might
106.20 reasonably succeed in notifying the respondent of the proceeding. Service shall be deemed
106.21 complete 14 days after mailing or 14 days after court-ordered publication.

106.22 (d) A petition and any order issued under this section, including the short-form
106.23 notification, must include a notice to the respondent that if an order for protection is issued
106.24 to protect the petitioner or a child of the parties, upon request of the petitioner in any
106.25 parenting time proceeding, the court shall consider the order for protection in making a
106.26 decision regarding parenting time.

106.27 Sec. 11. Minnesota Statutes 2022, section 518B.01, subdivision 8a, is amended to read:

106.28 Subd. 8a. **Short-form notification.** (a) In lieu of personal service of an order for
106.29 protection under subdivision 8, a law enforcement officer may serve a ~~person~~ respondent
106.30 with a short-form notification. The short-form notification must include the following
106.31 clauses: the respondent's name; the respondent's date of birth, if known; the petitioner's
106.32 name; the names of other protected parties; the date and county in which the ex parte order
106.33 for protection or order for protection was filed; the court file number; the hearing date and

107.1 time, if known; the conditions that apply to the respondent, either in checklist form or
107.2 handwritten; and the name of the judge who signed the order.

107.3 The short-form notification must be in bold print in the following form:

107.4 The order for protection is now enforceable. You must report to your nearest sheriff
107.5 office or county court to obtain a copy of the order for protection. You are subject to arrest
107.6 and may be charged with a misdemeanor, gross misdemeanor, or felony if you violate any
107.7 of the terms of the order for protection or this short-form notification.

107.8 (b) Upon verification of the identity of the respondent and the existence of an unserved
107.9 order for protection against the respondent, a law enforcement officer may detain the
107.10 respondent for a reasonable time necessary to complete and serve the short-form notification.

107.11 (c) When service is made by short-form notification, it may be proved by the affidavit
107.12 of the law enforcement officer making the service.

107.13 (d) For service under this section only, service upon an individual may occur at any
107.14 time, including Sundays, and legal holidays.

107.15 (e) The superintendent of the Bureau of Criminal Apprehension shall provide the short
107.16 form to law enforcement agencies.

107.17 (f) This section does not apply to service of an order for protection on any custodian.

107.18 Sec. 12. Minnesota Statutes 2022, section 518B.01, subdivision 9a, is amended to read:

107.19 Subd. 9a. **Service by others.** Peace officers licensed by the state of Minnesota and
107.20 corrections officers, including, but not limited to, probation officers, court services officers,
107.21 parole officers, and employees of jails or correctional facilities, may serve an order for
107.22 protection on a respondent or any custodian.

107.23 Sec. 13. Minnesota Statutes 2022, section 518B.01, subdivision 11, is amended to read:

107.24 Subd. 11. **Modifying or vacating order.** (a) Upon application, notice to all parties,
107.25 notice to any custodian, and hearing, the court may modify the terms of an existing order
107.26 for protection.

107.27 (b) If the court orders relief under subdivision 6a, paragraph (c), the respondent named
107.28 in the order for protection may request to have the order vacated or modified if the order
107.29 has been in effect for at least five years and the respondent has not violated the order during
107.30 that time. Application for relief under this subdivision must be made in the county in which
107.31 the order for protection was issued. Upon receipt of the request, the court shall set a hearing

108.1 date. Personal service must be made upon the petitioner named in the order for protection
108.2 not less than 30 days before the date of the hearing. Notice of the request and hearing may
108.3 be made on any custodian personally or by certified mail. At the hearing, the respondent
108.4 named in the order for protection has the burden of proving by a preponderance of the
108.5 evidence that there has been a material change in circumstances and that the reasons upon
108.6 which the court relied in granting or extending the order for protection no longer apply and
108.7 are unlikely to occur. If the court finds that the respondent named in the order for protection
108.8 has met the burden of proof, the court may vacate or modify the order. If the court finds
108.9 that the respondent named in the order for protection has not met the burden of proof, the
108.10 court shall deny the request and no request may be made to vacate or modify the order for
108.11 protection until five years have elapsed from the date of denial. An order vacated or modified
108.12 under this paragraph must be personally served on the petitioner named in the order for
108.13 protection and may be served on any custodian personally or by certified mail.

108.14 Sec. 14. Minnesota Statutes 2022, section 518B.01, is amended by adding a subdivision
108.15 to read:

108.16 Subd. 11a. **Notice to custodian; Safe at Home participants; failure not a bar to**
108.17 **enforcement.** (a) A custodian who is a program participant as defined in section 5B.02,
108.18 paragraph (g), may direct the court to use the address designated by the secretary of state
108.19 as the address of the program participant. Section 5B.03, subdivision 1, clause (3), applies
108.20 to service of any notice, order, or other document required to be served under this section.
108.21 The protections, limitations, and requirements in chapter 5B apply to any information
108.22 regarding a custodian who is a program participant.

108.23 (b) Failure to serve a custodian with a petition, order for protection, dismissal, or any
108.24 other order must not prevent any order from taking effect or otherwise invalidate any order
108.25 issued pursuant to this section. In the event that service of a notice of a hearing is not
108.26 completed on any custodian at least 24 hours prior to the time set for the hearing, the court
108.27 may set a new hearing date no more than five days later.

108.28 Sec. 15. Minnesota Statutes 2022, section 548.251, subdivision 2, is amended to read:

108.29 Subd. 2. **Motion.** In a civil action, whether based on contract or tort, when liability is
108.30 admitted or is determined by the trier of fact, and when damages include an award to
108.31 compensate the plaintiff for losses available to the date of the verdict by collateral sources,
108.32 a party may file a motion within ten days of the date of entry of the verdict requesting

109.1 determination of collateral sources. If the motion is filed, the parties shall submit written
109.2 evidence of, and the court shall determine:

109.3 (1) amounts of collateral sources that have been paid for the benefit of the plaintiff or
109.4 are otherwise available to the plaintiff as a result of losses except those for which a
109.5 subrogation right has been asserted; and

109.6 (2) amounts that have been paid, contributed, or forfeited by, or on behalf of, the plaintiff
109.7 ~~or~~ members of the plaintiff's immediate family, and the plaintiff's employer for the two-year
109.8 period immediately before the accrual of the action and until judgment is entered to secure
109.9 the right to a collateral source benefit that the plaintiff is receiving as a result of losses.

109.10 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to causes
109.11 of action commenced on or after that date.

109.12 Sec. 16. **[554.07] SHORT TITLE.**

109.13 Sections 554.07 to 554.19 may be cited as the "Uniform Public Expression Protection
109.14 Act."

109.15 Sec. 17. **[554.08] SCOPE.**

109.16 (a) For the purposes of sections 554.07 to 554.19, the terms in this section have the
109.17 meanings given them.

109.18 (1) "Goods or services" does not include the creation, dissemination, exhibition, or
109.19 advertisement or similar promotion of a dramatic, literary, musical, political, journalistic,
109.20 or artistic work.

109.21 (2) "Governmental unit" means a public corporation or government or governmental
109.22 subdivision, agency, or instrumentality.

109.23 (3) "Person" means an individual, estate, trust, partnership, business or nonprofit entity,
109.24 governmental unit, or other legal entity.

109.25 (b) Except as otherwise provided in paragraph (c), sections 554.07 to 554.19 apply to a
109.26 cause of action asserted in a civil action against a person based on the person's:

109.27 (1) communication in a legislative, executive, judicial, administrative, or other
109.28 governmental proceeding;

109.29 (2) communication on an issue under consideration or review in a legislative, executive,
109.30 judicial, administrative, or other governmental proceeding; or

110.1 (3) exercise of the right of freedom of speech or of the press, the right to assemble or
110.2 petition, or the right of association, guaranteed by the United States Constitution or the
110.3 Minnesota Constitution on a matter of public concern.

110.4 (c) Sections 554.07 to 554.19 do not apply to a cause of action:

110.5 (1) against a governmental unit or an employee or agent of a governmental unit acting
110.6 or purporting to act in an official capacity;

110.7 (2) by a governmental unit or an employee or agent of a governmental unit acting in an
110.8 official capacity to enforce a law to protect against an imminent threat to public health or
110.9 safety;

110.10 (3) against a person primarily engaged in the business of selling or leasing goods or
110.11 services if the cause of action arises out of a communication related to the person's sale or
110.12 lease of the goods or services;

110.13 (4) against a person named in a civil suit brought by a victim of a crime against a
110.14 perpetrator;

110.15 (5) against a person named in a civil suit brought to establish or declare real property
110.16 possessory rights, use of real property, recovery of real property, quiet title to real property,
110.17 or related claims relating to real property;

110.18 (6) seeking recovery for bodily injury, wrongful death, or survival or to statements made
110.19 regarding that legal action, unless the claims involve damage to reputation;

110.20 (7) brought under the insurance code or arising out of an insurance contract;

110.21 (8) based on a common law fraud claim;

110.22 (9) brought under chapters 517 to 519A; or counterclaims based on a criminal no-contact
110.23 order pursuant to section 629.72 or 629.75; for or based on an antiharassment order or a
110.24 sexual assault protection order under section 518B.01; or for or based on a vulnerable adult
110.25 protection order for crimes against the vulnerable adult under sections 609.232, 609.2325,
110.26 609.233, 609.2335, and 609.234;

110.27 (10) brought under chapters 175, 177, 178, 179, and 179A; negligent supervision,
110.28 retention, or infliction of emotional distress unless the claims involve damage to reputation;
110.29 wrongful discharge in violation of public policy; whistleblowing; or enforcement of employee
110.30 rights under civil service, collective bargaining, or handbooks and policies;

110.31 (11) brought under consumer protection, chapter 325F or 325G; or

110.32 (12) for any claim brought under federal law.

111.1 (d) Sections 554.07 to 554.19 apply to a cause of action asserted under paragraph (c),
111.2 clause (3), (8), or (11), when the cause of action is:

111.3 (1) a legal action against a person arising from any act of that person, whether public or
111.4 private, related to the gathering, receiving, posting, or processing of information for
111.5 communication to the public, whether or not the information is actually communicated to
111.6 the public, for the creation, dissemination, exhibition, or advertisement or other similar
111.7 promotion of a dramatic, literary, musical, political, journalistic, or otherwise artistic work,
111.8 including audiovisual work regardless of the means of distribution, a motion picture, a
111.9 television or radio program, or an article published in a newspaper, website, magazine, or
111.10 other platform, no matter the method or extent of distribution; or

111.11 (2) a legal action against a person related to the communication, gathering, receiving,
111.12 posting, or processing of consumer opinions or commentary, evaluations of consumer
111.13 complaints, or reviews or ratings of businesses.

111.14 **Sec. 18. [554.09] SPECIAL MOTION FOR EXPEDITED RELIEF.**

111.15 Not later than 60 days after a party is served with a complaint, crossclaim, counterclaim,
111.16 third-party claim, or other pleading that asserts a cause of action to which sections 554.07
111.17 to 554.19 apply, or at a later time on a showing of good cause, the party may file a special
111.18 motion for expedited relief to dismiss the cause of action or part of the cause of action.

111.19 **Sec. 19. [554.10] STAY.**

111.20 (a) Except as otherwise provided in paragraphs (d) to (g), on the filing of a motion under
111.21 section 554.09:

111.22 (1) all other proceedings between the moving party and responding party, including
111.23 discovery and a pending hearing or motion, are stayed; and

111.24 (2) on motion by the moving party, the court may stay a hearing or motion involving
111.25 another party, or discovery by another party, if the hearing or ruling on the motion would
111.26 adjudicate, or the discovery would relate to, an issue material to the motion under section
111.27 554.09.

111.28 (b) A stay under paragraph (a) remains in effect until entry of an order ruling on the
111.29 motion under section 554.09 and expiration of the time under section 554.15 for the moving
111.30 party to appeal the order.

112.1 (c) Except as otherwise provided in paragraphs (e), (f), and (g), if a party appeals from
112.2 an order ruling on a motion under section 554.09, all proceedings between all parties in the
112.3 action are stayed. The stay remains in effect until the conclusion of the appeal.

112.4 (d) During a stay under paragraph (a), the court may allow limited discovery if a party
112.5 shows that specific information is necessary to establish whether a party has satisfied or
112.6 failed to satisfy a burden under section 554.13, paragraph (a), and the information is not
112.7 reasonably available unless discovery is allowed.

112.8 (e) A motion under section 554.16 for costs, attorney fees, and expenses is not subject
112.9 to a stay under this section.

112.10 (f) A stay under this section does not affect a party's ability voluntarily to dismiss a cause
112.11 of action or part of a cause of action or move to sever a cause of action.

112.12 (g) During a stay under this section, the court for good cause may hear and rule on:

112.13 (1) a motion unrelated to the motion under section 554.09; and

112.14 (2) a motion seeking a special or preliminary injunction to protect against an imminent
112.15 threat to public health or safety.

112.16 Sec. 20. **[554.11] HEARING.**

112.17 (a) The court shall hear a motion under section 554.09 not later than 60 days after filing
112.18 of the motion, unless the court orders a later hearing:

112.19 (1) to allow discovery under section 554.10, paragraph (d); or

112.20 (2) for other good cause.

112.21 (b) If the court orders a later hearing under paragraph (a), clause (1), the court shall hear
112.22 the motion under section 554.09 not later than 60 days after the court order allowing the
112.23 discovery, unless the court orders a later hearing under paragraph (a), clause (2).

112.24 Sec. 21. **[554.12] PROOF.**

112.25 In ruling on a motion under section 554.09, the court shall consider the pleadings, the
112.26 motion, any reply or response to the motion, and any evidence that could be considered in
112.27 ruling on a motion for summary judgment under Minnesota Rules of Civil Procedure 56.03.

112.28 Sec. 22. **[554.13] DISMISSAL OF CAUSE OF ACTION IN WHOLE OR PART.**

112.29 (a) In ruling on a motion under section 554.09, the court shall dismiss with prejudice a
112.30 cause of action, or part of a cause of action, if:

113.1 (1) the moving party establishes under section 554.08, paragraph (b), that sections 554.07
113.2 to 554.19 apply;

113.3 (2) the responding party fails to establish under section 554.08, paragraph (c), that
113.4 sections 554.07 to 554.19 do not apply; and

113.5 (3) either:

113.6 (i) the responding party fails to establish a prima facie case as to each essential element
113.7 of the cause of action; or

113.8 (ii) the moving party establishes that:

113.9 (A) the responding party failed to state a cause of action upon which relief can be granted;
113.10 or

113.11 (B) there is no genuine issue as to any material fact and the moving party is entitled to
113.12 judgment as a matter of law on the cause of action or part of the cause of action.

113.13 (b) A voluntary dismissal without prejudice of a responding party's cause of action, or
113.14 part of a cause of action, that is the subject of a motion under section 554.09 does not affect
113.15 a moving party's right to obtain a ruling on the motion and seek costs, attorney fees, and
113.16 expenses under section 554.16.

113.17 (c) A voluntary dismissal with prejudice of a responding party's cause of action, or part
113.18 of a cause of action, that is the subject of a motion under section 554.09 establishes for the
113.19 purpose of section 554.16 that the moving party prevailed on the motion.

113.20 **Sec. 23. [554.14] RULING.**

113.21 The court shall rule on a motion under section 554.09 not later than 60 days after a
113.22 hearing under section 554.11.

113.23 **Sec. 24. [554.15] APPEAL.**

113.24 A moving party may appeal as a matter of right from an order denying, in whole or in
113.25 part, a motion under section 554.09. The appeal must be filed not later than 30 days after
113.26 entry of the order.

113.27 **Sec. 25. [554.16] COSTS, ATTORNEY FEES, AND EXPENSES.**

113.28 On a motion under section 554.09, the court shall award court costs, reasonable attorney
113.29 fees, and reasonable litigation expenses related to the motion:

113.30 (1) to the moving party if the moving party prevails on the motion; or

114.1 (2) to the responding party if the responding party prevails on the motion and the court
114.2 finds that the motion was frivolous or filed solely with intent to delay the proceeding.

114.3 Sec. 26. **[554.17] CONSTRUCTION.**

114.4 Sections 554.07 to 554.19 must be broadly construed and applied to protect the exercise
114.5 of the right of freedom of speech and of the press, the right to assemble and petition, and
114.6 the right of association, guaranteed by the United States Constitution or Minnesota
114.7 Constitution.

114.8 Sec. 27. **[554.18] UNIFORMITY OF APPLICATION AND CONSTRUCTION.**

114.9 In applying and construing this uniform act, consideration must be given to the need to
114.10 promote uniformity of the law with respect to its subject matter among states that enact it.

114.11 Sec. 28. **[554.19] SAVINGS CLAUSE.**

114.12 Sections 554.07 to 554.19 do not affect a cause of action asserted before the effective
114.13 date of sections 554.07 to 554.19 in a civil action or a motion under Minnesota Statutes
114.14 2022, sections 554.01 to 554.06, regarding the cause of action.

114.15 Sec. 29. **[554.20] NO WAIVER OF OTHER PLEADINGS OR DEFENSES.**

114.16 A special motion for expedited relief under sections 554.07 to 554.19 is not meant to
114.17 waive a defense or preclude the filing of another pleading or motion regarding the cause of
114.18 action.

114.19 Sec. 30. Minnesota Statutes 2022, section 563.01, is amended to read:

114.20 **563.01 IN FORMA PAUPERIS PROCEEDINGS COURT FEE WAIVER;**
114.21 **AUTHORIZATION.**

114.22 Subd. 2. **Expenses.** Whenever pursuant to this section the court directs expenses to be
114.23 paid, the expenses shall be paid by the state.

114.24 Subd. 3. **Court fee waiver; authorization of in forma pauperis.** (a) Any court of the
114.25 state of Minnesota or any political subdivision thereof may authorize the commencement
114.26 or defense of any civil action, or appeal therein, without ~~prepayment~~ payment of fees, costs,
114.27 and security for costs by a natural person who makes affidavit stating ~~(a)~~ (1) the nature of
114.28 the action, defense or appeal, ~~(b)~~ (2) a belief that affiant is entitled to redress, and ~~(c)~~ (3)
114.29 that affiant is financially unable to pay the fees, costs and security for costs.

115.1 (b) Upon a finding by the court that the action, defense, or appeal is not of a frivolous
115.2 nature, the court shall allow the person to proceed ~~in forma pauperis~~ without payment of
115.3 fees, costs, and security for costs if the affidavit is substantially in the language required by
115.4 this subdivision and is not found by the court to be untrue. Persons ~~meeting~~ presumed to
115.5 meet the requirements of this subdivision include, but are not limited to, a person who is
115.6 receiving public assistance described in section 550.37, subdivision 14, who is represented
115.7 by an attorney on behalf of a civil legal services program or a volunteer attorney program
115.8 based on indigency, or who has an annual income not greater than 125 percent of the poverty
115.9 line established under United States Code, title 42, section 9902(2), except as otherwise
115.10 provided by section 563.02.

115.11 (c) If, at commencement of the action, the court finds that a party does not meet the
115.12 eligibility criteria under paragraph (b), but the court also finds that the party is not able to
115.13 pay all of the fees, costs, and security for costs, the court may order payment of a fee of \$75
115.14 or partial payment of the fees, costs, and security for costs, to be paid as directed by the
115.15 court.

115.16 The court administrator shall transmit any fees or payments to the commissioner of
115.17 management and budget for deposit in the state treasury and credit to the general fund.

115.18 (d) Notwithstanding paragraph (a), a person who is represented by a civil legal services
115.19 program or a volunteer attorney program based on indigency may be allowed to proceed
115.20 without payment of fees, costs, and security for costs without additional findings if the
115.21 attorney representing the person submits an affidavit or makes an oral attestation during a
115.22 court proceeding stating that civil legal services or a volunteer attorney program services
115.23 are being provided to the client.

115.24 Subd. 4. **Payment of expenses.** Upon order of the court, the court administrator and the
115.25 sheriff of any Minnesota county shall perform their duties without charge to the person
115.26 proceeding ~~in forma pauperis~~ with a court fee waiver. The court shall direct payment of the
115.27 reasonable expense of service of process pursuant to subdivision 2 if served by a private
115.28 process server, if the sheriff is unavailable, or by publication.

115.29 Subd. 5. **Witness fees.** If the court finds that a witness, including an expert witness, has
115.30 evidence material and necessary to the case and is within the state of Minnesota, the court
115.31 shall direct payment of the reasonable expenses incurred in subpoenaing the witness, if
115.32 necessary, and in paying the fees and costs of the witness.

115.33 Subd. 6. **Deposition expenses.** If the court finds that a deposition and transcript thereof
115.34 are necessary to adequately prepare, present or decide an issue presented by the action, the

116.1 court shall direct payment of the reasonable expenses incurred in taking the deposition and
116.2 in obtaining the transcript thereof.

116.3 Subd. 7. **Transcript expenses.** If the court finds that a transcript of any part or all of
116.4 the action is necessary to adequately prepare, present or decide an issue presented by the
116.5 action, the court shall direct the payment of the reasonable expenses incurred in obtaining
116.6 the transcript.

116.7 Subd. 7a. **Copy costs.** The court administrator shall provide a person who is proceeding
116.8 ~~in forma pauperis~~ with a court fee waiver under subdivision 3 with a copy of the person's
116.9 court file without charge.

116.10 Subd. 8. **Appellate briefs.** In any case on appeal the appellate court shall, upon granting
116.11 permission to proceed ~~in forma pauperis following application in the manner~~ with a court
116.12 fee waiver as provided in subdivision 3, direct payment of the reasonable expenses incurred
116.13 in obtaining the record and reproducing the appellate briefs.

116.14 Subd. 8a. **Reimbursement.** Following commencement of the action, the court may order
116.15 reimbursement of all or a portion of any fees, costs, and security for costs if the party either
116.16 (1) no longer meets the eligibility criteria under subdivision 3, paragraph (b); or (2) the
116.17 amount ordered under subdivision 3, paragraph (c), is no longer appropriate because the
116.18 party is able to pay a higher amount. The reimbursement must be paid as directed by the
116.19 court.

116.20 Subd. 9. **Rescinding ~~in forma pauperis status~~ court fee waiver authorization.** Upon
116.21 motion, the court may rescind its permission to proceed ~~in forma pauperis~~ with a court fee
116.22 waiver under subdivision 3 if it finds the allegations of poverty contained in the affidavit
116.23 are untrue, or if, following commencement of the action, the party becomes able to pay the
116.24 fees, costs and security for the costs. In such cases, the court may direct the party to pay to
116.25 the court administrator any costs allowing the action to proceed. The court administrator
116.26 shall transmit the costs to the commissioner of management and budget for deposit in the
116.27 state treasury and credit them to the general fund.

116.28 Subd. 10. **Judgment.** Judgment may be rendered for costs at the conclusion of the action
116.29 as in other cases. In the event any person recovers moneys by either settlement or judgment
116.30 as a result of commencing or defending an action ~~in forma pauperis~~ with a court fee waiver
116.31 under subdivision 3, the costs deferred and the expenses directed by the court to be paid
116.32 under this section shall be included in such moneys and shall be paid directly to the court
116.33 administrator by the opposing party. The court administrator shall transmit the costs to the

117.1 commissioner of management and budget for deposit in the state treasury and credit them
117.2 to the general fund.

117.3 Subd. 11. **Fraud; perjury.** A person who fraudulently invokes the privilege of this
117.4 section shall be guilty of perjury and shall, upon conviction thereof, be punished as provided
117.5 in section 609.48.

117.6 Subd. 12. **Not supersede other remedies.** The provisions of this section do not replace
117.7 or supersede remedies otherwise provided by law.

117.8 Sec. 31. **REVISOR INSTRUCTION.**

117.9 The revisor of statutes shall prepare legislation for the 2025 legislative session making
117.10 any additional conforming changes arising out of sections 16 to 29 and 32.

117.11 Sec. 32. **REPEALER.**

117.12 Minnesota Statutes 2022, sections 554.01; 554.02; 554.03; 554.04; 554.045; 554.05;
117.13 and 554.06, are repealed.

117.14 Sec. 33. **EFFECTIVE DATE.**

117.15 Sections 16 to 29, 31, and 32 are effective the day following final enactment and apply
117.16 to a civil action pending on or commenced on or after that date.

117.17

ARTICLE 9

117.18

CONTRACTS FOR DEED

117.19 Section 1. Minnesota Statutes 2022, section 272.12, is amended to read:

117.20 **272.12 CONVEYANCES, TAXES PAID BEFORE RECORDING.**

117.21 When:

117.22 (a) a deed or other instrument conveying land,

117.23 (b) a plat of any townsite or addition thereto,

117.24 (c) a survey required pursuant to section 508.47,

117.25 (d) a condominium plat subject to chapter 515 or 515A or a declaration that contains
117.26 such a plat, or

117.27 (e) a common interest community plat subject to chapter 515B or a declaration that
117.28 contains such a plat,

118.1 is presented to the county auditor for transfer, the auditor shall ascertain from the records
118.2 if there be taxes delinquent upon the land described therein, or if it has been sold for taxes.
118.3 An assignment of a sheriff's or referee's certificate of sale, when the certificate of sale
118.4 describes real estate, and certificates of redemption from mortgage or lien foreclosure sales,
118.5 when the certificate of redemption encompasses real estate and is issued to a junior creditor,
118.6 are considered instruments conveying land for the purposes of this section and section
118.7 272.121. If there are taxes delinquent, the auditor shall certify to the same; and upon payment
118.8 of such taxes, or in case no taxes are delinquent, shall transfer the land upon the books of
118.9 the auditor's office, and note upon the instrument, over official signature, the words, "no
118.10 delinquent taxes and transfer entered," or, if the land described has been sold or assigned
118.11 to an actual purchaser for taxes, the words "paid by sale of land described within;" and,
118.12 unless such statement is made upon such instrument, the county recorder or the registrar of
118.13 titles shall refuse to receive or record the same; provided, that sheriff's or referees' certificates
118.14 of sale on execution or foreclosure of a lien or mortgage, certificates of redemption from
118.15 mortgage or lien foreclosure sales issued to the redeeming mortgagor or lienee, documents
118.16 evidencing the termination of a contract for deed as described in section 559.213, deeds of
118.17 distribution made by a personal representative in probate proceedings, transfer on death
118.18 deeds under section 507.071, decrees and judgments, receivers receipts, patents, and copies
118.19 of town or statutory city plats, in case the original plat filed in the office of the county
118.20 recorder has been lost or destroyed, and the instruments releasing, removing and discharging
118.21 reversionary and forfeiture provisions affecting title to land and instruments releasing,
118.22 removing or discharging easement rights in land or building or other restrictions, may be
118.23 recorded without such certificate; and, provided that instruments conveying land and, as
118.24 appurtenant thereto an easement over adjacent tract or tracts of land, may be recorded
118.25 without such certificate as to the land covered by such easement; and provided further, that
118.26 any instrument granting an easement made in favor of any public utility or pipe line for
118.27 conveying gas, liquids or solids in suspension, in the nature of a right-of-way over, along,
118.28 across or under a tract of land may be recorded without such certificate as to the land covered
118.29 by such easement. Documents governing homeowners associations of condominiums,
118.30 townhouses, common interest ownership communities, and other planned unit developments
118.31 may be recorded without the auditor's certificate to the extent provided in section
118.32 515B.1-116(e).

118.33 A deed of distribution made by a personal representative in a probate proceeding, a
118.34 decree, or a judgment that conveys land shall be presented to the county auditor, who shall
118.35 transfer the land upon the books of the auditor's office and note upon the instrument, over
118.36 official signature, the words, "transfer entered", and the instrument may then be recorded.

119.1 A decree or judgment that affects title to land but does not convey land may be recorded
119.2 without presentation to the auditor.

119.3 A violation of this section by the county recorder or the registrar of titles shall be a gross
119.4 misdemeanor, and, in addition to the punishment therefor, the recorder or registrar shall be
119.5 liable to the grantee of any instrument so recorded for the amount of any damages sustained.

119.6 When, as a condition to permitting the recording of deed or other instrument affecting
119.7 the title to real estate previously forfeited to the state under the provisions of sections 281.16
119.8 to 281.25, county officials, after such real estate has been purchased or repurchased, have
119.9 required the payment of taxes erroneously assumed to have accrued against such real estate
119.10 after forfeiture and before the date of purchase or repurchase, the sum required to be so paid
119.11 shall be refunded to the persons entitled thereto out of moneys in the funds in which the
119.12 sum so paid was placed. Delinquent taxes are those taxes deemed delinquent under section
119.13 279.02.

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

119.15 Sec. 2. Minnesota Statutes 2022, section 507.235, subdivision 1a, is amended to read:

119.16 Subd. 1a. **Requirements of vendor.** (a) A vendor entering into a contract for deed
119.17 involving residential real property must, contemporaneously with the execution of the
119.18 contract for deed:

119.19 ~~(1) deliver to the vendee a copy of the contract for deed containing original signatures~~
119.20 ~~in recordable form; and,~~

119.21 ~~(2) (b) Within four months of the execution of the contract for deed, the vendor must:~~

119.22 ~~(1) pay, or reimburse the vendee for payment of, any delinquent taxes necessary for~~
119.23 ~~recordation of the contract for deed, unless the contract for deed provides for the vendee to~~
119.24 ~~pay the delinquent taxes; and~~

119.25 ~~(2) record the contract for deed in the office of the county recorder or registrar of titles~~
119.26 ~~in the county in which the land is located.~~

119.27 ~~(c) The following statement included in a contract for deed for other than residential~~
119.28 ~~real property shall constitute prima facie evidence that this subdivision does not apply: "The~~
119.29 ~~property is not residential real property."~~

119.30 ~~(d) If the contract for deed is not in recordable form, the vendor must make a good faith~~
119.31 ~~effort to correct the defects that rendered the contract unrecordable. A good faith effort~~
119.32 ~~includes but is not limited to determining the reason or reasons why the contract was not~~

120.1 in recordable form, and revising and, if necessary, having all parties re-execute, the contract
 120.2 to render it in recordable form. The vendee must, in good faith, cooperate with the vendor
 120.3 to the extent that cooperation is necessary to correct the defects.

120.4 ~~(b)~~ (c) For purposes of this subdivision:

120.5 (1) "contract for deed" means an executory contract for the conveyance of residential
 120.6 real property under which the seller provides financing for the purchase of the residential
 120.7 real property and under which the purchaser does or has a right to go into possession.

120.8 Contract for deed does not include:

120.9 (i) a purchase agreement;

120.10 (ii) an earnest money contract;

120.11 (iii) an exercised option or a lease, including a lease with an option to purchase; or

120.12 (iv) a mortgage, as defined in section 287.01; and

120.13 (2) "residential real property" means real property ~~occupied, or intended to be occupied,~~
 120.14 ~~by one to four families, if the purchaser intends to occupy the real property~~ consisting of
 120.15 one to four family dwelling units, one of which is intended to be occupied as the principal
 120.16 place of residence by:

120.17 (i) the purchaser;

120.18 (ii) if the purchaser is an entity, the natural person who is the majority or controlling
 120.19 owner of the entity; or

120.20 (iii) if the purchaser is a trust, the settlor of the trust.

120.21 Residential real property does not include ~~property subject to a family farm security loan~~
 120.22 ~~or~~ a transaction subject to sections 583.20 to 583.32.

120.23 (f) The performance of the obligations by the vendor required under this subdivision
 120.24 satisfies any of the obligations of the original vendee, as required under subdivision 1.

120.25 (g) The requirements of this subdivision may not be waived or altered by any provision
 120.26 in a contract for deed. A provision in a contract for deed to the contrary is void and
 120.27 unenforceable.

120.28 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to all contracts
 120.29 for deed executed by all parties on or after that date.

121.1 Sec. 3. Minnesota Statutes 2022, section 507.235, subdivision 5, is amended to read:

121.2 Subd. 5. **Civil enforcement.** (a) A city in which the land is located or, if the land is not
121.3 located within a city, the county in which the land is located, may enforce the provisions
121.4 of this section. The city or county may bring an action to compel the recording of a contract
121.5 for deed or any assignments of a contract for deed, an action to impose the civil penalty, or
121.6 an action to compel disclosure of information.

121.7 (b) Prior to bringing an action under this subdivision to compel recording or to impose
121.8 the penalty, ~~or an action under subdivision 4,~~ the city or county must provide written notice
121.9 to the person, subject to subdivision 1, of the person's duty to record the contract for deed
121.10 or the assignment. If the person so notified fails to record the contract for deed or assignment
121.11 documents within 14 days of receipt of the notice, an action may be brought.

121.12 (c) It is an affirmative defense in an enforcement action under this section that the contract
121.13 for deed or assignment document is not recordable, or that section 272.121 prohibits the
121.14 recording of the contract for deed or assignment, and that the defendant has provided to the
121.15 city or county attorney true and correct copies of the documents within 14 days after receipt
121.16 of the notice.

121.17 (d) In an action brought under this subdivision, the city or county attorney may recover
121.18 costs and disbursements, including reasonable attorney fees.

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

121.20 Sec. 4. Minnesota Statutes 2022, section 513.73, subdivision 3, is amended to read:

121.21 Subd. 3. **Private transfer fee.** "Private transfer fee" means a fee or charge required by
121.22 a private transfer fee obligation and payable upon the transfer of an interest in real property,
121.23 or payable for the right to make or accept the transfer, regardless of whether the fee or
121.24 charge is a fixed amount or is determined as a percentage of the value of the property, the
121.25 purchase price, or other consideration given for the transfer. The following are not private
121.26 transfer fees for purposes of this section:

121.27 (1) consideration payable by the grantee to the grantor for the interest in real property
121.28 being transferred, including any subsequent additional consideration for the property payable
121.29 by the grantee based upon any subsequent appreciation, development, or sale of the property,
121.30 provided that the additional consideration is payable on a onetime basis only, and the
121.31 obligation to make the payment does not bind successors in title to the property. For the
121.32 purposes of this clause, an interest in real property may include a separate mineral estate
121.33 and its appurtenant surface access rights;

122.1 (2) commission payable to a licensed real estate broker for the transfer of real property
122.2 pursuant to an agreement between the broker and the grantor or the grantee, including any
122.3 subsequent additional commission for that transfer payable by the grantor or the grantee
122.4 based upon any subsequent appreciation, development, or sale of the property;

122.5 (3) interest, charges, fees, or other amounts payable by a borrower to a lender pursuant
122.6 to a loan secured by a mortgage against real property, including but not limited to a fee
122.7 payable to the lender for consenting to an assumption of the loan or a transfer of the real
122.8 property subject to the mortgage, fees, or charges payable to the lender for estoppel letters
122.9 or certificates, and shared appreciation interest or profit participation or other consideration
122.10 and payable to the lender in connection with the loan;

122.11 (4) rent, reimbursement, charge, fee, or other amount payable by a lessee to a lessor
122.12 under a lease, including but not limited to a fee payable to the lessor for consenting to an
122.13 assignment, subletting, encumbrance, or transfer of the lease;

122.14 (5) consideration payable to the holder of an option to purchase an interest in real property
122.15 or the holder of a right of first refusal or first offer to purchase an interest in real property
122.16 for waiving, releasing, or not exercising the option or right upon the transfer of the property
122.17 to another person;

122.18 ~~(6) consideration payable by a contract for deed vendee to the vendor pursuant to the~~
122.19 ~~terms of a recorded contract for deed, including any subsequent additional consideration~~
122.20 ~~for the property payable by the vendee based upon any subsequent appreciation, development,~~
122.21 ~~or sale of the property;~~

122.22 ~~(7)~~ (6) a tax, fee, charge, assessment, fine, or other amount payable to or imposed by a
122.23 governmental authority;

122.24 ~~(8)~~ (7) a fee, charge, assessment, fine, or other amount payable to a homeowner's
122.25 condominium, cooperative, mobile home, or property owner's association pursuant to a
122.26 declaration or covenant or law applicable to the association, including but not limited to
122.27 fees or charges payable for estoppel letters or certificates issued by the association or its
122.28 authorized agent;

122.29 ~~(9)~~ (8) a fee, a charge, an assessment, dues, a contribution, or other amount pertaining
122.30 to the purchase or transfer of a club membership relating to real property owned by the
122.31 member, including but not limited to any amount determined by reference to the value,
122.32 purchase price, or other consideration given for the transfer of the real property; and

123.1 ~~(10)~~ (9) a mortgage from the purchaser of real property granted to the seller or to a
123.2 licensed real estate broker.

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

123.4 Sec. 5. Minnesota Statutes 2022, section 559.21, subdivision 2a, is amended to read:

123.5 Subd. 2a. **For post 7/31/1985 contract.** If a default occurs in the conditions of a contract
123.6 for the conveyance of real estate or an interest in real estate executed on or after August 1,
123.7 1985, that gives the seller a right to terminate it, the seller may terminate the contract by
123.8 serving upon the purchaser or the purchaser's personal representatives or assigns, within or
123.9 outside of the state, a notice specifying the conditions in which default has been made. The
123.10 notice must state that the contract will terminate 60 days, or a shorter period allowed or a
123.11 longer period required in subdivision 4, after the service of the notice, unless prior to the
123.12 termination date the purchaser:

123.13 (1) complies with the conditions in default;

123.14 (2) makes all payments due and owing to the seller under the contract through the date
123.15 that payment is made;

123.16 (3) pays the costs of service of the notice, including the reasonable costs of service by
123.17 sheriff, public officer, or private process server; except payment of costs of service is not
123.18 required unless the seller notifies the purchaser of the actual costs of service by certified
123.19 mail to the purchaser's last known address at least ten days prior to the date of termination;

123.20 (4) except for earnest money contracts, purchase agreements, and exercised options,
123.21 pays two percent of any amount in default at the time of service, not including the final
123.22 balloon payment, any taxes, assessments, mortgages, or prior contracts that are assumed by
123.23 the purchaser; and

123.24 (5) if the contract for deed is executed on or after August 1, 2024, pays an amount to
123.25 apply on attorneys' fees actually expended or incurred of \$1,000; if the contract is executed
123.26 on or after August 1, 1999, and before August 1, 2024, pays an amount to apply on attorneys'
123.27 fees actually expended or incurred, of \$250 if the amount in default is less than \$1,000, and
123.28 of \$500 if the amount in default is \$1,000 or more; or if the contract is executed before
123.29 August 1, 1999, pays an amount to apply on attorneys' fees actually expended or incurred,
123.30 of \$125 if the amount in default is less than \$750, and of \$250 if the amount in default is
123.31 \$750 or more; except that no amount for attorneys' fees is required to be paid unless some
123.32 part of the conditions of default has existed for at least 30 days prior to the date of service
123.33 of the notice.

124.1 **EFFECTIVE DATE.** This section is effective August 1, 2024.

124.2 Sec. 6. Minnesota Statutes 2022, section 559.21, subdivision 4, is amended to read:

124.3 Subd. 4. **Law prevails over contract; procedure; conditions.** (a) The notice required
124.4 by this section must be given notwithstanding any provisions in the contract to the contrary,
124.5 except that (1) earnest money contracts, purchase agreements, and exercised options that
124.6 are subject to this section may, unless by their terms they provide for a longer termination
124.7 period, be terminated on 30 days' notice, or may be canceled under section 559.217 and (2)
124.8 contracts for deed executed by an investor seller shall be terminated on 90 days' notice. The
124.9 notice must be served within the state in the same manner as a summons in the district court,
124.10 and outside of the state, in the same manner, and without securing any sheriff's return of
124.11 not found, making any preliminary affidavit, mailing a copy of the notice or doing any other
124.12 preliminary act or thing whatsoever. Service of the notice outside of the state may be proved
124.13 by the affidavit of the person making the same, made before an authorized officer having
124.14 a seal, and within the state by such an affidavit or by the return of the sheriff of any county
124.15 therein.

124.16 (b) If a person to be served is a resident individual who has departed from the state, or
124.17 cannot be found in the state; or is a nonresident individual or a foreign corporation,
124.18 partnership, or association, service may be made by publication as provided in this paragraph.
124.19 Three weeks' published notice has the same effect as personal service of the notice. The
124.20 published notice must comply with subdivision 3 and state (1) that the person to be served
124.21 is allowed 90 days after the first date of publication of the notice to comply with the
124.22 conditions of the contract, and (2) that the contract will terminate 90 days after the first date
124.23 of publication of the notice, unless before the termination date the purchaser complies with
124.24 the notice. If the real estate described in the contract is actually occupied, then, in addition
124.25 to publication, a person in possession must be personally served, in like manner as the
124.26 service of a summons in a civil action in state district court, within 30 days after the first
124.27 date of publication of the notice. If an address of a person to be served is known, then within
124.28 30 days after the first date of publication of the notice a copy of the notice must be mailed
124.29 to the person's last known address by first class mail, postage prepaid.

124.30 (c) The contract is reinstated if, within the time mentioned, the person served:

124.31 (1) complies with the conditions in default;

124.32 (2) if subdivision 1d or 2a applies, makes all payments due and owing to the seller under
124.33 the contract through the date that payment is made;

125.1 (3) pays the costs of service as provided in subdivision 1b, 1c, 1d, or 2a;

125.2 (4) if subdivision 2a applies, pays two percent of the amount in default, not including
125.3 the final balloon payment, any taxes, assessments, mortgages, or prior contracts that are
125.4 assumed by the purchaser; and

125.5 (5) pays attorneys' fees as provided in subdivision 1b, 1c, 1d, or 2a.

125.6 (d) The contract is terminated if the provisions of paragraph (c) are not met.

125.7 (e) In the event that the notice was not signed by an attorney for the seller and the seller
125.8 is not present in the state, or cannot be found in the state, then compliance with the conditions
125.9 specified in the notice may be made by paying to the court administrator of the district court
125.10 in the county wherein the real estate or any part thereof is situated any money due and filing
125.11 proof of compliance with other defaults specified, and the court administrator of the district
125.12 court shall be deemed the agent of the seller for such purposes. A copy of the notice with
125.13 proof of service thereof, and the affidavit of the seller, the seller's agent or attorney, showing
125.14 that the purchaser has not complied with the terms of the notice, may be recorded with the
125.15 county recorder or registrar of titles, and is prima facie evidence of the facts stated in it; but
125.16 this section in no case applies to contracts for the sale or conveyance of lands situated in
125.17 another state or in a foreign country. If the notice is served by publication, the affidavit must
125.18 state that the affiant believes that the party to be served is not a resident of the state, or
125.19 cannot be found in the state, and either that the affiant has mailed a copy of the notice by
125.20 first class mail, postage prepaid, to the party's last known address, or that such address is
125.21 not known to the affiant.

125.22 (f) No notice under this section may be given for a contract for deed executed by an
125.23 investor seller unless, at least 30 days prior to the service of the notice, some part of the
125.24 conditions of default has existed and the investor seller has notified the purchaser of such
125.25 conditions of default by certified mail to the purchaser's last known address.

125.26 (g) For purposes of this subdivision, "investor seller" has the meaning given in section
125.27 559A.01, subdivision 6.

125.28 **EFFECTIVE DATE.** This section is effective August 1, 2024.

125.29 Sec. 7. Minnesota Statutes 2022, section 559.21, is amended by adding a subdivision to
125.30 read:

125.31 Subd. 4a. **Termination prohibited for certain transfers regarding residential real**
125.32 **property.** (a) Notwithstanding any provisions in a contract for deed to the contrary, the

126.1 notice under this section may not be given and no other remedies may be exercised for any
126.2 contract for deed based on any of the following transfers:

126.3 (1) a transfer on death deed conveying or assigning the deceased purchaser's interest in
126.4 the property to a grantee beneficiary;

126.5 (2) a transfer by devise, descent, or operation of law on the death of a joint tenant occurs;

126.6 (3) a transfer by which the spouse or children of the purchaser become an owner of the
126.7 property;

126.8 (4) a transfer resulting from a decree of a dissolution of marriage, legal separation
126.9 agreement, or from an incidental property settlement agreement, by which the spouse of
126.10 the purchaser becomes an owner of the property; or

126.11 (5) a transfer into an inter vivos trust by which the purchaser is and remains a beneficiary
126.12 and which does not relate to a transfer of rights of occupancy in the property.

126.13 (b) For the purposes of this subdivision, "contract for deed" has the meaning given in
126.14 section 507.235, subdivision 1a, paragraph (e).

126.15 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to all contracts
126.16 for deed executed by all parties on or after that date.

126.17 Sec. 8. Minnesota Statutes 2022, section 559.21, is amended by adding a subdivision to
126.18 read:

126.19 Subd. 4b. **Termination prohibited if vendor fails to record contracts for deed**
126.20 **involving residential real property.** (a) Notwithstanding subdivision 2a or any provision
126.21 to the contrary in a contract for deed, a vendor may not terminate a contract for deed under
126.22 this section if the contract has not been recorded as required under section 507.235,
126.23 subdivision 1a, paragraph (b), or the vendor has failed to make a good faith effort to record
126.24 the contract as provided under section 507.235, subdivision 1a, paragraph (d).

126.25 (b) Nothing contained in this subdivision bars judicial termination of a contract for deed.

126.26 (c) For the purposes of this subdivision, "contract for deed" has the meaning given in
126.27 section 507.235, subdivision 1a, paragraph (e).

126.28 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to all contracts
126.29 for deed executed by all parties on or after that date.

127.1 Sec. 9. Minnesota Statutes 2022, section 559.21, is amended by adding a subdivision to
127.2 read:

127.3 Subd. 9. Affidavit of seller constituting prima facie evidence. In any instance where
127.4 the copy of the notice of default, proof of service of the notice, and an affidavit showing
127.5 that the purchaser has not complied with the terms of the notice have been or may be
127.6 recorded, an affidavit of the seller, the seller's agent, or attorney verified by a person having
127.7 knowledge of the facts and attesting that the seller is not an investor seller or that the seller
127.8 has complied with the requirements of subdivision 4, paragraph (f), may be recorded with
127.9 the county recorder or registrar of titles and is prima facie evidence of the facts stated in
127.10 the affidavit.

127.11 EFFECTIVE DATE. This section is effective August 1, 2024, and applies to contracts
127.12 for deed executed by all parties on or after that date.

127.13 Sec. 10. Minnesota Statutes 2022, section 559.211, subdivision 1, is amended to read:

127.14 Subdivision 1. **Order; proceedings; security.** (a) In an action arising under or in relation
127.15 to a contract for the conveyance of real estate or any interest therein, the district court,
127.16 notwithstanding the service or publication pursuant to the provisions of section 559.21 of
127.17 a notice of termination of the contract, has the authority at any time prior to the effective
127.18 date of termination of the contract and subject to the requirements of rule 65 of the Rules
127.19 of Civil Procedure for the District Courts to enter an order temporarily restraining or enjoining
127.20 further proceedings to effectuate the termination of the contract, including recording of the
127.21 notice of termination with proof of service, recording of an affidavit showing noncompliance
127.22 with the terms of the notice, taking any action to recover possession of the real estate, or
127.23 otherwise interfering with the purchaser's lawful use of the real estate. In the action, the
127.24 purchaser may plead affirmatively any matter that would constitute a defense to an action
127.25 to terminate the contract.

127.26 (b) Upon a motion for a temporary restraining order the court has the discretion,
127.27 notwithstanding any rule of court to the contrary, to grant the order without requiring the
127.28 giving of any security or undertaking, and in exercising that discretion, the court shall
127.29 consider, as one factor, the moving party's ability to afford monetary security. Upon a motion
127.30 for a temporary injunction, the court shall condition the granting of the order either upon
127.31 the tender to the court or vendor of installments as they become due under the contract or
127.32 upon the giving of other security in a sum as the court deems proper. Upon written
127.33 application, the court may disburse from payments tendered to the court an amount the court
127.34 determines necessary to insure the timely payment of property taxes, property insurance,

128.1 installments of special assessments, mortgage installments, prior contract for deed
128.2 installments or other similar expenses directly affecting the real estate, or for any other
128.3 purpose the court deems just.

128.4 (c) If a temporary restraining order or injunction is granted pursuant to this subdivision,
128.5 the contract shall not terminate until the expiration of 15 days after the entry of the order
128.6 or decision dissolving or modifying the temporary restraining order or injunction. If the
128.7 vendor has made an appearance and the restraining order or injunction is granted, the court
128.8 may award court filing fees, reasonable attorneys' fees, and costs of service to the purchaser.

128.9 (d) If the court subsequently grants permanent relief to the purchaser or determines by
128.10 final order or judgment that the notice of termination was invalid or the purchaser asserted
128.11 a valid defense, the purchaser is entitled to an order granting court filing fees, reasonable
128.12 attorneys' fees, and costs of service.

128.13 **EFFECTIVE DATE.** This section is effective August 1, 2024.

128.14 Sec. 11. Minnesota Statutes 2022, section 559.213, is amended to read:

128.15 **559.213 PRIMA FACIE EVIDENCE OF TERMINATION.**

128.16 The recording, heretofore or hereafter, of the copy of notice of default, proof of service
128.17 thereof, and the affidavit showing that the purchaser has not complied with the terms of the
128.18 notice, provided for by ~~Minnesota Statutes 1941~~, section 559.21, shall be prima facie evidence
128.19 that the contract referred to in such notice has been terminated. It shall not be necessary to
128.20 pay current or delinquent real estate taxes owed on the real property which is the subject of
128.21 the contract to record the documents required by this section, provided that the documents
128.22 must be first presented to the county auditor for entry upon the transfer record and must
128.23 have "Transfer Entered" noted in them over the county auditor's official signature.

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

128.25 Sec. 12. **[559A.01] CONTRACTS FOR DEED INVOLVING INVESTOR SELLERS**
128.26 **AND RESIDENTIAL REAL PROPERTY; DEFINITIONS.**

128.27 Subdivision 1. **Application.** The definitions in this section apply to sections 559A.01
128.28 to 559A.05.

128.29 Subd. 2. **Balloon payment.** "Balloon payment" means a scheduled payment of principal,
128.30 interest, or both under a contract for deed that is significantly larger than the regular
128.31 installment payments and that may be due prior to the end of the contract term or may be
128.32 the final payment that satisfies the contract.

129.1 Subd. 3. **Churning.** "Churning" means the act of an investor seller executing a contract
129.2 for deed on or after August 1, 2024, if previously the investor had frequently or repeatedly
129.3 executed contracts for deed and subsequently terminated those contracts under section
129.4 559.21.

129.5 Subd. 4. **Contract for deed.** "Contract for deed" has the meaning given in section
129.6 507.235, subdivision 1a.

129.7 Subd. 5. **Investor seller.** (a) "Investor seller" means a person entering into a contract
129.8 for deed to sell residential real property, or, in the event of a transfer or assignment of the
129.9 seller's interest, the holder of the interest.

129.10 (b) An investor seller does not include a person entering into a contract for deed who
129.11 is:

129.12 (1) a natural person who has owned and occupied the residential real property as the
129.13 natural person's primary residence for a continuous 12-month period at any time prior to
129.14 the execution of the contract for deed;

129.15 (2) any spouse, parent, child, sibling, grandparent, grandchild, uncle, aunt, niece, nephew,
129.16 or cousin of the natural person;

129.17 (3) a personal representative of the natural person;

129.18 (4) a devisee of the natural person;

129.19 (5) a grantee under a transfer on death deed made by the natural person; or

129.20 (6) a trust whose settlor is the natural person;

129.21 (7) a trust whose beneficiary is a natural person where the trust or the natural person, or
129.22 a combination of the two, has owned, and the natural person has occupied, the residential
129.23 real property as the natural person's primary residence for a continuous 12-month period at
129.24 any time prior to the execution of the contract for deed, or any spouse, parent, child, sibling,
129.25 grandparent, grandchild, uncle, aunt, niece, nephew, or cousin of the natural person;

129.26 (8) a natural person selling on contract for deed to any spouse, parent, child, sibling,
129.27 grandparent, grandchild, uncle, aunt, niece, nephew, or cousin; or

129.28 (9) a bank, credit union, or residential mortgage originator that is under the supervision
129.29 of or regulated by the Office of the Comptroller of the Currency, the Federal Deposit
129.30 Insurance Corporation, the National Credit Union Administration, or the Minnesota
129.31 Department of Commerce.

130.1 (c) If, substantially contemporaneous with the execution of the contract for deed, the
130.2 seller's interest is assigned or transferred to a person who does not meet any of the
130.3 qualifications of paragraph (b), the assignee or transferee shall be deemed to be an investor
130.4 seller who has executed the contract for deed.

130.5 Subd. 6. **Person.** "Person" means a natural person, partnership, corporation, limited
130.6 liability company, association, trust, or other legal entity, however organized.

130.7 Subd. 7. **Purchase agreement.** "Purchase agreement" means a purchase agreement for
130.8 a contract for deed, an earnest money contract, or an executed option contemplating that,
130.9 at closing, the investor seller and the purchaser will enter into a contract for deed.

130.10 Subd. 8. **Purchaser.** "Purchaser" means a person who executes a contract for deed to
130.11 purchase residential real property. Purchaser includes all purchasers who execute the same
130.12 contract for deed to purchase residential real property.

130.13 Subd. 9. **Residential real property.** "Residential real property" means real property
130.14 consisting of one to four family dwelling units, one of which is intended to be occupied as
130.15 the principal place of residence by:

130.16 (1) the purchaser;

130.17 (2) if the purchaser is an entity, the natural person who is the majority or controlling
130.18 owner of the entity; or

130.19 (3) if the purchaser is a trust, the settlor or beneficiary of the trust.

130.20 Residential real property does not include a transaction subject to sections 583.20 to 583.32.

130.21 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to contracts
130.22 for deed executed by all parties on or after that date.

130.23 Sec. 13. **[559A.02] APPLICABILITY.**

130.24 This chapter applies only to residential real property where a purchaser is entering into
130.25 a contract for deed with an investor seller. Either of the following statements included in a
130.26 contract for deed in which the property is not residential real property or the seller is not an
130.27 investor seller shall constitute prima facie evidence that this chapter does not apply to the
130.28 contract for deed: "The property is not residential real property" or "The seller is not an
130.29 investor seller." A person examining title to the property may rely on either statement.

130.30 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to contracts
130.31 for deed executed by all parties on or after that date.

131.1 Sec. 14. **[559A.03] CONTRACTS FOR DEED INVOLVING INVESTOR SELLERS**
131.2 **AND RESIDENTIAL REAL PROPERTY; DISCLOSURES.**

131.3 **Subdivision 1. Disclosures required.** (a) In addition to the disclosures required under
131.4 sections 513.52 to 513.61, an investor seller must deliver to a prospective purchaser the
131.5 disclosures specified under this section and instructions for cancellation as provided under
131.6 section 559A.04, subdivision 2, paragraph (b).

131.7 (b) The disclosures must be affixed to the front of any purchase agreement executed
131.8 between an investor seller and a prospective purchaser. The investor seller may not enter
131.9 into a contract for deed with a prospective purchaser earlier than ten calendar days after the
131.10 execution of the purchase agreement by all parties and provision by the investor seller of
131.11 the disclosures required under this section and instructions for cancellation as required under
131.12 section 559A.04, subdivision 2, paragraph (b).

131.13 (c) If there is no purchase agreement, an investor seller must provide the disclosures
131.14 required under this section to the prospective purchaser no less than ten calendar days before
131.15 the prospective purchaser executes the contract for deed. The disclosures must be provided
131.16 in a document separate from the contract for deed. The investor seller may not enter into a
131.17 contract for deed with a prospective purchaser earlier than ten calendar days after providing
131.18 the disclosures to the prospective purchaser.

131.19 (d) The first page of the disclosures must contain the disclosures required in subdivisions
131.20 2, 3, and 4 of this section, in that order. The title must be centered, be in bold, capitalized,
131.21 and underlined 20-point type, and read "IMPORTANT INFORMATION YOU NEED TO
131.22 KNOW." The disclosures required under subdivisions 5 and 6 must follow in subsequent
131.23 pages in that order.

131.24 (e) The investor seller must acknowledge delivery, and the purchaser must acknowledge
131.25 receipt, of the disclosures by signing and dating the disclosures. The acknowledged
131.26 disclosures shall constitute prima facie evidence that the disclosures have been provided as
131.27 required by this section.

131.28 **Subd. 2. Disclosure of balloon payment.** (a) The investor seller must disclose the
131.29 amount and due date of, if any, all balloon payments. For purposes of disclosure of a balloon
131.30 payment, the investor seller may assume that all prior scheduled payments were timely
131.31 made and no prepayments were made. If there is more than one balloon payment due, each
131.32 one must be listed separately.

131.33 (b) The disclosure must be in the following form, with the title in 14-point type and the
131.34 text in 12-point type:

132.1 **"BALLOON PAYMENT**

132.2 This contract contains a lump-sum balloon payment or several balloon payments. When
 132.3 the final balloon payment comes due, you may need to get mortgage or other financing to
 132.4 pay it off (or you will have to sell the property). Even if you are able to sell the property,
 132.5 you may not get back all the money you paid for it.

132.6 If you can't come up with this large amount - even if you have made all your monthly
 132.7 payments - the seller can cancel the contract.

132.8 **Amount of Balloon Payment** **When Balloon Payment is Due**

132.9 \$ (amount) (month, year)"

132.10 **Subd. 3. Disclosure of price paid by investor seller to acquire property.** (a) The
 132.11 investor seller must disclose to the purchaser the purchase price and the date of earliest
 132.12 acquisition of the property by the investor seller, unless the acquisition occurs more than
 132.13 one year prior to the execution of the contract for deed.

132.14 (b) The disclosure must be in the following form, with the title in 14-point type and the
 132.15 text in 12-point type:

132.16 **"INVESTOR SELLER'S PRICE TO BUY HOUSE BEING SOLD TO BUYER**

132.17 **Date Investor Seller Acquired Property:**

132.18 (date seller acquired ownership)

132.19 **Price Paid by Investor Seller to Acquire the Property:**

132.20 \$ (total purchase price paid by seller to acquire ownership)

132.21 **Contract for Deed Purchase Price:**

132.22 \$ (total sale price to the purchaser under the contract)"

132.23 (c) For the purposes of this subdivision, unless the acquisition occurred more than one
 132.24 year prior to the execution of the contract for deed, the person who first acquires the property
 132.25 is deemed to be the same person as the investor seller where the person who first acquires
 132.26 the property:

132.27 (1) is owned or controlled, in whole or in part, by the investor seller;

132.28 (2) owns or controls, in whole or in part, the investor seller;

132.29 (3) is under common ownership or control, in whole or in part, with the investor seller;

133.1 (4) is a spouse, parent, child, sibling, grandparent, grandchild, uncle, aunt, niece, nephew,
 133.2 or cousin of the investor seller, or of the natural person who owns or controls, in whole or
 133.3 in part, the investor seller; or

133.4 (5) is an entity owned or controlled, in whole or in part, by a person who is a spouse,
 133.5 parent, child, sibling, grandparent, grandchild, uncle, aunt, niece, nephew, or cousin of the
 133.6 investor seller, or of the natural person who owns or controls, in whole or in part, the investor
 133.7 seller.

133.8 **Subd. 4. Disclosure of other essential terms.** (a) An investor seller must disclose to
 133.9 the prospective purchaser the purchase price, the annual interest rate, the amount of any
 133.10 down payment, and whether the purchaser is responsible for any or all of the following:
 133.11 paying property taxes, acquiring homeowner's insurance, making repairs, and maintaining
 133.12 the property.

133.13 (b) The disclosure must be in the following form, with the title in 14-point type and the
 133.14 text in 12-point type:

133.15 **"COSTS AND ESSENTIAL TERMS**

- 133.16 1. Purchase Price: \$ (price)
- 133.17 2. Annual Interest Rate: (interest rate) %
- 133.18 3. Down payment: \$ (down payment)
- 133.19 4. Monthly/Period Installments: \$ (amount of installment payment)
- 133.20 5. Taxes, Homeowner's Insurance, Repairs and Maintenance:

133.21 You (seller must circle one):

- | | | | |
|--------|----------------|----------------|------------------------------------|
| 133.22 | <u>(a) DO</u> | <u>DO NOT</u> | <u>have to pay property taxes</u> |
| 133.23 | | | <u>have to pay homeowner's</u> |
| 133.24 | <u>(b) DO</u> | <u>DO NOT</u> | <u>insurance</u> |
| 133.25 | | | <u>responsible for repairs and</u> |
| 133.26 | <u>(c) ARE</u> | <u>ARE NOT</u> | <u>maintenance."</u> |

133.27 **Subd. 5. General disclosure.** (a) An investor seller must provide the prospective
 133.28 purchaser with a general disclosure about contracts for deeds as provided in this subdivision.

133.29 (b) The disclosure must be in the following form, with the title in 18-point type, the titles
 133.30 of the sections in 14-point type and underlined, and the text of each section in 12-point type,
 133.31 with a double space between each section:

133.32 **"KNOW WHAT YOU ARE GETTING INTO BEFORE YOU SIGN**

133.33 **1. How Contracts for Deed Work**

134.1 A contract for deed is a complicated legal arrangement. Be sure you know exactly what
134.2 you are getting into before you sign a contract for deed. A contract for deed is **NOT** a
134.3 mortgage. Minnesota's foreclosure protections do **NOT** apply.

134.4 **You should get advice from a lawyer or the Minnesota Homeownership Center**
134.5 **before you sign the contract.** You can contact the Homeownership Center at
134.6 1-(866)-462-6466 or go to www.hocmn.org.

134.7 **2. What If I Can't Make My Payments?**

134.8 If you don't make your monthly installment payment or the balloon payment, the seller
134.9 can cancel the contract in only 120 days from the date you missed the payment. If the
134.10 contract is cancelled, **you lose your home and all the money you have paid, including**
134.11 **any down payment, all the monthly payments, and any improvements to the property**
134.12 **you have made.**

134.13 If the contract contains a final lump-sum "balloon payment," you will need to get a
134.14 mortgage or other financing to pay it off (**or you will have to sell the property**). If you
134.15 can't come up with this large amount - even if you have made all your monthly payments
134.16 - the seller can cancel the contract. **Even if you are able to sell the property, you may not**
134.17 **get back all the money you have paid for it.**

134.18 **3. BEFORE YOU SIGN, YOU SHOULD:**

134.19 **A. Get an Independent, Professional Appraisal** of the property to learn what it's worth
134.20 and make sure you are not overpaying for the house.

134.21 **B. Get an Independent, Professional Inspection** of the property because you will
134.22 probably be responsible for maintaining and making repairs on the house.

134.23 **C. Buy Title Insurance** from a title insurance company or ask a lawyer for a "title
134.24 opinion" to address or minimize potential title problems.

134.25 **4. YOUR RIGHTS BEFORE YOU SIGN**

134.26 **A. Waiting Period After Getting Disclosures** There is a 10 calendar day waiting period
134.27 after you get these disclosures. The contract for deed cannot be signed by you or the seller
134.28 during that 10 calendar day period.

134.29 **B. Cancelling a Purchase Agreement** You have 10 calendar days after you get these
134.30 disclosures to cancel your purchase agreement and get back any money you paid."

134.31 Subd. 6. **Amortization schedule.** In a document separate from all others, an investor
134.32 seller must provide to the prospective purchaser an amortization schedule consistent with

135.1 the contract for deed, including the portion of each installment payment that will be applied
135.2 to interest and to principal and the amount and due date of any balloon payments.

135.3 Subd. 7. **Disclosures in other languages.** If the contract was advertised or primarily
135.4 negotiated with the purchaser in a language other than English, the investor seller must
135.5 provide the disclosures required in this section in the language in which the contract was
135.6 advertised or primarily negotiated.

135.7 Subd. 8. **No waiver.** The provisions of this section may not be waived.

135.8 Subd. 9. **Effects of violation.** Except as provided in section 559A.05, subdivision 2, a
135.9 violation of this section has no effect on the validity of the contract for deed.

135.10 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to contracts
135.11 for deed executed by all parties on or after that date.

135.12 Sec. 15. **[559A.04] CONTRACTS FOR DEED INVOLVING INVESTOR SELLERS**
135.13 **AND RESIDENTIAL REAL PROPERTY; RIGHTS AND REQUIREMENTS.**

135.14 Subdivision 1. **Requirement of investor seller if property subject to mortgage.** An
135.15 investor may not execute a contract for deed that is subject to a mortgage with a due-on-sale
135.16 clause and not expressly assumed by the contract for deed purchaser unless the investor
135.17 seller has:

135.18 (1) procured a binding agreement with the mortgage holder whereby the holder either
135.19 consents to the sale of the property to the purchaser by contract for deed or agrees not to
135.20 exercise the holder's rights under a due-on-sale clause in the mortgage based on the contract
135.21 for deed; and

135.22 (2) in the contract:

135.23 (i) disclosed the existence of the investor seller's mortgage;

135.24 (ii) covenants that the investor seller will perform all obligations under the mortgage;

135.25 and

135.26 (iii) expressly represents to the purchaser that the seller has procured the binding
135.27 agreement required under clause (1).

135.28 Subd. 2. **Right to cancel purchase agreement.** (a) A prospective purchaser may cancel
135.29 a purchase agreement prior to the execution by all parties of the contract for deed or within
135.30 ten calendar days of receiving the disclosures required under section 559A.03, whichever
135.31 is earlier.

136.1 (b) In addition to the disclosures required under section 559A.03, an investor seller must
136.2 provide the prospective purchaser with notice of the person to whom, and the mailing address
136.3 to where, cancellation of the purchase agreement must be delivered or sent. Cancellation
136.4 of the purchase agreement is effective upon personal delivery or upon mailing.

136.5 (c) In the event of cancellation or if no purchase agreement has been signed and the
136.6 prospective purchaser elects not to execute the contract for deed, the investor seller may
136.7 not impose a penalty or fee and must promptly refund all payments made by the prospective
136.8 purchaser.

136.9 Subd. 3. **Duty of investor seller to account.** The investor seller must inform the purchaser
136.10 in a separate writing of the right to request an annual accounting. Upon reasonable written
136.11 request by the purchaser and no more than once every calendar year, an investor seller must
136.12 provide an accounting of:

136.13 (1) all payments made pursuant to the contract for deed during the prior calendar year
136.14 with payments allocated between interest and principal;

136.15 (2) any delinquent payments;

136.16 (3) the total principal amount remaining to satisfy the contract for deed; and

136.17 (4) the anticipated amounts and due dates of all balloon payments.

136.18 Subd. 4. **Churning prohibited.** (a) An investor seller is prohibited from churning. There
136.19 shall be a rebuttable presumption that the investor seller has violated this subdivision if, on
136.20 or after August 1, 2024, the investor seller executes a contract for deed and, within the
136.21 previous 48 months, the investor seller either:

136.22 (1) had completed two or more termination proceedings under section 559.21 on the
136.23 same residential real property being sold by the contract for deed; or

136.24 (2) had completed four or more termination proceedings under section 559.21 on contracts
136.25 for deed for any residential real property, where terminated contracts comprise 20 percent
136.26 or more of all contracts executed by the investor seller during that period.

136.27 (b) Nothing contained in this subdivision or in section 559A.01, subdivision 3, shall
136.28 invalidate, impair, affect, or give rise to any cause of action with respect to any contract for
136.29 deed or termination proceeding under section 559.21 used as a predicate to establish the
136.30 presumption under paragraph (a).

137.1 (c) For the purposes of this subdivision, a person who sold residential real property on
137.2 a contract for deed is deemed to be the same person as the investor seller where the person
137.3 who sold on a contract for deed:

137.4 (1) is owned or controlled, in whole or in part, by the investor seller;

137.5 (2) owns or controls, in whole or in part, the investor seller;

137.6 (3) is under common ownership or control, in whole or in part, with the investor seller;

137.7 (4) is a spouse, parent, child, sibling, grandparent, grandchild, uncle, aunt, niece, nephew,
137.8 or cousin of the investor seller, or of the natural person who owns or controls, in whole or
137.9 in part, the investor seller; or

137.10 (5) is an entity owned or controlled, in whole or in part, by a person who is a spouse,
137.11 parent, child, sibling, grandparent, grandchild, uncle, aunt, niece, nephew, or cousin of the
137.12 investor seller, or of the natural person who owns or controls, in whole or in part, the investor
137.13 seller.

137.14 **Subd. 5. Duty of investor seller to refund down payments.** (a) If an investor seller
137.15 terminates a contract for deed under section 559.21 within 48 months of executing the
137.16 contract, any portion of the down payment that exceeded ten percent of the purchase price
137.17 shall be refunded to the purchaser within 180 days of the termination of the contract.

137.18 (b) Upon delivery to the purchaser by the investor seller of reasonable documentation
137.19 that any of the following expenses were incurred or taxes and contract payments were
137.20 unpaid, an investor seller may offset against the refund for, as applicable:

137.21 (1) any unpaid real estate taxes for the period prior to termination of the contract;

137.22 (2) any unpaid insurance premiums for the period prior to termination of the contract
137.23 incurred by the investor seller;

137.24 (3) the reasonable cost of necessary repairs for damage to the residential real property
137.25 caused by the purchaser, beyond ordinary wear and tear, incurred by the investor seller;

137.26 (4) attorney fees, not to exceed \$1,000, and costs of service incurred in connection with
137.27 the termination of the contract;

137.28 (5) any unpaid utility arrears for the period prior to termination of the contract incurred
137.29 by the investor seller; and

137.30 (6) one-half of the unpaid monthly contract installment payments, exclusive of balloon
137.31 payments, that accrued prior to termination of the contract.

138.1 (c) If the purchaser disputes any amount that an investor seller claims as the refund or
138.2 an offset, the purchaser may commence an action in district court or conciliation court to
138.3 determine the amount of the refund or the offsets and recover any monies owed by the
138.4 investor seller to the purchaser. The purchaser is entitled to recover from the investor seller
138.5 any portion of the downpayment that the court finds is owed by the investor seller to the
138.6 purchaser not previously paid to the purchaser. Any attorney expressly authorized by the
138.7 investor seller to receive payments in the notice of termination is designated as the attorney
138.8 who may receive service as agent for the investor seller in such action in the same manner
138.9 as provided in section 559.21, subdivision 8.

138.10 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to contracts
138.11 for deed executed by all parties on or after that date.

138.12 Sec. 16. **[559A.05] CONTRACTS FOR DEED INVOLVING INVESTOR SELLERS**
138.13 **AND RESIDENTIAL REAL PROPERTY; REMEDIES FOR VIOLATION.**

138.14 Subdivision 1. **Definition.** For the purposes of this section, "material violation of section
138.15 559A.03" means:

138.16 (1) if applicable, failure to disclose any balloon payment as required under section
138.17 559A.03, subdivision 2;

138.18 (2) failure to disclose the price paid by the investor seller under the contract for deed to
138.19 acquire property as required under section 559A.03, subdivision 3;

138.20 (3) failure to disclose the other essential terms of the contact as required under section
138.21 559A.03, subdivision 4;

138.22 (4) failure to provide the general disclosure in substantially the form required under
138.23 section 559A.03, subdivision 5;

138.24 (5) failure to disclose the amortization schedule as required under section 559A.03,
138.25 subdivision 6;

138.26 (6) a violation of section 559A.03, subdivision 1, paragraph (b) or (c);

138.27 (7) a violation of section 559A.03, subdivision 7; or

138.28 (8) a material omission or misstatement of any of the information required to be disclosed
138.29 under section 559A.03.

138.30 Subd. 2. **Remedy for violation of disclosure requirements or churning.** (a)
138.31 Notwithstanding any provision in the purchase agreement or contract for deed to the contrary,
138.32 a purchaser may, within two years of the execution of the contract for deed, bring an action

139.1 for relief for a material violation of section 559A.03 or a violation of 559A.04, subdivision
139.2 4. A prevailing purchaser may rescind a contract and, in conjunction with the rescission,
139.3 may recover against the investor seller a sum equal to:

139.4 (1) all amounts paid by the purchaser under the contract for deed, including payments
139.5 to third parties, less the fair rental value of the residential real property for the period of
139.6 time the purchaser was in possession of the property;

139.7 (2) the reasonable value of any improvements to the residential real property made by
139.8 the purchaser;

139.9 (3) actual, consequential, and incidental damages; and

139.10 (4) reasonable attorneys' fees and costs.

139.11 (b) A claim for rescission and a money judgment awarded under this subdivision shall
139.12 not affect any rights or responsibilities of a successor in interest to the investor seller prior
139.13 to the filing of a lis pendens in the action in which such relief is sought, unless it is established
139.14 by clear and convincing evidence that the successor in interest had prior knowledge that
139.15 the contract for deed was executed in violation of the requirements of section 559A.03 or
139.16 559A.04, subdivision 4.

139.17 (c) A purchaser barred under paragraph (b) from making a claim against a successor in
139.18 interest to the investor seller may, within two years of the execution of the contract for deed,
139.19 bring a claim for violation of the requirements of section 559A.03 or 559A.04, subdivision
139.20 4, against the original investor seller who entered into the contract for deed and may recover
139.21 the greater of actual damages or statutory damages of \$5,000, plus reasonable attorneys'
139.22 fees and costs. The original investor seller shall have no claim for indemnification or
139.23 contribution against the successor in interest.

139.24 **Subd. 3. Remedy for failure of investor seller to procure agreement with mortgage**
139.25 **holder. (a) If a mortgage holder commences foreclosure of its mortgage based on the sale**
139.26 **to a purchaser under the contract for deed and notwithstanding any provision in the purchase**
139.27 **agreement or contract for deed to the contrary, a purchaser may bring an action for the**
139.28 **failure of the investor seller to procure the agreement with the mortgage holder as required**
139.29 **under section 559A.04, subdivision 2. A prevailing purchaser may rescind a contract and**
139.30 **may recover against the investor seller a sum equal to:**

139.31 (1) all amounts paid by the purchaser under the contract for deed, including payments
139.32 to third parties, less the fair rental value of the residential real property for the period of
139.33 time the purchaser was in possession of the property;

140.1 (2) the reasonable value of any improvements to the residential real property made by
140.2 the purchaser;

140.3 (3) actual, consequential, and incidental damages; and

140.4 (4) reasonable attorneys' fees and costs.

140.5 (b) An action under this subdivision may be brought at any time and is not subject to
140.6 the statute of limitations in subdivision 2, provided that, at least 30 days prior to bringing
140.7 the action, a purchaser must deliver a notice of violation to the investor seller under the
140.8 contract for deed personally or by United States mail.

140.9 (c) An investor seller may cure the violation at any time prior to entry of a final judgment
140.10 by delivering to the purchaser either evidence of the agreement with the mortgage holder
140.11 as required under section 559A.04, subdivision 2, or evidence that the mortgage holder has
140.12 abandoned foreclosure of the mortgage. If the violation is cured, the purchaser's action must
140.13 be dismissed. An investor seller is liable to the purchaser for reasonable attorneys' fees and
140.14 court costs if the seller delivers evidence of the mortgage holder's agreement or abandonment
140.15 of the foreclosure after the purchaser has commenced the action.

140.16 (d) Nothing in this subdivision shall be construed to bar or limit any other claim by a
140.17 purchaser arising from the investor seller's breach of a senior mortgage.

140.18 Subd. 4. **Defense to termination.** A purchaser's right to the remedy under subdivision
140.19 2 or 3 shall constitute grounds for injunctive relief under section 559.211.

140.20 Subd. 5. **Effect of action on title.** An action under subdivision 2 or 3 is personal to the
140.21 purchaser only, does not constitute an interest separate from the purchaser's interest in the
140.22 contract for deed, and may not be assigned except to a successor in interest.

140.23 Subd. 6. **Rights cumulative.** The rights and remedies provided in this section are
140.24 cumulative to, and not a limitation of, any other rights and remedies provided under law
140.25 and at equity. Nothing in this chapter shall preclude a court from construing a contract for
140.26 deed as an equitable mortgage.

140.27 Subd. 7. **Public enforcement.** The attorney general has authority under section 8.31 to
140.28 investigate and prosecute violations of sections 559A.03 and 559A.04, subdivision 4.

140.29 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to all contracts
140.30 for deed executed by all parties on or after that date.

140.31 Sec. 17. **REPEALER.**

140.32 Minnesota Statutes 2022, sections 559.201; and 559.202, are repealed.

141.1 **EFFECTIVE DATE.** This section is effective August 1, 2024."

141.2 Amend the title accordingly