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State of Minnesota

HOUSE OF REPRESENTATIVES

FOURTH SPECIAL SESSION

H. F. No. 26

09/11/2020 Authored by Koznick, Demuth, Robbins and Haley
The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division

1.1 A bill for an act
1.2 relating to public safety; providing for certain enhancements to local public safety;
1.3 authorizing grants for community safety and security programs; establishing a
1.4 grant to the city of Minneapolis to build a community house; governing transit
1.5 safety, fare payment compliance, administrative citations, and reporting;
1.6 establishing a multijurisdictional entity dedicated to addressing crime in and around
1.7 the public transit system in the metropolitan area; establishing penalties; transferring
1.8 and appropriating money; amending Minnesota Statutes 2018, sections 299A.642,
1.9 subdivision 4; 473.407, by adding a subdivision; 609.855, by adding a subdivision;
1.10 proposing coding for new law in Minnesota Statutes, chapter 473.

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

1.12 ARTICLE 1
1.13 THE COMMUNITY SAFETY AND SECURITY ACT

1.14 Section 1. TITLE.

1.15 This act may be cited as the "Community Safety and Security Act."

1.16 ARTICLE 2
1.17 COMMUNITY SAFETY AND ECONOMIC PROSPERITY GRANTS

1.18 Section 1. COMMUNITY SAFETY AND SECURITY PROGRAM GRANTS.

1.19 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have
1.20 the meanings given.

1.21 (b) "Commissioner" means the commissioner of employment and economic development.

1.22 (c) "Community safety and security program" means a set of assistance and awareness
1.23 activities implemented by a qualified public or private entity, or both in partnership, that

2.1 are targeted to a specified eligible zone and are designed to support and enhance the safety,
 2.2 livability, environment, and commercial and civic activity of the area.

2.3 Subd. 2. **Grant administration.** (a) Subject to available funds, the commissioner must
 2.4 make grants to eligible entities to establish or expand community safety and security
 2.5 programs.

2.6 (b) The commissioner must establish recipient qualifications and grant requirements
 2.7 that minimize applicant burdens. The grantmaking process must include procedures for
 2.8 solicitation, application, review, and grant awards.

2.9 (c) The commissioner must utilize existing resources for program administration.

2.10 Subd. 3. **Recipient eligibility.** A qualified local unit of government, nonprofit
 2.11 organization, or for-profit business, or a partnership of any of the foregoing entities, is
 2.12 eligible to receive a grant under this section.

2.13 Subd. 4. **Program activities and services.** A community safety and security program
 2.14 must include a majority of the following:

2.15 (1) helping citizens find destinations;

2.16 (2) assisting in keeping sidewalks, streets, and other public areas clean;

2.17 (3) obtaining appropriate assistance in an emergency; and

2.18 (4) maintaining a presence in the area that enhances community awareness and lawfulness.

2.19 Subd. 5. **Eligible zones.** Grants under this section may only be used for community
 2.20 safety and security program activities within any of the following eligible zones:

2.21 (1) in Minneapolis:

2.22 (i) Lake Street between Hennepin Avenue and West River Parkway, and any area within
 2.23 two city blocks of that portion of Lake Street in any direction; and

2.24 (ii) West Broadway Avenue, and any area within two city blocks of West Broadway
 2.25 Avenue in any direction; and

2.26 (2) in Saint Paul: University Avenue between Rice Street and Highway 280, and any
 2.27 area within two city blocks of that portion of University Avenue in any direction.

2.28 Subd. 6. **Fiscal requirements.** The commissioner may only make a grant to a recipient
 2.29 who demonstrates that an amount at least equal to the grant award is being provided from
 2.30 nonstate and nonfederal sources for the community safety and security program.

3.1 Sec. 2. **COMMUNITY SAFETY AND SECURITY PROGRAM GRANTS;**
3.2 **TRANSFER AND APPROPRIATION.**

3.3 (a) By October 1, 2020, the Metropolitan Council must remit \$2,000,000 from its
3.4 transportation budget reserves to the commissioner of management and budget for deposit
3.5 in the general fund.

3.6 (b) \$2,000,000 in fiscal year 2021 is appropriated from the general fund to the
3.7 commissioner of employment and economic development for community safety and security
3.8 program grants under section 1. Of this amount, \$1,000,000 is for the Lake Street zone
3.9 specified in section 1, subdivision 5, clause (1), item (i); \$500,000 is for the West Broadway
3.10 Avenue zone specified in section 1, subdivision 5, clause (1), item (ii); and \$500,000 is for
3.11 the University Avenue zone in section 1, subdivision 5, clause (2). This is a onetime
3.12 appropriation and is available until June 30, 2022.

3.13 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following
3.14 final enactment. Paragraph (a) applies in the counties of Anoka, Carver, Dakota, Hennepin,
3.15 Ramsey, Scott, and Washington.

3.16 Sec. 3. **COMMUNITY HOUSE GRANT; APPROPRIATION.**

3.17 (a) \$500,000 in fiscal year 2021 is appropriated from the general fund to the commissioner
3.18 of public safety for a grant to the city of Minneapolis to build a community house within a
3.19 two and a half mile radius of 38th Street and Chicago Avenue in the city of Minneapolis.
3.20 The facility shall provide space for law enforcement, social services, and community outreach
3.21 organizations to address the root causes of the crimes committed in the neighborhood by
3.22 building relationships with, and providing services to, neighborhood residents. The city of
3.23 Minneapolis must raise any amounts above \$500,000 needed to build and operate the facility.
3.24 Beginning in 2021, the city of Minneapolis must report annually by December 15 to the
3.25 chairs and ranking minority members of the legislative committees with jurisdiction over
3.26 public safety policy and finance on the outcomes achieved by the community house.

3.27 (b) If the city accepts the grant established in paragraph (a), the aid payable in calendar
3.28 year 2021 to the city of Minneapolis under Minnesota Statutes, sections 477A.011 to
3.29 477A.03, is reduced by \$500,000.

ARTICLE 3**TRANSIT SAFETY**

Section 1. Minnesota Statutes 2018, section 299A.642, subdivision 4, is amended to read:

Subd. 4. **Duties and authority of commissioner.** (a) The commissioner of public safety shall certify multijurisdictional entities, and their designated fiscal agents, that are established pursuant to this section to combat gang and drug crime, address crime within the metropolitan area that takes place in and around the public transit system, as defined in section 473.121, subdivision 20, and receive grant funding under subdivision 9. A multijurisdictional entity dedicated to addressing crime within the metropolitan area that takes place in and around the public transit system shall include members of the Hennepin County Sheriff's Office, Ramsey County Sheriff's Office, St. Paul Police Department, Minneapolis Police Department, and Metropolitan Transit Police Department. The Hennepin County Sheriff's Office shall serve as the fiscal agent for the multijurisdictional entity. To certify an entity and its designated fiscal agent, the commissioner shall require that a multijurisdictional entity:

(1) be subject to the operational command and supervision of one of the participating agencies;

(2) be subject to a biennial operational and financial audit contracted out to an external organization not associated with the multijurisdictional entity and designed to ensure that the entity and its designated fiscal agent are in compliance with applicable legal requirements, proper law enforcement standards and practices, and effective financial controls;

(3) have adequate staffing and funding to support law enforcement, prosecutorial, and financial operations, including bookkeeping, evidence handling, and inventory recording; and

(4) be subject to any other conditions the commissioner deems necessary to carry out the purposes of this section.

The commissioner may use grant funds authorized under subdivision 9 to pay for costs incurred in conducting audits under clause (2).

(b) A multijurisdictional entity, and its designated fiscal agent, must be certified annually by the commissioner and may not operate under this section unless it is certified. If the commissioner revokes an entity's or fiscal agent's certification, the commissioner may order, for purposes relating to this section, any or all of the following:

(1) dissolution of the entity, its governing boards, or both;

5.1 (2) transfer of duties of the entity, its governing boards, or both, to the Department of
5.2 Public Safety; and

5.3 (3) any other action deemed necessary by the commissioner.

5.4 Notwithstanding any action taken by the commissioner, any outstanding obligations or
5.5 liabilities of the entity remain with the entity and the parties of the agreement and do not
5.6 transfer.

5.7 (c) An agreement entered into pursuant to section 471.59 and this section shall provide
5.8 that the parties to the agreement are subject to the provisions in this subdivision and shall
5.9 provide for the disposition of property and allocation of obligations upon voluntary or
5.10 mandated dissolution of the entity or upon termination of the agreement.

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

5.12 Sec. 2. **[473.4065] TRANSIT SAFETY.**

5.13 Subdivision 1. **Code of conduct.** The council must adopt a rider code of conduct for
5.14 transit passengers. The council must post a copy of the code of conduct in a prominent
5.15 location at each light rail transit station and each park-and-ride station.

5.16 Subd. 2. **Paid fare zones.** The council must establish and clearly designate paid fare
5.17 zones at each light rail transit station where the council utilizes self-service barrier-free fare
5.18 collection.

5.19 Subd. 3. **Light rail transit facility monitoring.** (a) If the council implements the transit
5.20 enforcement and administrative citations program in section 473.4075, the council must
5.21 implement public safety monitoring and response activities at light rail transit facilities that
5.22 include:

5.23 (1) placement of security cameras and sufficient associated lighting that provide live
5.24 coverage for (i) the entire area at each light rail transit station, and (ii) each light rail transit
5.25 vehicle;

5.26 (2) installation of a public address system at each light rail transit station that is capable
5.27 of providing information and warnings to passengers; and

5.28 (3) real-time active monitoring of passenger activity and potential violations throughout
5.29 the light rail transit system.

5.30 (b) The monitoring activities must include timely maintenance or replacement of
5.31 malfunctioning cameras or public address systems.

6.1 Subd. 4. **Legislative report.** By February 15 annually, the council must submit a report
 6.2 on transit safety to the members and staff of the legislative committees with jurisdiction
 6.3 over transportation policy and finance. At a minimum, the report must:

6.4 (1) provide an overview of transit safety issues and actions taken by the council to
 6.5 improve safety, including improvements made to equipment and infrastructure;

6.6 (2) for each of the past three calendar years, state the number of warnings and citations
 6.7 issued by the Metropolitan Transit Police and a breakdown of the numbers by the reason
 6.8 the warning or citation was issued;

6.9 (3) for each of the past three calendar years, include data and statistics on crime rates
 6.10 occurring on public transit vehicles and surrounding transit stops and stations;

6.11 (4) for each of the past three calendar years, state the number of peace officers employed
 6.12 by the Metropolitan Transit Police Department;

6.13 (5) state the average number of peace officers employed by the Metropolitan Transit
 6.14 Police Department for the previous three calendar years; and

6.15 (6) make recommendations on how to improve safety on public transit and transit stops
 6.16 and stations.

6.17 **EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2020, and
 6.18 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

6.19 Sec. 3. Minnesota Statutes 2018, section 473.407, is amended by adding a subdivision to
 6.20 read:

6.21 Subd. 7. **Staffing complement.** The council must not reduce the staff complement of
 6.22 peace officers under this section to below the average staffing level for the most recent three
 6.23 calendar years.

6.24 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following
 6.25 final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
 6.26 Scott, and Washington.

6.27 Sec. 4. [473.4075] TRANSIT ENFORCEMENT AND ADMINISTRATIVE
 6.28 CITATIONS PROGRAM.

6.29 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms and the
 6.30 terms defined in section 609.855, subdivision 7, have the meanings given.

7.1 (b) "Program" means the transit enforcement and administrative citations program
7.2 established in this section.

7.3 (c) "Transit agent" means a person authorized by the council to issue administrative
7.4 citations as provided in this section. For purposes of section 609.855, a transit agent is an
7.5 authorized transit representative.

7.6 Subd. 2. **Program established.** (a) The council may implement the transit enforcement
7.7 and administrative citations program as provided in this section.

7.8 (b) If the council implements the program, the council must:

7.9 (1) adopt a resolution that establishes the program; and

7.10 (2) establish policies and procedures that govern:

7.11 (i) transit agents;

7.12 (ii) issuing an administrative citation; and

7.13 (iii) contesting an administration citation.

7.14 Subd. 3. **Transit agent duties.** Duties of a transit agent include:

7.15 (1) performing fare payment compliance inspections;

7.16 (2) issuing administrative citations for a fare violation; and

7.17 (3) obtaining assistance from peace officers upon identifying passenger activity that
7.18 threatens public safety or violates the code of conduct.

7.19 Subd. 4. **Administrative citations; authority; issuance.** (a) Upon implementation of
7.20 the program, a transit agent and a peace officer, as defined in section 626.84, subdivision
7.21 1, have the exclusive authority to issue an administrative citation to a person who commits
7.22 a violation under section 609.855, subdivision 1, clause (1). Transit fare compliance may
7.23 be enforced, and administrative citations may be issued, by a transit agent or peace officer
7.24 as deemed appropriate and available by the council.

7.25 (b) An administrative citation must include notification that the person has the right to
7.26 contest the citation, basic procedures for contesting the citation, and information on the
7.27 timeline and consequences for failure to contest the citation or pay the fine.

7.28 (c) The council must not mandate or suggest a quota for the issuance of administrative
7.29 citations under this section.

7.30 (d) Issuance of an administrative citation prevents imposition of a citation under section
7.31 609.855, subdivision 1, clause (1), or any criminal citation arising from the same conduct.

8.1 Subd. 5. **Administrative citations; disposition.** (a) A person who commits a violation
8.2 under section 609.855, subdivision 1, clause (1), and is issued an administrative citation
8.3 under this section must, within 90 days of issuance, pay the fine as specified or contest the
8.4 citation. A person who fails to either pay the fine or contest the citation within the specified
8.5 period is considered to have waived the contested citation process and is subject to
8.6 collections.

8.7 (b) The council must provide a civil process for a person to contest the administrative
8.8 citation before a neutral third party. The council may employ a council employee not
8.9 associated with its transit operations to hear and rule on challenges to administrative citations.

8.10 (c) The council may contract with credit bureaus, public and private collection agencies,
8.11 the Department of Revenue, and other public or private entities providing collection services
8.12 as necessary for collection of fine debts under this section. As determined by the council,
8.13 collection costs are added to the debts referred to a public or private collection entity for
8.14 collection. Collection costs include the fees of the collection entity and may include, if
8.15 separately provided, skip tracing fees, credit bureau reporting charges, and fees assessed
8.16 by any public entity for obtaining information necessary for debt collection. If the collection
8.17 entity collects an amount less than the total due, the payment is applied proportionally to
8.18 collection costs and the underlying debt.

8.19 Subd. 6. **Administrative citations; penalties.** (a) A person who is issued an
8.20 administrative citation under this section must pay a fine of:

8.21 (1) \$35 for a first offense;

8.22 (2) \$50 for a second offense; or

8.23 (3) \$100 for a third or subsequent offense.

8.24 (b) A person who is issued an administrative citation under this section for a second or
8.25 subsequent offense within 12 months of a previous administrative citation is prohibited
8.26 from accessing transit service provided by the council for 60 days from the date of issuance.

8.27 (c) The council may adopt an alternative resolution procedure under which a person
8.28 may resolve an administrative citation in lieu of paying a fine by complying with terms
8.29 established by the council for community service, prepayment of future transit fares, or
8.30 both. The alternative resolution procedure must be available only to a person who has
8.31 committed a violation under section 609.855, subdivision 1, clause (1), for the first time,
8.32 unless the person demonstrates financial hardship under criteria established by the council.

9.1 Subd. 7. **Use of funds.** Fines collected under this section must be maintained in a separate
 9.2 account that is only used to cover the costs of (1) fare inspection and enforcement activities
 9.3 under this section, and (2) facility monitoring under section 473.4065, subdivision 3. The
 9.4 council must separately identify revenue and expenditures from the account in its budget
 9.5 and financial statements.

9.6 Subd. 8. **Fare inspection goal.** If the council implements the program, the council must
 9.7 establish a goal that, beginning January 1, 2023, the council annually inspects fare compliance
 9.8 for at least ten percent of rides on transit routes that use self-service barrier-free fare
 9.9 collection.

9.10 Subd. 9. **Legislative report.** If the council implements the program, by January 15 of
 9.11 each even-numbered year the council must submit a report on the program to the members
 9.12 and staff of the legislative committees with jurisdiction over transportation policy and
 9.13 finance. At a minimum, the report must:

9.14 (1) provide an overview of program structure and implementation;

9.15 (2) review the activities of transit agents;

9.16 (3) analyze impacts of the program on fare compliance and customer experience for
 9.17 riders, including rates of fare violations;

9.18 (4) identify council performance compared to the fare inspection goal under subdivision
 9.19 8; and

9.20 (5) make recommendations for legislative changes, if any.

9.21 **EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2020, and
 9.22 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

9.23 Sec. 5. Minnesota Statutes 2018, section 609.855, is amended by adding a subdivision to
 9.24 read:

9.25 Subd. 6a. **Mandatory ban.** (a) A person who is convicted of a gross misdemeanor
 9.26 violation committed in a transit vehicle or facility operated by the Metropolitan Council is
 9.27 prohibited from accessing Metropolitan Council transit service for six months from the date
 9.28 of conviction.

9.29 (b) A person who is convicted of a felony violation committed in a transit vehicle or
 9.30 facility operated by the Metropolitan Council is prohibited from accessing Metropolitan
 9.31 Council transit service for one year from the date of conviction.

10.1 (c) For purposes of this subdivision, Metropolitan Council transit service includes but
10.2 is not limited to (1) entering or riding upon a transit vehicle, and (2) presence in a paid fare
10.3 zone designated by the council.

10.4 (d) A person who intentionally violates the requirements under this subdivision is guilty
10.5 of a misdemeanor.

10.6 **EFFECTIVE DATE.** This section is effective October 1, 2020, and applies to crimes
10.7 committed on or after that date.

10.8 Sec. 6. **TRANSIT SAFETY VIOLENT CRIME ENFORCEMENT TEAM;**
10.9 **APPROPRIATION.**

10.10 (a) By August 1 of each year, the Metropolitan Council must remit \$2,000,000 from its
10.11 transportation budget reserves to the commissioner of management and budget for deposit
10.12 in the general fund.

10.13 (b) \$2,000,000 in fiscal year 2021 is appropriated from the general fund to the
10.14 commissioner of public safety for a grant pursuant to Minnesota Statutes, section 299A.642,
10.15 subdivision 9, to a violent crime enforcement team organized to address crime within the
10.16 metropolitan area that takes place in and around the public transit system, as defined in
10.17 Minnesota Statutes, section 473.121, subdivision 20. Of this amount, \$200,000 must be
10.18 used for community outreach services.

10.19 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following
10.20 final enactment. Paragraph (a) applies in the counties of Anoka, Carver, Dakota, Hennepin,
10.21 Ramsey, Scott, and Washington.