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State of Minnesota HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 752

- 02/04/2021 Authored by Ecklund, Lislegard and Xiong, T., The bill was read for the first time and referred to the Committee on Labor, Industry, Veterans and Military Affairs Finance and Policy
04/06/2021 Adoption of Report: Amended and re-referred to the Committee on Ways and Means Pursuant to Joint Rule 2.03, re-referred to the Committee on Rules and Legislative Administration
04/09/2021 Adoption of Report: Re-referred to the Committee on Ways and Means Joint Rule 2.03 has been waived for any subsequent committee action on this bill

A bill for an act

1.1 relating to state government; establishing a budget for military and veterans affairs;
1.2 making policy and technical changes to various military and veterans affairs
1.3 provisions including provisions related to the adjutant general, housing, veterans
1.4 benefits, and veterans services; allowing deferred prosecutions for former and
1.5 current military members in certain circumstances; classifying data; making changes
1.6 to the military code; modifying certain requirements and qualifications; making
1.7 jurisdictional and appellate changes; providing punishable offenses under the
1.8 military code; providing penalties; appropriating money; amending Minnesota
1.9 Statutes 2020, sections 10.578; 15.057; 190.07; 192.67; 192A.02, subdivision 2;
1.10 192A.021; 192A.111; 192A.15, subdivisions 1, 2; 192A.155, subdivision 2;
1.11 192A.20; 192A.235, subdivision 3; 192A.343, subdivision 3; 192A.353, subdivision
1.12 2; 192A.371; 192A.384; 192A.56; 192A.612; 192A.62; 197.791, subdivisions 4,
1.13 5, 5a, 5b; 198.006; 198.03, subdivision 2; 606.06; proposing coding for new law
1.14 in Minnesota Statutes, chapters 192A; 196; 609; repealing Minnesota Statutes
1.15 2020, section 192A.385.

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

ARTICLE 1

APPROPRIATIONS

Section 1. STATE GOVERNMENT APPROPRIATIONS.

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2022" and "2023" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2022, or June 30, 2023, respectively. "The first year" is fiscal year 2022. "The second year" is fiscal year 2023. "The biennium" is fiscal years 2022 and 2023.

2.1			<u>APPROPRIATIONS</u>
2.2			<u>Available for the Year</u>
2.3			<u>Ending June 30</u>
2.4			<u>2022</u> <u>2023</u>

2.5 **Sec. 2. MILITARY AFFAIRS**

2.6	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>24,393,000</u>	<u>\$</u>	<u>24,589,000</u>
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2.7 The amounts that may be spent for each
 2.8 purpose are specified in the following
 2.9 subdivisions.

2.10	<u>Subd. 2. Maintenance of Training Facilities</u>		<u>9,772,000</u>		<u>9,842,000</u>
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2.11	<u>Subd. 3. General Support</u>		<u>3,507,000</u>		<u>3,633,000</u>
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2.12	<u>Subd. 4. Enlistment Incentives</u>		<u>11,114,000</u>		<u>11,114,000</u>
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2.13 The appropriations in this subdivision are
 2.14 available until June 30, 2025, except that any
 2.15 unspent amounts allocated to a program
 2.16 otherwise supported by this appropriation are
 2.17 canceled to the general fund upon receipt of
 2.18 federal funds in the same amount to support
 2.19 administration of that program.

2.20 If the amount for fiscal year 2022 is
 2.21 insufficient, the amount for 2023 is available
 2.22 in fiscal year 2022. Any unencumbered
 2.23 balance does not cancel at the end of the first
 2.24 year and is available for the second year.

2.25 **Sec. 3. VETERANS AFFAIRS**

2.26	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>84,168,000</u>	<u>\$</u>	<u>84,364,000</u>
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2.27 The amounts that may be spent for each
 2.28 purpose are specified in the following
 2.29 subdivisions.

3.1 Subd. 2. **Veterans Programs and Services** 22,048,000 21,678,000

3.2 (a) **CORE Program.** \$750,000 each year is

3.3 for the Counseling and Case Management

3.4 Outreach Referral and Education (CORE)

3.5 program.

3.6 (b) **Veterans Service Organizations.**

3.7 \$500,000 each year is for grants to the

3.8 following congressionally chartered veterans

3.9 service organizations as designated by the

3.10 commissioner: Disabled American Veterans,

3.11 Military Order of the Purple Heart, the

3.12 American Legion, Veterans of Foreign Wars,

3.13 Vietnam Veterans of America, AMVETS, and

3.14 Paralyzed Veterans of America. This funding

3.15 must be allocated in direct proportion to the

3.16 funding currently being provided by the

3.17 commissioner to these organizations.

3.18 (c) **Minnesota Assistance Council for**

3.19 **Veterans.** \$750,000 each year is for a grant

3.20 to the Minnesota Assistance Council for

3.21 Veterans to provide assistance throughout

3.22 Minnesota to veterans and their families who

3.23 are homeless or in danger of homelessness,

3.24 including assistance with the following:

3.25 (1) utilities;

3.26 (2) employment; and

3.27 (3) legal issues.

3.28 The assistance authorized under this paragraph

3.29 must be made only to veterans who have

3.30 resided in Minnesota for 30 days prior to

3.31 application for assistance and according to

3.32 other guidelines established by the

3.33 commissioner. In order to avoid duplication

3.34 of services, the commissioner must ensure that

4.1 this assistance is coordinated with all other
4.2 available programs for veterans.

4.3 (d) **State's Veterans Cemeteries.** \$1,672,000
4.4 each year is for the state's veterans cemeteries.

4.5 (e) **Honor Guards.** \$200,000 each year is for
4.6 compensation for honor guards at the funerals
4.7 of veterans under Minnesota Statutes, section
4.8 197.231.

4.9 (f) **Minnesota GI Bill.** \$200,000 each year is
4.10 for the costs of administering the Minnesota
4.11 GI Bill postsecondary educational benefits,
4.12 on-the-job training, and apprenticeship
4.13 program under Minnesota Statutes, section
4.14 197.791.

4.15 (g) **Gold Star Program.** \$100,000 each year
4.16 is for administering the Gold Star Program for
4.17 surviving family members of deceased
4.18 veterans.

4.19 (h) **County Veterans Service Office.**
4.20 \$1,100,000 each year is for funding the
4.21 County Veterans Service Office grant program
4.22 under Minnesota Statutes, section 197.608.

4.23 (i) **Veteran Homelessness Initiative.**
4.24 \$3,018,000 each year is for an initiative to
4.25 prevent and end veteran homelessness. The
4.26 commissioner of veterans affairs may provide
4.27 housing vouchers and other services to
4.28 alleviate homelessness among veterans and
4.29 former service members in Minnesota. The
4.30 commissioner may contract for program
4.31 administration and may establish a vacancy
4.32 reserve fund. The base for this appropriation
4.33 is \$1,311,000 in fiscal year 2024 and
4.34 \$1,311,000 in fiscal year 2025.

5.1 (j) **Independent Lifestyles.** \$75,000 each year
 5.2 is appropriated for an ongoing annual grant to
 5.3 Independent Lifestyles, Inc., for expenses
 5.4 related to retreats for military veterans at
 5.5 Camp Bliss in Walker, Minnesota, including
 5.6 therapy, transportation, and activities
 5.7 customized for military veterans.

5.8 (k) **Veterans On The Lake.** \$50,000 in fiscal
 5.9 year 2022 is appropriated for a grant to
 5.10 Veterans on the Lake for expenses related to
 5.11 retreats for veterans including therapy,
 5.12 transportation, and activities customized for
 5.13 veterans.

5.14 (l) **Disabled Veterans Rest Camp.** \$128,000
 5.15 in fiscal year 2022 is appropriated for a grant
 5.16 to the Disabled Veterans Rest Camp on Big
 5.17 Marine Lake in Washington County for
 5.18 landscape improvements around the new
 5.19 cabins, including a retaining wall around a
 5.20 water drainage holding pond and security
 5.21 fencing with vehicle control gates along the
 5.22 entrance road. This is a onetime appropriation
 5.23 and is available until the project is completed
 5.24 or abandoned, subject to Minnesota Statutes,
 5.25 section 16A.642.

5.26 Subd. 3. **9/11 Task Force** 400,000

5.27 \$400,000 the first year is for the Advisory
 5.28 Task Force on 9/11 and Global War on
 5.29 Terrorism Remembrance. The task force must
 5.30 collect, memorialize, and publish stories of
 5.31 Minnesotans' service in the Global War on
 5.32 Terrorism and impacts on their dependents.
 5.33 The task force must host a remembrance
 5.34 program in September 2021. This is a onetime
 5.35 appropriation.

6.1 Subd. 4. **Veterans Health Care** 62,120,000 62,686,000

6.2 (a) **Transfers.** These appropriations may be
 6.3 transferred to a veterans homes special
 6.4 revenue account in the special revenue fund
 6.5 in the same manner as other receipts are
 6.6 deposited according to Minnesota Statutes,
 6.7 section 198.34, and are appropriated to the
 6.8 commissioner of veterans affairs for the
 6.9 operation of veterans homes facilities and
 6.10 programs.

6.11 (b) **Report.** No later than January 15, 2022,
 6.12 the commissioner must submit a report to the
 6.13 legislative committees with jurisdiction over
 6.14 veterans affairs and state government finance
 6.15 on reserve amounts maintained in the veterans
 6.16 homes special revenue account. The report
 6.17 must detail current and historical amounts
 6.18 maintained as a reserve and uses of those
 6.19 amounts. The report must also include data on
 6.20 the use of existing veterans homes, including
 6.21 current and historical bed capacity and usage,
 6.22 staffing levels and staff vacancy rates, and
 6.23 staff-to-resident ratios.

6.24 (c) **Maximize Federal Reimbursements.** The
 6.25 department shall seek opportunities to
 6.26 maximize federal reimbursements of
 6.27 Medicare-eligible expenses and provide annual
 6.28 reports to the commissioner of management
 6.29 and budget on the federal Medicare
 6.30 reimbursements received. Contingent upon
 6.31 future federal Medicare receipts, reductions
 6.32 to the homes' general fund appropriation may
 6.33 be made.

7.1	<u>Subd. 5. Veteran Suicide Prevention Initiative</u>	<u>\$1,000,000</u>	<u>\$650,000</u>
7.2	<u>\$1,000,000 the first year and \$650,000 the</u>		
7.3	<u>second year is to address the problem of death</u>		
7.4	<u>by suicide among veterans in Minnesota. The</u>		
7.5	<u>commissioner of veterans affairs may use</u>		
7.6	<u>funds for personnel, training, research,</u>		
7.7	<u>marketing, and professional or technical</u>		
7.8	<u>contracts. The base for this appropriation is</u>		
7.9	<u>\$550,000 in fiscal year 2024 and \$550,000 in</u>		
7.10	<u>fiscal year 2025.</u>		
7.11	<u>Subd. 6. Veterans Resilience Project; Report</u>	<u>50,000</u>	<u>50,000</u>
7.12	<u>\$50,000 each year is appropriated for a grant</u>		
7.13	<u>to the veterans resilience project. Grant funds</u>		
7.14	<u>must be used to make eye movement</u>		
7.15	<u>desensitization and reprocessing therapy</u>		
7.16	<u>available to veterans and current military</u>		
7.17	<u>service members who are suffering from</u>		
7.18	<u>posttraumatic stress disorder and trauma.</u>		
7.19	<u>The veterans resilience project must report to</u>		
7.20	<u>the commissioner of veterans affairs and the</u>		
7.21	<u>chairs and ranking minority members of the</u>		
7.22	<u>legislative committees with jurisdiction over</u>		
7.23	<u>veterans affairs policy and finance by January</u>		
7.24	<u>15 of each year on the program. The report</u>		
7.25	<u>must include: an overview of the program's</u>		
7.26	<u>budget; a detailed explanation of program</u>		
7.27	<u>expenditures; the number of veterans and</u>		
7.28	<u>service members served by the program; and</u>		
7.29	<u>a list and explanation of the services provided</u>		
7.30	<u>to program participants.</u>		

ARTICLE 2

VETERANS POLICY

Section 1. Minnesota Statutes 2020, section 10.578, is amended to read:

10.578 VETERANS SUICIDE PREVENTION AND AWARENESS DAY.

The first Saturday of every October is designated Veterans Suicide Prevention and Awareness Day. Each year, the governor shall issue a proclamation honoring this observance. Each year in conjunction with this observance, the commissioner of veterans affairs shall coordinate activities that raise awareness of, and promote the prevention of, veteran suicides.

Sec. 2. Minnesota Statutes 2020, section 15.057, is amended to read:

15.057 PUBLICITY REPRESENTATIVES.

No state department, bureau, or division, whether the same operates on funds appropriated or receipts or fees of any nature whatsoever, except the Department of Veterans Affairs, the Department of Transportation, the Department of Employment and Economic Development, the Game and Fish Division, State Agricultural Society, and Explore Minnesota Tourism shall use any of such funds for the payment of the salary or expenses of a publicity representative. The head of any such department, bureau, or division shall be personally liable for funds used contrary to this provision. This section shall not be construed, however, as preventing any such department, bureau, or division from sending out any bulletins or other publicity required by any state law or necessary for the satisfactory conduct of the business for which such department, bureau, or division was created.

Sec. 3. Minnesota Statutes 2020, section 190.07, is amended to read:

190.07 APPOINTMENT; QUALIFICATIONS; RANK; TERM; VACANCY.

Subdivision 1. **Qualifications.** There shall be an adjutant general of the state who shall be appointed by the governor within 120 days of a vacancy of the position. The adjutant general shall be a staff officer, who at the time of appointment shall be a commissioned officer of the National Guard ~~of this state, with not less than ten years military service in the National Guard of this state or the armed forces of the United States, at least three of which shall have been commissioned~~ and who shall have reached, at a minimum, the grade of a field officer rank of colonel (O-6).

Subd. 2. **Rank.** The adjutant general shall be promoted, if necessary, directly to and shall hold at least the rank of major general and may be promoted to and including the highest rank authorized under federal law. However, the adjutant general may not be

9.1 ~~promoted to the rank of major general without having at least 20 years service in the~~
 9.2 ~~Minnesota National Guard, at least one of which has been in the rank of brigadier general.~~
 9.3 If not already a major general, the adjutant general's promotion is effective beginning on
 9.4 the date the governor appoints the adjutant general. At the time of appointment and in
 9.5 accordance with the authorities governing federal recognition of officers, the adjutant general
 9.6 is authorized to wear the rank of major general.

9.7 Subd. 3. **Term.** The term of the adjutant general is for a single term of seven years from
 9.8 the date of appointment. Section 15.06, subdivisions 3, 4, and 5, governs filling of vacancies
 9.9 in the Office of Adjutant General. The adjutant general shall not be removed from office
 9.10 during a term except upon withdrawal of federal recognition or as otherwise provided by
 9.11 the military laws of this state.

9.12 Subd. 4. **Vacancy; acting or temporary adjutant general.** In the event of a vacancy
 9.13 of the adjutant general, the governor may appoint a person qualified under subdivision 1 as
 9.14 an acting adjutant general. If the governor does not appoint an acting adjutant general, the
 9.15 deputy adjutant general as defined in section 190.09, subdivision 1, shall become temporary
 9.16 adjutant general without further official action. Upon taking office, the acting or temporary
 9.17 adjutant general shall have all the powers and emoluments and perform all the duties of the
 9.18 office of adjutant general until a permanent adjutant general is appointed.

9.19 **Sec. 4. [196.081] VETERANS STABLE HOUSING INITIATIVE; DATA.**

9.20 (a) The commissioner may establish a veterans stable housing initiative. If the
 9.21 commissioner establishes a veterans stable housing initiative under this section, the
 9.22 commissioner must provide resources and support to assist veterans experiencing
 9.23 homelessness in obtaining or maintaining stable housing.

9.24 (b) Data on individuals maintained by the commissioner in the Homeless Veteran Registry
 9.25 for purposes of the veterans stable housing initiative is private data on individuals as defined
 9.26 in section 13.02, subdivision 12, and must not be disclosed or shared except for coordinating
 9.27 homelessness prevention efforts with:

9.28 (1) members of the Minnesota Interagency Council on Homelessness; and

9.29 (2) Homeless Veteran Registry partners to address a veteran's episode of homelessness
 9.30 or maintain a veteran's housing plan through Department of Veterans Affairs funded
 9.31 programs.

9.32 (c) For purposes of this section, "homelessness" means that a veteran lacks a fixed,
 9.33 nighttime residence.

10.1 Sec. 5. Minnesota Statutes 2020, section 197.791, subdivision 4, is amended to read:

10.2 Subd. 4. **Eligibility.** (a) A person is eligible for educational assistance under ~~subdivisions~~
10.3 subdivision 5 and 5a if:

10.4 (1) the person is:

10.5 (i) a veteran who is serving or has served honorably in any branch or unit of the United
10.6 States armed forces at any time;

10.7 (ii) a nonveteran who has served honorably for a total of five years or more cumulatively
10.8 as a member of the Minnesota National Guard or any other active or reserve component of
10.9 the United States armed forces, and any part of that service occurred on or after September
10.10 11, 2001;

10.11 (iii) the surviving spouse or child of a person who has served in the military and who
10.12 has died as a direct result of that military service, only if the surviving spouse or child is
10.13 eligible to receive federal education benefits under United States Code, title 38, chapter 33,
10.14 as amended, or United States Code, title 38, chapter 35, as amended; or

10.15 (iv) the spouse or child of a person who has served in the military at any time and who
10.16 has a total and permanent service-connected disability as rated by the United States Veterans
10.17 Administration, only if the spouse or child is eligible to receive federal education benefits
10.18 under United States Code, title 38, chapter 33, as amended, or United States Code, title 38,
10.19 chapter 35, as amended; and

10.20 (2) the person receiving the educational assistance is a Minnesota resident, as defined
10.21 in section 136A.101, subdivision 8; and

10.22 (3) the person receiving the educational assistance:

10.23 (i) is an undergraduate or graduate student at an eligible institution;

10.24 (ii) is maintaining satisfactory academic progress as defined by the institution for students
10.25 participating in federal Title IV programs;

10.26 (iii) is enrolled in an education program leading to a certificate, diploma, or degree at
10.27 an eligible institution;

10.28 (iv) has applied for educational assistance under this section prior to the end of the
10.29 academic term for which the assistance is being requested;

10.30 (v) is in compliance with child support payment requirements under section 136A.121,
10.31 subdivision 2, clause (5); and

11.1 (vi) has completed the Free Application for Federal Student Aid (FAFSA).

11.2 (b) A person's eligibility terminates when the person becomes eligible for benefits under
11.3 section 135A.52.

11.4 (c) To determine eligibility, the commissioner may require official documentation,
11.5 including the person's federal form DD-214 or other official military discharge papers;
11.6 correspondence from the United States Veterans Administration; birth certificate; marriage
11.7 certificate; proof of enrollment at an eligible institution; signed affidavits; proof of residency;
11.8 proof of identity; or any other official documentation the commissioner considers necessary
11.9 to determine eligibility.

11.10 (d) The commissioner may deny eligibility or terminate benefits under this section to
11.11 any person who has not provided sufficient documentation to determine eligibility for the
11.12 program. An applicant may appeal the commissioner's eligibility determination or termination
11.13 of benefits in writing to the commissioner at any time. The commissioner must rule on any
11.14 application or appeal within 30 days of receipt of all documentation that the commissioner
11.15 requires. The decision of the commissioner regarding an appeal is final. However, an
11.16 applicant whose appeal of an eligibility determination has been rejected by the commissioner
11.17 may submit an additional appeal of that determination in writing to the commissioner at
11.18 any time that the applicant is able to provide substantively significant additional information
11.19 regarding the applicant's eligibility for the program. An approval of an applicant's eligibility
11.20 by the commissioner following an appeal by the applicant is not retroactively effective for
11.21 more than one year or the semester of the person's original application, whichever is later.

11.22 (e) Upon receiving an application with insufficient documentation to determine eligibility,
11.23 the commissioner must notify the applicant within 30 days of receipt of the application that
11.24 the application is being suspended pending receipt by the commissioner of sufficient
11.25 documentation from the applicant to determine eligibility.

11.26 Sec. 6. Minnesota Statutes 2020, section 197.791, subdivision 5, is amended to read:

11.27 Subd. 5. **Educational assistance amount.** (a) On approval by the commissioner of
11.28 eligibility for the program, the applicant shall be awarded, on a funds-available basis, the
11.29 educational assistance under the program for use at any time according to program rules at
11.30 any eligible institution.

11.31 (b) The amount of educational assistance in any semester or term for an eligible person
11.32 must be determined by subtracting from the eligible person's cost of attendance the amount
11.33 the person received or was eligible to receive in that semester or term from:

- 12.1 (1) the federal Pell Grant;
- 12.2 (2) the state grant program under section 136A.121; and
- 12.3 (3) any federal military or veterans educational benefits including but not limited to the
- 12.4 Montgomery GI Bill, GI Bill Kicker, the federal tuition assistance program, vocational
- 12.5 rehabilitation benefits, and any other federal benefits associated with the person's status as
- 12.6 a veteran, except veterans disability payments from the United States Department of Veterans
- 12.7 ~~Administration and payments made under the Veterans Retraining Assistance Program~~
- 12.8 ~~(VRAP) Affairs.~~

12.9 (c) The amount of educational assistance for any eligible person who is a full-time

12.10 student must not exceed the following:

- 12.11 (1) \$3,000 per state fiscal year; and
- 12.12 (2) \$10,000 in a lifetime.

12.13 (d) For a part-time student, the amount of educational assistance must not exceed \$500

12.14 per semester or term of enrollment. For the purpose of this paragraph, a part-time

12.15 undergraduate student is a student taking fewer than 12 credits or the equivalent for a

12.16 semester or term of enrollment and a part-time graduate student is a student considered part

12.17 time by the eligible institution the graduate student is attending. The minimum award for

12.18 undergraduate and graduate students is \$50 per term.

12.19 Sec. 7. Minnesota Statutes 2020, section 197.791, subdivision 5a, is amended to read:

12.20 Subd. 5a. **Apprenticeship and on-the-job training.** (a) The commissioner, in

12.21 consultation with the commissioners of employment and economic development and labor

12.22 and industry, shall develop and implement an apprenticeship and on-the-job training program

12.23 to administer a portion of the Minnesota GI Bill program to pay benefit amounts to eligible

12.24 persons, as provided in this subdivision.

12.25 (b) An "eligible employer" means an employer operating a qualifying apprenticeship or

12.26 on-the-job training program that has been approved by the commissioner.

12.27 ~~(c) A person is eligible for apprenticeship and on-the-job training assistance under this~~

12.28 ~~subdivision if the person meets the criteria established under subdivision 4, paragraph (a).~~

12.29 ~~The commissioner may determine eligibility as provided in subdivision 4, paragraph (c),~~

12.30 ~~and may deny or terminate benefits as prescribed under subdivision 4, paragraphs (d) and~~

12.31 ~~(e). The amount of assistance paid to or on behalf of an eligible individual under this~~

12.32 ~~subdivision must not exceed the following:~~

13.1 (c) A person is eligible for apprenticeship and on-the-job training assistance under this
13.2 subdivision if the person is:

13.3 (1) a veteran who is serving or has served honorably in any branch or unit of the United
13.4 States armed forces at any time;

13.5 (2) a nonveteran who has served honorably for a total of five years or more cumulatively
13.6 as a member of the Minnesota National Guard or any other active or reserve component of
13.7 the United States armed forces, and any part of that service occurred on or after September
13.8 11, 2001;

13.9 (3) the surviving spouse or child of a person who has served in the military and who has
13.10 died as a direct result of that military service, only if the surviving spouse or child is eligible
13.11 to receive federal education benefits under United States Code, title 38, chapter 33, as
13.12 amended, or United States Code, title 38, chapter 35, as amended; or

13.13 (4) the spouse or child of a person who has served in the military at any time and who
13.14 has a total and permanent service-connected disability as rated by the United States Veterans
13.15 Administration, only if the spouse or child is eligible to receive federal education benefits
13.16 under United States Code, title 38, chapter 33, as amended, or United States Code, title 38,
13.17 chapter 35.

13.18 (d) The amount of assistance paid to or on behalf of an eligible individual under this
13.19 subdivision must not exceed the following:

13.20 (1) \$3,000 per fiscal year for apprenticeship expenses;

13.21 (2) \$3,000 per fiscal year for on-the-job training;

13.22 (3) \$1,000 for a job placement credit payable to an eligible employer upon hiring and
13.23 completion of six consecutive months' employment of a person receiving assistance under
13.24 this subdivision; and

13.25 (4) \$1,000 for a job placement credit payable to an eligible employer after a person
13.26 receiving assistance under this subdivision has been employed by the eligible employer for
13.27 at least 12 consecutive months as a full-time employee.

13.28 (e) No more than \$5,000 in aggregate benefits under this ~~paragraph~~ subdivision may be
13.29 paid to or on behalf of an individual in one fiscal year; ~~and not more than \$10,000 in~~
13.30 ~~aggregate benefits under this paragraph may be paid to or on behalf of an individual over~~
13.31 ~~any period of time.~~

14.1 (f) If an eligible person receives benefits under subdivision 5 or 5b, the eligible person's
14.2 aggregate benefits under this subdivision, subdivisions 5, and 5b, must not exceed \$10,000
14.3 in the eligible person's lifetime.

14.4 ~~(d)~~ (g) Assistance for apprenticeship expenses and on-the-job training is available for
14.5 qualifying programs, which must, at a minimum, meet the following criteria:

14.6 (1) the training must be with an eligible employer;

14.7 (2) the training must be documented and reported;

14.8 (3) the training must reasonably be expected to lead to an entry-level position; and

14.9 (4) the position must require at least six months of training to become fully trained.

14.10 Sec. 8. Minnesota Statutes 2020, section 197.791, subdivision 5b, is amended to read:

14.11 **Subd. 5b. Additional professional or educational benefits.** (a) The commissioner shall
14.12 develop and implement a program to administer a portion of the Minnesota GI Bill program
14.13 to pay additional benefit amounts to eligible persons as provided under this subdivision.

14.14 ~~(b) A person is eligible for additional benefits under this subdivision if the person meets~~
14.15 ~~the criteria established under subdivision 4, paragraph (a), clause (1). The commissioner~~
14.16 ~~may determine eligibility as provided in subdivision 4, paragraph (c), and may deny or~~
14.17 ~~terminate benefits as prescribed under subdivision 4, paragraphs (d) and (e). The amount~~
14.18 ~~of assistance paid to or on behalf of an eligible individual under this subdivision must not~~
14.19 ~~exceed the following amounts:~~

14.20 (b) A person is eligible for additional benefits under this subdivision if the person is:

14.21 (1) a veteran who is serving or has served honorably in any branch or unit of the United
14.22 States armed forces at any time;

14.23 (2) a nonveteran who has served honorably for a total of five years or more cumulatively
14.24 as a member of the Minnesota National Guard or any other active or reserve component of
14.25 the United States armed forces, and any part of that service occurred on or after September
14.26 11, 2001;

14.27 (3) the surviving spouse or child of a person who has served in the military and who has
14.28 died as a direct result of that military service, only if the surviving spouse or child is eligible
14.29 to receive federal education benefits under United States Code, title 38, chapter 33, as
14.30 amended, or United States Code, title 38, chapter 35, as amended; or

15.1 (4) the spouse or child of a person who has served in the military at any time and who
15.2 has a total and permanent service-connected disability as rated by the United States Veterans
15.3 Administration, only if the spouse or child is eligible to receive federal education benefits
15.4 under United States Code, title 38, chapter 33, as amended, or United States Code, title 38,
15.5 chapter 35.

15.6 (c) The amount of assistance paid to or on behalf of an eligible individual under this
15.7 subdivision must not exceed the following amounts:

15.8 (1) \$3,000 per state fiscal year; and

15.9 (2) \$10,000 in a lifetime.

15.10 (d) If an eligible person receives benefits under subdivision 5 or 5a, the eligible person's
15.11 aggregate benefits under this subdivision, subdivisions 5, and 5a, must not exceed \$10,000
15.12 in the eligible person's lifetime.

15.13 ~~(e)~~ (e) A person eligible under this subdivision may use the benefit amounts for the
15.14 following purposes:

15.15 (1) licensing or certification tests, the successful completion of which demonstrates an
15.16 individual's possession of the knowledge or skill required to enter into, maintain, or advance
15.17 in employment in a predetermined and identified vocation or profession, provided that the
15.18 tests and the licensing or credentialing organizations or entities that offer the tests are
15.19 approved by the commissioner;

15.20 (2) tests for admission to institutions of higher learning or graduate schools;

15.21 (3) national tests providing an opportunity for course credit at institutions of higher
15.22 learning;

15.23 (4) a preparatory course for a test that is required or used for admission to an institution
15.24 of higher education or a graduate program; and

15.25 (5) any fee associated with the pursuit of a professional or educational objective specified
15.26 in clauses (1) to (4).

15.27 ~~(d) If an eligible person receives benefits under subdivision 5, the eligible person's~~
15.28 ~~aggregate benefits under this subdivision and subdivision 5 must not exceed \$10,000 in the~~
15.29 ~~eligible person's lifetime.~~

15.30 ~~(e) If an eligible person receives benefits under subdivision 5a, the eligible person's~~
15.31 ~~aggregate benefits under this subdivision and subdivision 5a must not exceed \$10,000 in~~
15.32 ~~the eligible person's lifetime.~~

16.1 Sec. 9. Minnesota Statutes 2020, section 198.006, is amended to read:

16.2 **198.006 SUPPLEMENTAL PROGRAMS.**

16.3 (a) The commissioner shall ~~shall~~ must work with federal, state, local, and private agencies to
16.4 develop alternative institutional and noninstitutional care programs for veterans to supplement
16.5 the mission of the homes. Veterans shall be afforded the least restrictive, most appropriate
16.6 level of care available.

16.7 (b) The commissioner may provide adult day care center programs that offer therapeutic
16.8 and rehabilitation health care services to veterans and support services for caregivers of
16.9 veterans. If the commissioner provides adult day care center programs, the commissioner
16.10 may collect fees from program participants. The commissioner is authorized to apply for
16.11 and accept federal funding for purposes of this paragraph.

16.12 (c) The commissioner may work with federal, state, local, and private entities to make
16.13 available appropriate dental services for veterans homes residents. The commissioner may
16.14 engage with the United States Department of Veterans Affairs to support the dental benefits
16.15 program authorized under this paragraph.

16.16 Sec. 10. Minnesota Statutes 2020, section 198.03, subdivision 2, is amended to read:

16.17 Subd. 2. **Cost of care.** The commissioner shall set out in rules the method of calculating
16.18 the average cost of care for the domiciliary and nursing care residents. The cost must be
16.19 determined yearly based upon the average cost per resident taking into account, but not
16.20 limited to, administrative cost of the homes, the cost of service available to the resident,
16.21 and food and lodging costs. These average costs must be calculated separately for domiciliary
16.22 and nursing care residents. The amount charged each resident for maintenance, if anything,
16.23 must be based on the appropriate average cost of care calculation and the assets and income
16.24 of the resident but must not exceed the appropriate average cost of care.

16.25 Beginning July 1, 2021, the Personal Needs Allowance (PNA) for domiciliary residents
16.26 shall be based on the Minnesota Department of Human Services' (DHS) most recent General
16.27 Assistance program PNA and will be in effect the same date as the DHS PNA is in effect.
16.28 Thereafter, the PNA must be adjusted and put into effect each year or each time DHS adjusts
16.29 the PNA.

17.1 Sec. 11. **[609.1056] MILITARY VETERANS; CRIMES COMMITTED BECAUSE**
17.2 **OF CONDITIONS RESULTING FROM SERVICE; DISCHARGE AND DISMISSAL.**

17.3 Subdivision 1. **Definitions.** As used in this section, the following terms have the meanings
17.4 given:

17.5 (1) "applicable condition" means sexual trauma, traumatic brain injury, posttraumatic
17.6 stress disorder, substance abuse, or a mental health condition;

17.7 (2) "eligible offense" means any misdemeanor or gross misdemeanor, and any felony
17.8 that is ranked at severity level 7 or lower or D7 or lower on the Sentencing Guidelines grid;

17.9 (3) "pretrial diversion" means the decision of a prosecutor to refer a defendant to a
17.10 diversion program on condition that the criminal charges against the defendant shall be
17.11 dismissed after a specified period of time, or the case shall not be charged, if the defendant
17.12 successfully completes the program of treatment recommended by the United States
17.13 Department of Veterans Affairs or a local, state, federal, or private nonprofit treatment
17.14 program; and

17.15 (4) "veterans treatment court program" means a program that has the following essential
17.16 characteristics:

17.17 (i) the integration of services in the processing of cases in the judicial system;

17.18 (ii) the use of a nonadversarial approach involving prosecutors and defense attorneys to
17.19 promote public safety and to protect the due process rights of program participants;

17.20 (iii) early identification and prompt placement of eligible participants in the program;

17.21 (iv) access to a continuum of alcohol, controlled substance, mental health, and other
17.22 related treatment and rehabilitative services;

17.23 (v) careful monitoring of treatment and services provided to program participants;

17.24 (vi) a coordinated strategy to govern program responses to participants' compliance;

17.25 (vii) ongoing judicial interaction with program participants;

17.26 (viii) monitoring and evaluation of program goals and effectiveness;

17.27 (ix) continuing interdisciplinary education to promote effective program planning,
17.28 implementation, and operations;

17.29 (x) development of partnerships with public agencies and community organizations,
17.30 including the United States Department of Veterans Affairs; and

18.1 (xi) inclusion of a participant's family members who agree to be involved in the treatment
18.2 and services provided to the participant under the program.

18.3 Subd. 2. **Deferred prosecution.** (a) The court shall defer prosecution for an eligible
18.4 offense committed by a defendant who was, or currently is, a member of the United States
18.5 military as provided in this subdivision. The court shall do this at the request of the defendant
18.6 upon a finding of guilty after trial or upon a guilty plea.

18.7 (b) A defendant who requests to be sentenced under this subdivision shall release or
18.8 authorize access to military service reports and records relating to the alleged applicable
18.9 condition. The court must file the records as confidential and designate that they remain
18.10 sealed, except as provided in this paragraph. In addition, the court may request, through
18.11 existing resources, an assessment of the defendant. The defendant, through existing records
18.12 or licensed professional evaluation, shall establish the diagnosis of the condition, that it was
18.13 caused by military service, and that the offense was committed as a result of the condition.
18.14 The court, on its own motion or the prosecutor's motion, with notice to defense counsel,
18.15 may order the defendant to furnish to the court for in-camera review or to the prosecutor
18.16 copies of all medical and military service reports and records previously or subsequently
18.17 made concerning the defendant's condition and its connection to service.

18.18 (c) Based on the record, the court shall determine whether, by clear and convincing
18.19 evidence: (1) the defendant suffered from an applicable condition at the time of the offense;
18.20 (2) the applicable condition was caused by service in the United States military; and (3) the
18.21 offense was committed as a result of the applicable condition. Within 15 days of the court's
18.22 determination, either party may file a challenge to the determination and demand a hearing
18.23 on the defendant's eligibility under this subdivision.

18.24 (d) If the court makes the determination described in paragraph (c), the court shall,
18.25 without entering a judgment of guilty, defer further proceedings and place the defendant
18.26 on probation upon such reasonable conditions as it may require and for a period not to
18.27 exceed the maximum period provided by law. A court may extend a defendant's term of
18.28 probation pursuant to section 609.135, subdivision 2, paragraphs (g) and (h). Conditions
18.29 ordered by the court must include treatment, services, rehabilitation, and education sufficient
18.30 so that if completed, the defendant would be eligible for discharge and dismissal under
18.31 subdivision 3. In addition, the court shall order that the defendant undergo a chemical use
18.32 assessment that includes a recommended level of care for the defendant in accordance with
18.33 the criteria contained in rules adopted by the commissioner of human services under section
18.34 254A.03, subdivision 3.

19.1 (e) If the court determines that the defendant is eligible for a deferred sentence but the
19.2 defendant has previously received one for a felony offense under this subdivision, the court
19.3 may, but is not required to, impose a deferred sentence. If the court does not impose a
19.4 deferred sentence, the court may sentence the defendant as otherwise provided in law,
19.5 including as provided in subdivision 4.

19.6 (f) Upon violation of a condition of probation, the court may enter an adjudication of
19.7 guilt and proceed as otherwise provided in law, including as provided in subdivision 4.

19.8 (g) As a condition of probation, the court may order the defendant to attend a local, state,
19.9 federal, or private nonprofit treatment program for a period not to exceed the maximum
19.10 period for which the defendant could have been incarcerated.

19.11 (h) The court, when issuing an order under this subdivision that a defendant attend an
19.12 established treatment program, shall give preference to a treatment program that has a history
19.13 of successfully treating veterans who suffer from applicable conditions caused by military
19.14 service, including but not limited to programs operated by the United States Department of
19.15 Defense or Veterans Affairs.

19.16 (i) The court and any assigned treatment program shall collaborate with, when available,
19.17 the county veterans service officer and the United States Department of Veterans Affairs
19.18 to maximize benefits and services provided to the defendant.

19.19 (j) If available in the county or judicial district having jurisdiction over the case, the
19.20 defendant may be supervised by a veterans treatment court program under subdivision 5.
19.21 If there is a veterans treatment court that meets the requirements of subdivision 5 in the
19.22 county in which the defendant resides or works, supervision of the defendant may be
19.23 transferred to that county or judicial district veterans treatment court program. Upon the
19.24 defendant's successful or unsuccessful completion of the program, the veterans treatment
19.25 court program shall communicate this information to the court of original jurisdiction for
19.26 further action.

19.27 (k) Sentencing pursuant to this subdivision waives any right to administrative review
19.28 pursuant to section 169A.53, subdivision 1, or judicial review pursuant to section 169A.53,
19.29 subdivision 2, for a license revocation or cancellation imposed pursuant to section 169A.52,
19.30 and also waives any right to administrative review pursuant to section 171.177, subdivision
19.31 10, or judicial review pursuant to section 171.177, subdivision 11, for a license revocation
19.32 or cancellation imposed pursuant to section 171.177, if that license revocation or cancellation
19.33 is the result of the same incident that is being sentenced.

20.1 Subd. 3. Discharge and dismissal. (a) Upon the expiration of the period of the defendant's
20.2 probation the court shall hold a hearing to discharge the defendant from probation and
20.3 determine whether to dismiss the proceedings against a defendant who received a deferred
20.4 sentence under subdivision 2. The hearing shall be scheduled so that the parties have adequate
20.5 time to prepare and present arguments regarding the issue of dismissal. The parties may
20.6 submit written arguments to the court prior to the date of the hearing and may make oral
20.7 arguments before the court at the hearing. The defendant must be present at the hearing
20.8 unless excused under Minnesota Rules of Criminal Procedure, rule 26.03, subdivision 1,
20.9 clause (3).

20.10 (b) The court shall provide notice to any identifiable victim of the offense at least 15
20.11 days before the hearing is held. Notice to victims of the offense under this subdivision must
20.12 specifically inform the victim of the right to submit an oral or written statement to the court
20.13 at the time of the hearing describing the harm suffered by the victim as a result of the crime
20.14 and the victim's recommendation on whether dismissal should be granted or denied. The
20.15 judge shall consider the victim's statement when making a decision. If a victim notifies the
20.16 prosecutor of an objection to dismissal and is not present at the hearing, the prosecutor shall
20.17 make the objections known to the court.

20.18 (c) The court shall dismiss proceedings against a defendant if the court finds by clear
20.19 and convincing evidence that the defendant:

20.20 (1) is in substantial compliance with the conditions of probation;

20.21 (2) has successfully participated in court-ordered treatment and services to address the
20.22 applicable condition caused by military service;

20.23 (3) does not represent a danger to the health or safety of victims or others; and

20.24 (4) has demonstrated significant benefit from court-ordered education, treatment, or
20.25 rehabilitation to clearly show that a discharge and dismissal under this subdivision is in the
20.26 interests of justice.

20.27 (d) In determining the interests of justice, the court shall consider, among other factors,
20.28 all of the following:

20.29 (1) the defendant's completion and degree of participation in education, treatment, and
20.30 rehabilitation as ordered by the court;

20.31 (2) the defendant's progress in formal education;

20.32 (3) the defendant's development of career potential;

- 21.1 (4) the defendant's leadership and personal responsibility efforts;
- 21.2 (5) the defendant's contribution of service in support of the community;
- 21.3 (6) the level of harm to the community from the offense; and
- 21.4 (7) the statement of the victim, if any.
- 21.5 (e) If the court finds that the defendant does not qualify for discharge and dismissal
- 21.6 under paragraph (c), the court shall enter an adjudication of guilt and proceed as otherwise
- 21.7 provided in law, including as provided in subdivision 4.
- 21.8 (f) Discharge and dismissal under this subdivision shall be without court adjudication
- 21.9 of guilt, but a not public record of the discharge and dismissal shall be retained by the Bureau
- 21.10 of Criminal Apprehension for the purpose of use by the courts in determining the merits of
- 21.11 subsequent proceedings against the defendant. The not public record may also be opened
- 21.12 only upon court order for purposes of a criminal investigation, prosecution, or sentencing.
- 21.13 Upon request by law enforcement, prosecution, or corrections authorities, the bureau shall
- 21.14 notify the requesting party of the existence of the not public record and the right to seek a
- 21.15 court order to open the not public record under this paragraph. The court shall forward a
- 21.16 record of any discharge and dismissal under this subdivision to the bureau, which shall
- 21.17 make and maintain the not public record of the discharge and dismissal. The discharge and
- 21.18 dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities
- 21.19 imposed by law upon conviction of a crime or for any other purpose. For purposes of this
- 21.20 paragraph, "not public" has the meaning given in section 13.02, subdivision 8a.
- 21.21 Subd. 4. **Sentencing departure; waiver of mandatory sentence.** (a) This subdivision
- 21.22 applies to defendants who plead or are found guilty of any criminal offense except one for
- 21.23 which registration is required under section 243.166, subdivision 1b.
- 21.24 (b) Prior to sentencing, a defendant described in paragraph (a) may present proof to the
- 21.25 court that the defendant has, since the commission of the offense, engaged in rehabilitative
- 21.26 efforts consistent with those described in this section. If the court determines that the
- 21.27 defendant has engaged in substantial rehabilitative efforts and the defendant establishes by
- 21.28 clear and convincing evidence that:
- 21.29 (1) the defendant suffered from an applicable condition at the time of the offense;
- 21.30 (2) the applicable condition was caused by service in the United States military; and
- 21.31 (3) the offense was committed as a result of the applicable condition;

22.1 the court may determine that the defendant is particularly amenable to probation and order
 22.2 a mitigated durational or dispositional sentencing departure or a waiver of any statutory
 22.3 mandatory minimum sentence applicable to the defendant.

22.4 **Subd. 5. Optional veterans treatment court program; procedures for eligible**
 22.5 **defendants.** A county or judicial district may supervise probation under this section through
 22.6 a veterans treatment court, using county veterans service officers appointed under sections
 22.7 197.60 to 197.606, United States Department of Veterans Affairs veterans justice outreach
 22.8 specialists, probation agents, and any other rehabilitative resources available to the court.

22.9 **Subd. 6. Creation of county and city diversion programs; authorization.** Any county
 22.10 or city may establish and operate a veterans pretrial diversion program for offenders eligible
 22.11 under subdivision 2 without penalty under section 477A.0175.

22.12 **Subd. 7. Exception.** This section does not apply to a person charged with an offense for
 22.13 which registration is required under section 243.166, subdivision 1b.

22.14 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
 22.15 committed on or after that date.

22.16 **Sec. 12. REVISOR INSTRUCTION.**

22.17 The revisor of statutes must renumber the provisions of Minnesota Statutes listed in
 22.18 column A to the references listed in column B. The revisor must also make necessary
 22.19 cross-reference changes in Minnesota Statutes and Minnesota Rules consistent with the
 22.20 renumbering.

<u>Column A</u>	<u>Column B</u>
<u>197.791, subdivision 5a</u>	<u>197.791, subdivision 6</u>
<u>197.791, subdivision 5b</u>	<u>197.791, subdivision 7</u>
<u>197.791, subdivision 6</u>	<u>197.791, subdivision 8</u>

22.25 **ARTICLE 3**

22.26 **DATA ACCESS**

22.27 Section 1. Minnesota Statutes 2020, section 192.67, is amended to read:

22.28 **192.67 OFFENDERS; TRANSFER TO CIVIL AUTHORITIES; SERVICE**
 22.29 **MEMBER DATA.**

22.30 **Subdivision 1. Transfer to civil authorities.** When any ~~felony~~ criminal offense is
 22.31 committed by any officer or enlisted member of the military forces while on duty status
 22.32 other than ~~active state~~ federal duty, the officer or enlisted member shall be turned over by

23.1 superior officers to the proper civil authorities of the county or municipality in which the
 23.2 offense occurred for punishment for such crime, but such trial and punishment by the civil
 23.3 authorities shall not preclude trial and additional punishment or dismissal from the service
 23.4 by court-martial for any military offense resulting from the commission of said crime.

23.5 Subd. 2. **Service member data.** Notwithstanding any provision of chapter 13 or other
 23.6 state law, all investigative reports and law enforcement data, including but not limited to
 23.7 all data collected and defined under section 13.82 pertaining to any service member of the
 23.8 military forces must be made accessible to the adjutant general of the Minnesota National
 23.9 Guard upon request of the Office of the State Judge Advocate. All information, data, and
 23.10 records obtained under this subdivision may be accessed, copied, transmitted, or provided
 23.11 to the adjutant general without a court order or request from the subject of the data when
 23.12 the matter involves any officer or enlisted member of the military forces. The adjutant
 23.13 general may only use data made accessible under this subdivision in support of military
 23.14 justice and Minnesota National Guard administrative and disciplinary actions.

23.15 **ARTICLE 4**

23.16 **BAR ADMISSION; JUDICIAL QUALIFICATIONS**

23.17 Section 1. [192A.041] PRACTICE OF MILITARY LAW.

23.18 Any commissioned officer of a United States state or territory military force who meets
 23.19 the following qualifications may be accepted by the state judge advocate to conduct any
 23.20 and all administrative or Minnesota Code of Military Justice activities under this code and
 23.21 is exempt from section 481.02:

23.22 (1) has served as a member of the Judge Advocate Generals Corps for not less than two
 23.23 years;

23.24 (2) is currently certified as competent for such duty by the Judge Advocate General of
 23.25 the military force of which the individual is a member; and

23.26 (3) is a member of good standing of the bar of the highest court of any state.

23.27 Sec. 2. Minnesota Statutes 2020, section 192A.15, subdivision 1, is amended to read:

23.28 Subdivision 1. **Establishment.** There is hereby established a military judge system for
 23.29 the ~~state~~ military forces. The military judge system shall be in the Military Department
 23.30 under the command of the adjutant general. It shall consist of at least two military judges,
 23.31 a number of legal clerks equal to the number of judges and such additional military staff as
 23.32 is necessary.

24.1 Sec. 3. Minnesota Statutes 2020, section 192A.15, subdivision 2, is amended to read:

24.2 Subd. 2. **Qualifications of military judge.** A military judge shall be a commissioned
24.3 officer of the state military forces who has been a member of the bar of ~~this~~ any state for at
24.4 least six years, who has served as a member of the Judge Advocate Generals Corps for not
24.5 less than three years, ~~and~~ who is certified to be qualified for such duty by the ~~state~~ Judge
24.6 Advocate General of the armed force of which the officer is a member, and who is accepted
24.7 by the state judge advocate to conduct any and all administrative or Minnesota Code of
24.8 Military Justice activities under this code.

24.9 Sec. 4. Minnesota Statutes 2020, section 192A.155, subdivision 2, is amended to read:

24.10 Subd. 2. **Qualifications of counsel.** Trial counsel or defense counsel detailed for a
24.11 general, special, or summary court-martial:

24.12 (1) must be a person who is a member of the bar of the highest court of ~~the~~ any state, or
24.13 a member of the bar of a federal court; and

24.14 (2) must be certified as competent to perform such duties by the ~~state~~ Judge Advocate
24.15 General of the armed force of which the individual is a member.

24.16 ARTICLE 5

24.17 JURISDICTION CHANGES

24.18 Section 1. Minnesota Statutes 2020, section 192A.02, subdivision 2, is amended to read:

24.19 Subd. 2. **Military service in Minnesota.** This code ~~also applies to all persons in the~~
24.20 ~~military while they are serving within this state and while they are under the command of~~
24.21 ~~a commissioned officer of the state military forces.~~ to a member of the military when the
24.22 member is in a status provided for by United States Code, title 32, a regulation adopted
24.23 pursuant to United States Code, title 32, or in state active service. This military service
24.24 includes:

24.25 (1) travel to and from the inactive-duty training site of the member, pursuant to orders
24.26 or regulations;

24.27 (2) intervals between consecutive periods of inactive-duty training on the same day,
24.28 pursuant to orders or regulations; and

24.29 (3) intervals between inactive-duty training on consecutive days, pursuant to orders or
24.30 regulations.

25.1 Sec. 2. Minnesota Statutes 2020, section 192A.384, is amended to read:

25.2 **192A.384 OFFENSES SUBJECT TO COURT-MARTIAL.**

25.3 The jurisdiction of courts-martial ~~shall be~~ under this code is limited to violations of the
25.4 punitive articles ~~in this code~~ prescribed by the manual for courts-martial of the United States,
25.5 assimilated under any Minnesota state law as referenced under section 192A.605, or by the
25.6 Minnesota Code of Military Justice. Any person subject to this code who is charged with
25.7 the commission of an offense which is not an offense under this code or the manual for
25.8 courts-martial of the United States may be surrendered to civil authorities for process in
25.9 accordance with civil law.

25.10

ARTICLE 6

25.11

TRIAL PROCEDURE

25.12 Section 1. Minnesota Statutes 2020, section 192A.20, is amended to read:

25.13 **192A.20 GOVERNOR MAY PRESCRIBE RULES.**

25.14 The procedure, including modes of proof, in cases before military courts and other
25.15 military tribunals organized under this code may be prescribed by the governor or the
25.16 adjutant general by rules, which shall, so far as the governor or the adjutant general considers
25.17 practicable, apply the principles of law and the rules of evidence generally recognized in
25.18 ~~the trial of criminal cases in the courts of the state~~ manual for courts-martial of the United
25.19 States, but which may not be contrary to or inconsistent with this code.

25.20 Sec. 2. Minnesota Statutes 2020, section 192A.235, subdivision 3, is amended to read:

25.21 Subd. 3. **Three-year limitation.** Except as otherwise provided in subdivision 1, and
25.22 section 628.26, a person charged with any offense is not liable to be tried by court-martial
25.23 or punished under section 192A.0851 if the offense was committed more than three years
25.24 before the receipt of sworn charges and specifications by an officer exercising court-martial
25.25 jurisdiction over the command or before the imposition of punishment under section
25.26 192A.0851. The limitation for violations of any offense prescribed under this section shall
25.27 be the lesser of the limitation prescribed by the manual for courts-martial of the United
25.28 States, Minnesota state law, or the Minnesota Code of Military Justice, but in no instance
25.29 shall any limitation exceed that authorized by this code.

26.1 **ARTICLE 7**

26.2 **SENTENCES**

26.3 Section 1. Minnesota Statutes 2020, section 192A.343, subdivision 3, is amended to read:

26.4 Subd. 3. **Action on findings.** (a) The authority under this section to modify the findings
26.5 and sentence of a court-martial is a matter of command prerogative involving the sole
26.6 discretion of the convening authority. If it is impractical for the convening authority to act,
26.7 the convening authority shall forward the case to a person exercising general court-martial
26.8 jurisdiction who may take action under this section.

26.9 (b) Action on the sentence of a court-martial shall be taken by the convening authority.
26.10 The action may be taken only after the consideration of any matters submitted by the accused
26.11 under subdivision 2 or after the time for submitting the matter expires, whichever is earlier.
26.12 The convening authority, in that person's sole discretion, may approve, disapprove, commute,
26.13 or suspend the sentence in whole or in part.

26.14 (c) Action on the findings of a court-martial by the convening authority or other person
26.15 acting on the sentence is not required. However, such person, in the person's sole discretion,
26.16 may:

26.17 (1) dismiss any charge or specification by setting aside a finding of guilty; or

26.18 (2) change a finding of guilty to a charge or specification to a finding of guilty to an
26.19 offense that is a lesser included offense of the offense stated in the charge or specification.

26.20 (d) The convening authority or other person acting under this section shall issue a final
26.21 order at the conclusion of the court-martial proceeding, including any proceeding in revision,
26.22 rehearing, and reconsideration under subdivision 5. The final order shall be promptly served
26.23 on the accused.

26.24 Sec. 2. Minnesota Statutes 2020, section 192A.353, subdivision 2, is amended to read:

26.25 Subd. 2. **Appeal forwarded.** An appeal under this section shall ~~be forwarded to the~~
26.26 ~~court~~ proceed as prescribed in section 192A.371. In ruling on an appeal under this section,
26.27 that court may act only with respect to matters of law.

26.28 Sec. 3. Minnesota Statutes 2020, section 192A.371, is amended to read:

26.29 **192A.371 REVIEW BY STATE APPELLATE AUTHORITY.**

26.30 Subdivision 1. **Certiorari.** Decisions of a special or general courts-martial may be
26.31 appealed to the Minnesota Court of Appeals according to the Minnesota Rules of Criminal

27.1 ~~and Appellate Procedure.~~ (a) A review of any final order of a special or general court-martial
 27.2 proceeding may be had upon certiorari by the supreme court upon petition of any party to
 27.3 the proceeding. The review may be had on the ground that: (1) the court-martial was without
 27.4 jurisdiction; or (2) the findings of the court-martial and the final order of the convening
 27.5 authority: (i) were not justified by the evidence; (ii) were not in conformity with this code,
 27.6 military law or other law applicable to the proceedings, or the Classified Information
 27.7 Procedures Act; or (iii) were affected by any other error of law.

27.8 (b) A writ of certiorari for review under this section is a matter of right.

27.9 Subd. 2. Service of writ. (a) Within 60 days after notice of the final order of a
 27.10 court-martial proceeding, the petitioner for review shall obtain from the supreme court a
 27.11 writ of certiorari, shall serve the same upon all other parties appearing in the court-martial
 27.12 proceeding, and shall file the original writ of certiorari and proof of service with the court
 27.13 administrator of the court-martial. No fee or bond is required for either obtaining a writ of
 27.14 certiorari or the associated filings required under this paragraph.

27.15 (b) Return upon the writ shall be made to the supreme court and the matter shall be heard
 27.16 and determined by the court in accordance with the rules of civil appellate procedure
 27.17 applicable to decisions reviewable by certiorari directly in the supreme court.

27.18 Sec. 4. Minnesota Statutes 2020, section 606.06, is amended to read:

27.19 **606.06 CERTIORARI; ~~ADMINISTRATIVE DECISIONS.~~**

27.20 A writ of certiorari for review of an administrative decision pursuant to chapter 14 or
 27.21 of an order publishing the proceedings, findings, or sentence of a court-martial pursuant to
 27.22 this code is a matter of right.

27.23 **ARTICLE 8**

27.24 **PUNITIVE ARTICLES UPDATES**

27.25 Section 1. Minnesota Statutes 2020, section 192A.021, is amended to read:

27.26 **192A.021 PURELY MILITARY OFFENSES.**

27.27 (a) Purely military offenses include the offenses contained in the following sections:
 27.28 192A.39 (Principles), 192A.395 (Accessory after the fact), 192A.405 (Attempts), 192A.41
 27.29 (Conspiracy), 192A.415 (Solicitation), 192A.42 (Fraudulent enlistment, appointment, or
 27.30 separation), 192A.425 (Unlawful enlistment, appointment, or separation), 192A.43
 27.31 (Desertion), 192A.435 (Absent without leave), 192A.44 (Missing movement), 192A.445
 27.32 (Contempt towards officials), 192A.45 (Disrespect towards superior commissioned officer),

28.1 192A.455 (Assaulting or willfully disobeying superior commissioned officer), 192A.46
 28.2 (Insubordinate conduct toward warrant officer or noncommissioned officer), 192A.465
 28.3 (Failure to obey order or rule), 192A.47 (Cruelty and maltreatment), 192A.475 (Mutiny or
 28.4 sedition), 192A.48 (Resistance, breach of arrest, and escape), 192A.495 (Noncompliance
 28.5 with procedural rules), 192A.50 (Misbehavior before the enemy), 192A.51 (Improper use
 28.6 of countersign), 192A.515 (Forcing a safeguard), 192A.525 (Aiding the enemy), 192A.54
 28.7 (Military property; loss, damage, destruction, or wrongful disposition), 192A.55 (Improper
 28.8 hazarding of vessel), 192A.56 (Drunk on duty; sleeping on post; leaving post before relief),
 28.9 192A.566 (Illegal presence of controlled substance while in duty status), 192A.57
 28.10 (Malingering), 192A.60 (Conduct unbecoming an officer), ~~and~~ 192A.605 (General article),
 28.11 192A.70 (Prohibited activities with military recruit or trainee by person in a position of
 28.12 special trust), 192A.701 (Nonconsensual distribution of intimate images), 192A.703
 28.13 (Unauthorized use of government computer), and 192A.704 (Retaliation).

28.14 (b) Upon request of the governor or the adjutant general, the superintendent of the Bureau
 28.15 of Criminal Apprehension shall investigate military offenses or any other act or omission
 28.16 under this code within the jurisdiction of the military courts and tribunals.

28.17 Sec. 2. Minnesota Statutes 2020, section 192A.111, is amended to read:

28.18 **192A.111 MAXIMUM LIMITS.**

28.19 Subdivision 1. **Punishment limits.** ~~The punishment that a court-martial may direct for~~
 28.20 ~~an offense may not exceed limits prescribed by this code.~~ for a violation of this code is
 28.21 limited to the lesser of the sentence prescribed by the manual for courts-martial of the United
 28.22 States in effect at the time of the offense or the state manual for courts-martial, but in no
 28.23 instance shall any punishment exceed that authorized by this code. A court-martial sentence
 28.24 must not (1) exceed more than ten years for a military offense, or (2) adjudge a sentence of
 28.25 death.

28.26 Subd. 2. **Level of offense.** ~~(a) Subject to paragraphs (b) and (c),~~ A conviction by general
 28.27 court-martial of any military offense for which an accused may receive a sentence of
 28.28 confinement for more than one year is a felony offense. All other military offenses are
 28.29 misdemeanors, and a sentence of confinement must not exceed 90 days.

28.30 (b) In cases where the civilian authorities decline to prosecute and court-martial
 28.31 jurisdiction is taken pursuant to sections 192A.02, subdivision 3, and 192A.605, the level
 28.32 of offense and punishment that a court-martial is authorized is defined by the level of offense
 28.33 and punishments authorized under the statute any Minnesota state law or the manual for
 28.34 courts-martial of the United States for the assimilated crime.

29.1 (c) For crimes under sections 192A.54, 192A.545, 192A.59, and 192A.595 with monetary
29.2 loss of less than \$1,000 or more, confinement ~~must not exceed ten years. A sentence of~~
29.3 ~~confinement for more than one year is a felony offense~~ shall be limited to that prescribed
29.4 by a special court-martial.

29.5 (d) Any conviction by a summary courts-martial is not a criminal conviction.

29.6 ~~(e) The limits of punishment for violations of the purely military offenses prescribed~~
29.7 ~~under this section shall be the lesser of the sentences prescribed by the manual for~~
29.8 ~~courts-martial of the United States, and the state manual for courts-martial, but in no instance~~
29.9 ~~shall any punishment exceed that authorized by this code.~~

29.10 Sec. 3. Minnesota Statutes 2020, section 192A.56, is amended to read:

29.11 **192A.56 UNDER THE INFLUENCE OF ALCOHOL OR CONTROLLED**
29.12 **SUBSTANCE WHILE ON DUTY; SLEEPING ON POST; LEAVING POST BEFORE**
29.13 **RELIEF.**

29.14 Any person subject to this code who is found to be under the influence of alcohol or a
29.15 controlled substance as defined in section 192A.566 without a valid medical prescription
29.16 while on duty or sleeping upon an assigned post, or who leaves that post before being
29.17 regularly relieved, shall be punished as a court-martial may direct.

29.18 Sec. 4. Minnesota Statutes 2020, section 192A.612, is amended to read:

29.19 **192A.612 SEARCH WARRANTS.**

29.20 ~~During any period of active service under section 190.05, subdivision 5a or 5b, A military~~
29.21 judge is authorized to issue search warrants, directed to a member of the military police of
29.22 the state military forces or any peace officer defined under section 626.05, to search any
29.23 person, place, ~~or vehicle within the confines of the property or premises being used for such~~
29.24 ~~active service or any person or vehicle pursued therefrom~~ item or property when there is
29.25 probable cause that a member of the state military forces has committed an offense subject
29.26 to either concurrent or exclusive military jurisdiction during a period of active service as
29.27 defined in section 190.05, subdivisions 5a and 5b, and seize items in accordance with law.
29.28 No search warrant shall be issued except upon probable cause, supported by affidavit or
29.29 sworn testimony naming and describing the person and particularly describing the property
29.30 or thing to be seized and particularly describing the place to be searched.

30.1 Sec. 5. Minnesota Statutes 2020, section 192A.62, is amended to read:

30.2 **192A.62 SECTIONS TO BE EXPLAINED.**

30.3 Sections 192A.02, 192A.025, 192A.045, 192A.065, 192A.07, 192A.08, 192A.0851,
30.4 192A.155, 192A.205, ~~192A.385~~ 192A.39 to 192A.595, and 192A.62 to 192A.63 shall be
30.5 carefully explained to every enlisted member at the time of the member's enlistment or
30.6 transfer or induction into, or at the time of the member's order to duty in or with any of the
30.7 state military forces or within 30 days thereafter. They shall also be explained annually to
30.8 each unit of the state military forces. A complete text of this code and of the rules prescribed
30.9 by the governor thereunder shall be made available to any member of the state military
30.10 forces, upon the member's request, for personal examination. Failure to provide briefings
30.11 to soldiers or otherwise explain this code to soldiers shall not be a defense to a court-martial
30.12 proceeding, except as mitigation in sentencing.

30.13 Sec. 6. **192A.70] PROHIBITED ACTIVITIES WITH MILITARY RECRUIT OR**
30.14 **TRAINEE BY PERSON IN POSITION OF SPECIAL TRUST.**

30.15 Subdivision 1. Definitions. For purposes of this section, the terms defined in this
30.16 subdivision have the meanings given them.

30.17 (1) "Applicant for military service" means a person who, under regulations prescribed
30.18 by the secretary concerned, the Minnesota National Guard authority, or designee concerned,
30.19 is an applicant for original enlistment or appointment in the armed forces.

30.20 (2) "Military recruiter" means a person who, under regulations prescribed by the secretary
30.21 concerned, has the primary duty to recruit persons for military service.

30.22 (3) "Prohibited sexual activity" means, as specified in regulations prescribed by the
30.23 secretary concerned, the Minnesota National Guard authority, or designee concerned,
30.24 inappropriate physical intimacy under circumstances described in such regulations.

30.25 (4) "Specially protected junior member of the armed forces" means:

30.26 (i) a member of the armed forces who is assigned to, or is awaiting assignment to, basic
30.27 training or other initial active duty for training, including a member who is enlisted under
30.28 a delayed entry program;

30.29 (ii) a member of the armed forces who is a cadet, an officer candidate, or a student in
30.30 any other officer qualification program; and

31.1 (iii) a member of the armed forces in any program that, by regulation prescribed by the
31.2 secretary concerned or a Minnesota National Guard authority, or designee concerned, is
31.3 identified as a training program for initial career qualification.

31.4 (5) "Training leadership position" means, with respect to a specially protected junior
31.5 member of the armed forces, any of the following:

31.6 (i) any drill instructor position or other leadership position in a basic training program,
31.7 an officer candidate school, a reserve officers' training corps unit, a training program for
31.8 entry into the armed forces, or any program that, by regulation prescribed by the secretary
31.9 concerned, is identified as a training program for initial career qualification; and

31.10 (ii) faculty and staff of the United States Military Academy, the United States Naval
31.11 Academy, the United States Air Force Academy, the United States Coast Guard Academy,
31.12 and the Minnesota National Guard Regional Training Institute.

31.13 Subd. 2. Abuse of training leadership position. Any person subject to this code:

31.14 (1) who is an officer or a noncommissioned officer;

31.15 (2) who is in a training leadership position with respect to a specially protected junior
31.16 member of the armed forces; and

31.17 (3) who engages in prohibited sexual activity with the specially protected junior member
31.18 of the armed forces;

31.19 shall be punished as a court-martial may direct.

31.20 Subd. 3. Abuse of position as military recruiter. Any person subject to this code:

31.21 (1) who is a military recruiter and engages in prohibited sexual activity with an applicant
31.22 for military service; or

31.23 (2) who is a military recruiter and engages in prohibited sexual activity with a specially
31.24 protected junior member of the armed forces who is enlisted under a delayed entry program;
31.25 shall be punished as a court-martial may direct.

31.26 Subd. 4. Consent. Consent is not a defense for any conduct at issue in a prosecution
31.27 under this section.

31.28 **Sec. 7. [192A.701] NONCONSENSUAL DISTRIBUTION OF INTIMATE IMAGES.**

31.29 Subdivision 1. Definitions. For purposes of this section, the terms defined in this
31.30 subdivision have the meanings given them.

32.1 (1) "Broadcast" means to electronically transmit a visual image with the intent that it be
32.2 viewed by a person or persons.

32.3 (2) "Distribute" means to deliver to the actual or constructive possession of another
32.4 person, including transmission by mail or electronic means.

32.5 (3) "Intimate visual image" means a visual image that depicts a private area of a person.

32.6 (4) "Private area" means the naked or underwear-clad genitalia, anus, buttocks, or female
32.7 areola or nipple.

32.8 (5) "Reasonable expectation of privacy" means circumstances in which a reasonable
32.9 person would believe that a private area of the person, or sexually explicit conduct involving
32.10 the person, would not be visible to the public.

32.11 (6) "Sexually explicit conduct" means actual or simulated genital-genital contact,
32.12 oral-genital contact, anal-genital contact, or oral-anal contact, whether between persons of
32.13 the same or opposite sex, bestiality, masturbation, or sadistic or masochistic abuse.

32.14 (7) "Visual image" means:

32.15 (i) any developed or undeveloped photograph, picture, film, or video;

32.16 (ii) any digital or computer image, picture, film, or video made by any means or
32.17 transmitted by any means, including streaming media, even if not stored in a permanent
32.18 format; or

32.19 (iii) any digital or electronic data capable of conversion into a visual image.

32.20 Subd. 2. **Crime defined.** Any person subject to this code:

32.21 (1) who knowingly and wrongfully broadcasts or distributes an intimate visual image
32.22 of another person or a visual image of sexually explicit conduct involving a person who:

32.23 (i) is at least 18 years of age at the time the intimate visual image or visual image of
32.24 sexually explicit conduct was created;

32.25 (ii) is identifiable from the intimate visual image or visual image of sexually explicit
32.26 conduct itself, or from information displayed in connection with the intimate visual image
32.27 or visual image of sexually explicit conduct; and

32.28 (iii) does not explicitly consent to the broadcast or distribution of the intimate visual
32.29 image or visual image of sexually explicit conduct;

32.30 (2) who knows that the intimate visual image or visual image of sexually explicit conduct
32.31 was made under circumstances in which the person depicted in the intimate visual image

33.1 or visual image of sexually explicit conduct retained a reasonable expectation of privacy
33.2 regarding any broadcast or distribution of the intimate visual image or visual image of
33.3 sexually explicit conduct;

33.4 (3) who possesses the intent to broadcast or distribute an intimate visual image or visual
33.5 image of sexually explicit conduct:

33.6 (i) to cause harm, harassment, intimidation, emotional distress, or financial loss for the
33.7 person depicted in the intimate visual image or visual image of sexually explicit conduct;

33.8 or

33.9 (ii) to harm substantially the depicted person with respect to that person's health, safety,
33.10 business, calling, career, financial condition, reputation, or personal relationships; and

33.11 (4) whose conduct, under the circumstances, had a reasonably direct and palpable
33.12 connection to a military mission or military environment;

33.13 is guilty of wrongful distribution of intimate visual images or visual images of sexually
33.14 explicit conduct and shall be punished as a court-martial may direct.

33.15 **Sec. 8. [192A.702] FRAUDULENT USE OF CREDIT CARDS, DEBIT CARDS,**
33.16 **AND OTHER ACCESS DEVICES.**

33.17 Subdivision 1. **Crime defined.** Any person subject to this code who knowingly, with
33.18 intent to defraud, uses:

33.19 (1) a stolen credit card, debit card, or other access device;

33.20 (2) a revoked, canceled, or otherwise invalid credit card, debit card, or other access
33.21 device; or

33.22 (3) a credit card, debit card, or other access device without the authorization of a person
33.23 whose authorization was required for use, including a government purchase card or
33.24 government travel card without conforming to the published federal or Minnesota National
33.25 Guard procedures at the time of use;

33.26 to obtain money, property, services, or anything else of value shall be punished as a
33.27 court-martial may direct.

33.28 Subd. 2. **Access device defined.** As used in this section, "access device" has the meaning
33.29 given in United States Code, title 18, section 1029.

34.1 **Sec. 9. [192A.703] UNAUTHORIZED USE OF GOVERNMENT COMPUTER.**

34.2 Subdivision 1. **Definitions.** For purposes of this section, the terms defined in this
34.3 subdivision have the meanings given them.

34.4 (1) "Computer" has the meaning given in United States Code, title 18, section 1030.

34.5 (2) "Damage" has the meaning given in United States Code, title 18, section 1030.

34.6 (3) "Government computer" means a computer owned or operated by or on behalf of
34.7 the United States government or the state of Minnesota.

34.8 Subd. 2. **Crime defined.** Any person subject to this code who:

34.9 (1) knowingly accesses a government computer with an unauthorized purpose and by
34.10 doing so obtains classified information, with reason to believe the information could be
34.11 used to the injury of the United States or the state of Minnesota or to the advantage of any
34.12 foreign nation, and intentionally communicates, delivers, or transmits or causes to be
34.13 communicated, delivered, or transmitted the information to any person not entitled to receive
34.14 it;

34.15 (2) intentionally accesses a government computer with an unauthorized purpose and
34.16 thereby obtains classified or other protected information from any government computer;
34.17 or

34.18 (3) knowingly causes the transmission of a program, information, code, or command,
34.19 and as a result intentionally causes damage without authorization to a government computer;
34.20 shall be punished as a court-martial may direct.

34.21 **Sec. 10. [192A.704] RETALIATION.**

34.22 Subdivision 1. **Definitions.** For purposes of this section, the terms defined in this
34.23 subdivision have the meanings given them.

34.24 (1) "Covered individual or organization" means any recipient of a communication
34.25 specified in United States Code, title 10, section 1034(b)(1)(B), clauses (i) to (v).

34.26 (2) "Inspector general" has the meaning given in United States Code, title 10, section
34.27 1034(j).

34.28 (3) "Protected communication" means:

34.29 (i) a lawful communication to a member of Congress, a state legislator, or an inspector
34.30 general; and

35.1 (ii) a communication to a covered individual or organization, to include the Office of
35.2 the Governor, in which a member of the armed forces complains of, or discloses information
35.3 that the member reasonably believes constitutes evidence of any of the following:

35.4 (A) a violation of law or regulation, including a law or regulation prohibiting sexual
35.5 harassment or unlawful discrimination; or

35.6 (B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial
35.7 and specific danger to public health or safety.

35.8 Subd. 2. **Crimes defined.** Any person subject to this code who, with the intent to retaliate
35.9 against any person for reporting or planning to report a criminal offense, or making or
35.10 planning to make a protected communication, or with the intent to discourage any person
35.11 from reporting a criminal offense or making or planning to make a protected communication:

35.12 (1) wrongfully takes or threatens to take an adverse personnel action against any person;
35.13 or

35.14 (2) wrongfully withholds or threatens to withhold a favorable personnel action with
35.15 respect to any person;

35.16 shall be punished as a court-martial may direct.

35.17 Sec. 11. **REVISOR INSTRUCTION.**

35.18 The revisor of statutes shall recodify the following sections in article 6: sections 6 to 10,
35.19 recodify Minnesota Statutes, section 192A.70 as 192A.6011; section 192A.701 as 192A.6012;
35.20 section 192A.702 as section 192A.6013; section 192A.703 as section 192A.6014; and
35.21 section 192A.704 as section 192A.6015. The revisor shall correct any cross-references made
35.22 necessary by this recodification.

35.23 Sec. 12. **REPEALER.**

35.24 Minnesota Statutes 2020, section 192A.385, is repealed.

192A.385 PERSONS TO BE TRIED OR PUNISHED.

Subdivision 1. **Duty status required.** No person may be tried or punished for any offense provided for in sections 192A.39 to 192A.605 unless it was committed while that person was in a duty status as a member of the state military forces not in federal active service.

Subd. 2. **Determination.** Duty status may extend to any soldier while acting in the line of duty or during any consecutive duty periods. Consecutive duty periods run from the time the soldier is required to be at the assigned duty station until the soldier is dismissed from duty. Duty status may be determined by weighing factors including, but not limited to, whether the soldier:

- (1) is in uniform;
- (2) is attending a unit endorsed event;
- (3) is drilling in excess of 50 miles from the soldier's normal duty station;
- (4) is involved in an activity which is service-connected;
- (5) has been released versus dismissed from duty; and
- (6) is staying at lodging provided by the military or at military expense.