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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1078

02/11/2021

Authored by Mariani

The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

1.1 A bill for an act

1.2 relating to public safety; providing for policy and appropriating money for

1.3 Sentencing Guidelines Commission, public safety, Peace Officers Standards and

1.4 Training Board, Private Detective Board, corrections, and ombudsperson for

1.5 corrections; requiring a report; amending Minnesota Statutes 2020, sections

1.6 241.021, subdivision 1, by adding subdivisions; 243.52; 244.05, subdivision 5;

1.7 244.065; 299A.52, subdivision 2; 299A.55; 340A.504, subdivision 7; 403.11,

1.8 subdivision 1; Laws 2020, Seventh Special Session chapter 2, article 2, section 4;

1.9 proposing coding for new law in Minnesota Statutes, chapters 244; 299A.

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

1.11 **ARTICLE 1**

1.12 **APPROPRIATIONS**

1.13 Section 1. **APPROPRIATIONS.**

1.14 The sums shown in the columns marked "Appropriations" are appropriated to the agencies

1.15 and for the purposes specified in this article. The appropriations are from the general fund,

1.16 or another named fund, and are available for the fiscal years indicated for each purpose.

1.17 The figures "2022" and "2023" used in this article mean that the appropriations listed under

1.18 them are available for the fiscal year ending June 30, 2022, or June 30, 2023, respectively.

1.19 "The first year" is fiscal year 2022. "The second year" is fiscal year 2023. "The biennium"

1.20 is fiscal years 2022 and 2023.

		<u>APPROPRIATIONS</u>	
		<u>Available for the Year</u>	
		<u>Ending June 30</u>	
		<u>2022</u>	<u>2023</u>
1.25	Sec. 2. <u>SENTENCING GUIDELINES</u>	<u>\$ 740,000</u>	<u>\$ 765,000</u>
1.26	Sec. 3. <u>PUBLIC SAFETY</u>		

2.1	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>226,688,000</u>	<u>\$</u>	<u>208,689,000</u>
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2.2 Appropriations by Fund

2.3		<u>2022</u>	<u>2023</u>
2.4	<u>General</u>	<u>141,411,000</u>	<u>124,131,000</u>
2.5	<u>Special Revenue</u>	<u>13,232,000</u>	<u>13,232,000</u>
2.6	<u>State Government</u>		
2.7	<u>Special Revenue</u>	<u>103,000</u>	<u>103,000</u>
2.8	<u>Environmental</u>	<u>73,000</u>	<u>73,000</u>
2.9	<u>Trunk Highway</u>	<u>3,981,000</u>	<u>3,262,000</u>
2.10	<u>911 Fund</u>	<u>67,888,000</u>	<u>67,888,000</u>

2.11 The amounts that may be spent for each
 2.12 purpose are specified in the following
 2.13 subdivisions.

2.14	<u>Subd. 2. Emergency Management</u>		<u>3,128,000</u>		<u>3,284,000</u>
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2.15 Appropriations by Fund

2.16	<u>General</u>	<u>3,055,000</u>	<u>3,211,000</u>
2.17	<u>Environmental</u>	<u>73,000</u>	<u>73,000</u>

2.18 Supplemental Nonprofit Security Grants

2.19 \$225,000 each year is for supplemental
 2.20 nonprofit security grants under this paragraph.

2.21 Nonprofit organizations whose applications
 2.22 for funding through the Federal Emergency
 2.23 Management Agency's nonprofit security grant
 2.24 program have been approved by the Division
 2.25 of Homeland Security and Emergency
 2.26 Management are eligible for grants under this
 2.27 paragraph. No additional application shall be
 2.28 required for grants under this paragraph, and
 2.29 an application for a grant from the federal
 2.30 program is also an application for funding
 2.31 from the state supplemental program.

2.32 Eligible organizations may receive grants of
 2.33 up to \$75,000, except that the total received
 2.34 by any individual from both the federal

3.1 nonprofit security grant program and the state
 3.2 supplemental nonprofit security grant program
 3.3 shall not exceed \$75,000. Grants shall be
 3.4 awarded in an order consistent with the
 3.5 ranking given to applicants for the federal
 3.6 nonprofit security grant program. No grants
 3.7 under the state supplemental nonprofit security
 3.8 grant program shall be awarded until the
 3.9 announcement of the recipients and the
 3.10 amount of the grants awarded under the federal
 3.11 nonprofit security grant program.

3.12 The commissioner may use up to one percent
 3.13 of the appropriation received under this
 3.14 paragraph to pay costs incurred by the
 3.15 department in administering the supplemental
 3.16 nonprofit security grant program. These
 3.17 appropriations are onetime.

3.18 **Subd. 3. Criminal Apprehension** 81,641,000 78,845,000

	<u>Appropriations by Fund</u>	
3.19		
3.20	<u>General</u>	<u>77,653,000</u> <u>75,576,000</u>
3.21	<u>State Government</u>	
3.22	<u>Special Revenue</u>	<u>7,000</u> <u>7,000</u>
3.23	<u>Trunk Highway</u>	<u>3,981,000</u> <u>3,262,000</u>

3.24 **(a) DWI Lab Analysis; Trunk Highway**
 3.25 **Fund**
 3.26 Notwithstanding Minnesota Statutes, section
 3.27 161.20, subdivision 3, \$3,981,000 in the first
 3.28 year and \$3,262,000 in the second year is from
 3.29 the trunk highway fund for staff and operating
 3.30 costs for laboratory analysis related to
 3.31 driving-while-impaired cases.

3.32 **(b) Cybersecurity**
 3.33 \$3,455,000 in fiscal year 2022 and \$3,105,000
 3.34 in fiscal year 2023 is from the general fund

4.1 for staff, hardware, and software to upgrade
 4.2 critical network infrastructure and support
 4.3 cybersecurity compliance with standards set
 4.4 by the Federal Bureau of Investigation. The
 4.5 base for this is \$1,550,000 in fiscal years 2024
 4.6 and 2025.

4.7 **(c) Rapid DNA Program**

4.8 \$285,000 each year is from the general fund
 4.9 for the Rapid DNA Program.

4.10 **(d) Criminal Information Operations**

4.11 **Section 24/7 Operation and Build Out**

4.12 \$4,037,000 in fiscal year 2022 and \$2,273,000
 4.13 in fiscal year 2023 is from the general fund
 4.14 for staff and operating costs to address threat
 4.15 reporting and response and to build out
 4.16 unfinished space in the Bureau of Criminal
 4.17 Apprehension headquarters building in St.
 4.18 Paul.

4.19 **Subd. 4. Fire Marshal**

8,197,000

8,197,000

4.20 Appropriations by Fund

4.21 <u>General</u>	<u>50,000</u>	<u>50,000</u>
4.22 <u>Special Revenue</u>	<u>8,147,000</u>	<u>8,147,000</u>

4.23 The special revenue fund appropriation is from
 4.24 the fire safety account in the special revenue
 4.25 fund and is for activities under Minnesota
 4.26 Statutes, section 299F.012.

4.27 **(a) Inspections**

4.28 \$300,000 each year is for inspection of nursing
 4.29 homes and boarding care facilities.

4.30 **(b) Hazmat and Chemical Assessment**

4.31 **Teams**

4.32 \$850,000 each year is from the fire safety
 4.33 account in the special revenue fund. These

5.1 amounts must be used to fund the hazardous
 5.2 materials and chemical assessment teams. Of
 5.3 this amount, \$100,000 the first year is for
 5.4 cases for which there is no identified
 5.5 responsible party.

5.6 **(c) Bomb Squad Reimbursements**

5.7 \$50,000 each year is from the general fund for
 5.8 reimbursements to local governments for
 5.9 bomb squad services.

5.10 **(d) Emergency Response Teams**

5.11 \$675,000 each year is from the fire safety
 5.12 account in the special revenue fund to maintain
 5.13 four emergency response teams: one under the
 5.14 jurisdiction of the St. Cloud Fire Department
 5.15 or a similarly located fire department if
 5.16 necessary; one under the jurisdiction of the
 5.17 Duluth Fire Department; one under the
 5.18 jurisdiction of the St. Paul Fire Department;
 5.19 and one under the jurisdiction of the Moorhead
 5.20 Fire Department.

5.21 **Subd. 5. Firefighter Training and Education**
 5.22 **Board**

5,015,000

5,015,000

5.23 Appropriations by Fund

5.24 Special Revenue 5,015,000 5,015,000

5.25 The special revenue fund appropriation is from
 5.26 the fire safety account in the special revenue
 5.27 fund and is for activities under Minnesota
 5.28 Statutes, section 299F.012.

5.29 **(a) Firefighter Training and Education**

5.30 \$4,265,000 each year is for firefighter training
 5.31 and education.

5.32 **(b) Task Force 1**

6.1 \$500,000 each year is for the Minnesota Task
6.2 Force 1.

6.3 **(c) Air Rescue**

6.4 \$250,000 each year is for the Minnesota Air
6.5 Rescue Team.

6.6 **(d) Unappropriated Revenue**

6.7 Any additional unappropriated money
6.8 collected in fiscal year 2021 is appropriated
6.9 to the commissioner of public safety for the
6.10 purposes of Minnesota Statutes, section
6.11 299F.012. The commissioner may transfer
6.12 appropriations and base amounts between
6.13 activities in this subdivision.

6.14 **Subd. 6. Alcohol and Gambling Enforcement** 2,533,000 2,554,000

6.15 Appropriations by Fund

6.16 General 2,463,000 2,484,000
6.17 Special Revenue 70,000 70,000

6.18 \$70,000 each year is from the lawful gambling
6.19 regulation account in the special revenue fund.

6.20 **Legal Costs**

6.21 \$93,000 in fiscal year 2022 is for legal costs
6.22 associated with Alexis Bailly Vineyard, Inc.
6.23 v. Harrington. This is a onetime appropriation.

6.24 **Subd. 7. Office of Justice Programs** 58,286,000 42,906,000

6.25 Appropriations by Fund

6.26 General 58,190,000 42,810,000
6.27 State Government
6.28 Special Revenue 96,000 96,000

6.29 **(a) Combatting Sex Trafficking Grants**

6.30 \$2,500,000 in the first year is to implement
6.31 new or expand existing strategies to combat

7.1 sex trafficking. This is a onetime
7.2 appropriation.

7.3 **(b) Survivor Support and Prevention**

7.4 **Grants**

7.5 \$10,000,000 in the first year is to fund
7.6 emerging or unmet needs impacting victims
7.7 of crime, particularly in underserved
7.8 populations. This may include but is not
7.9 limited to support for immediate and emerging
7.10 needs for victims of crime or domestic abuse
7.11 transformative justice programs. This is a
7.12 onetime appropriation.

7.13 **(c) Juvenile Justice Unit**

7.14 \$1,100,000 each year is to establish and
7.15 maintain a Juvenile Justice Unit to strengthen
7.16 administration of the Juvenile Justice and
7.17 Delinquency Prevention Act and to administer
7.18 grants to improve outcomes for youth and to
7.19 reduce ethnic and racial disparities in the
7.20 juvenile justice system.

7.21 **(d) Missing and Murdered Indigenous**

7.22 **Women Implementation Office**

7.23 \$500,000 each year is to establish and
7.24 maintain an office dedicated to preventing and
7.25 ending the targeting of Indigenous women,
7.26 children, and two-spirit people through
7.27 coordination with Tribal nations, executive
7.28 branch agencies and commissions, and
7.29 community organizations and impacted
7.30 communities.

7.31 **(e) Minnesota Heals Program**

7.32 \$1,200,000 each year is to establish and
7.33 maintain the Minnesota Heals program. Of

8.1 this amount, \$400,000 each year is for a
 8.2 statewide critical incident stress management
 8.3 service for first responders; \$400,000 each
 8.4 year is for grants for establishing and
 8.5 maintaining a community healing network;
 8.6 and \$400,000 each year is for reimbursement
 8.7 for burial costs, cultural ceremonies, and
 8.8 mental health and trauma healing services for
 8.9 families following an officer-involved death.

8.10 **(f) Innovation in Policing Grants**

8.11 \$3,000,000 in the first year is for innovation
 8.12 in policing grants. This is a onetime
 8.13 appropriation.

8.14 **(g) Administration Costs**

8.15 Up to 2.5 percent of the grant funds
 8.16 appropriated in this subdivision may be used
 8.17 by the commissioner to administer the grant
 8.18 program.

8.19 <u>Subd. 8. Emergency Communication Networks</u>	<u>67,888,000</u>	<u>67,888,000</u>
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8.20 This appropriation is from the state
 8.21 government special revenue fund for 911
 8.22 emergency telecommunications services.

8.23 This appropriation includes funds for
 8.24 information technology project services and
 8.25 support subject to the provisions of Minnesota
 8.26 Statutes, section 16E.0466. Any ongoing
 8.27 information technology costs shall be
 8.28 incorporated into the service level agreement
 8.29 and shall be paid to the Office of MN.IT
 8.30 Services by the Department of Public Safety
 8.31 under the rates and mechanism specified in
 8.32 that agreement.

8.33 **(a) Public Safety Answering Points**

9.1 \$27,328,000 each year shall be distributed as
 9.2 provided in Minnesota Statutes, section
 9.3 403.113, subdivision 2.

9.4 **(b) Medical Resource Communication Centers**

9.5 \$683,000 each year is for grants to the
 9.6 Minnesota Emergency Medical Services
 9.7 Regulatory Board for the Metro East and
 9.8 Metro West Medical Resource
 9.9 Communication Centers that were in operation
 9.10 before January 1, 2000.

9.11 **(c) ARMER State Backbone Operating**
 9.12 **Costs**

9.13 \$9,675,000 each year is transferred to the
 9.14 commissioner of transportation for costs of
 9.15 maintaining and operating the statewide radio
 9.16 system backbone.

9.17 **(d) ARMER Improvements**

9.18 \$1,000,000 each year is to the Statewide
 9.19 Emergency Communications Board for
 9.20 improvements to those elements of the
 9.21 statewide public safety radio and
 9.22 communication system that support mutual
 9.23 aid communications and emergency medical
 9.24 services or provide interim enhancement of
 9.25 public safety communication interoperability
 9.26 in those areas of the state where the statewide
 9.27 public safety radio and communication system
 9.28 is not yet implemented, and grants to local
 9.29 units of government to further the strategic
 9.30 goals set forth by the Statewide Emergency
 9.31 Communications Board strategic plan.

9.32 **Sec. 4. PEACE OFFICER STANDARDS AND**
 9.33 **TRAINING (POST) BOARD**

9.34 **Subdivision 1. Total Appropriation** **\$** **11,401,000** **\$** **11,423,000**

11.1 inspectors and funds for county sheriffs who
 11.2 inspect municipal lockups.
 11.3 \$1,660,000 in fiscal year 2022 and \$660,000
 11.4 in fiscal year 2023 are appropriated from the
 11.5 general fund to the commissioner of
 11.6 corrections to develop and implement a
 11.7 juvenile justice data repository and modernize
 11.8 the current juvenile management system
 11.9 including but not limited to technology and
 11.10 staffing costs. \$285,000 is added to the base
 11.11 in each of fiscal years 2024 and 2025.

11.12 **Subd. 4. Operations Support** 30,611,000 31,009,000

11.13 \$1,566,000 in fiscal year 2022 and \$1,621,000
 11.14 in fiscal year 2023 are to increase support for
 11.15 ongoing technology needs.

11.16 \$40,000 in each fiscal year is to establish the
 11.17 Indeterminate Sentence Release Board (ISRB)
 11.18 to review eligible cases and make decisions
 11.19 for persons serving indeterminate sentences
 11.20 under the authority of the commissioner of
 11.21 corrections. The ISRB shall consist of five
 11.22 members including four persons appointed by
 11.23 the governor from two recommendations of
 11.24 each of the majority and minority leaders of
 11.25 the house of representatives and the senate,
 11.26 and the commissioner of corrections who shall
 11.27 serve as chair.

11.28 **Sec. 7. OMBUDSPERSON FOR**
 11.29 **CORRECTIONS** \$ 659,000 \$ 663,000

11.30 **Sec. 8. DISASTER CONTINGENCY**
 11.31 **ACCOUNT**
 11.32 \$25,000,000 in fiscal year 2022 is appropriated
 11.33 to the commissioner of public safety from the
 11.34 general fund for transfer to the disaster
 11.35 assistance contingency account established

12.1 under Minnesota Statutes, section 12.221,
 12.2 subdivision 6. This is a onetime appropriation.

12.3 **Sec. 9. APPROPRIATION CANCELLATION.**

12.4 (a) The commissioner of public safety must
 12.5 cancel to the general fund \$213,000 from the
 12.6 fiscal year 2021 general fund appropriations
 12.7 for Office of Justice Programs on the day
 12.8 following final enactment.

12.9 (b) The commissioner of public safety must
 12.10 cancel to the general fund \$132,000 from the
 12.11 fiscal year 2021 general fund appropriations
 12.12 for Alcohol and Gambling Enforcement on
 12.13 the day following final enactment.

12.14 **ARTICLE 2**

12.15 **PUBLIC SAFETY**

12.16 Section 1. Minnesota Statutes 2020, section 299A.52, subdivision 2, is amended to read:

12.17 Subd. 2. **Expense recovery.** The commissioner shall assess the responsible person for
 12.18 the regional hazardous materials response team costs of response. The commissioner may
 12.19 bring an action for recovery of unpaid costs, reasonable attorney fees, and any additional
 12.20 court costs. Any funds received by the commissioner under this subdivision are appropriated
 12.21 to the commissioner to pay for costs for which the funds were received. Any remaining
 12.22 funds at the end of the biennium shall be transferred to the Fire Safety Account.

12.23 Sec. 2. Minnesota Statutes 2020, section 299A.55, is amended to read:

12.24 **299A.55 RAILROAD AND PIPELINE SAFETY; OIL AND OTHER HAZARDOUS**
 12.25 **MATERIALS.**

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

12.28 (b) "Applicable rail carrier" means a railroad company that is subject to an assessment
 12.29 under section 219.015, subdivision 2.

12.30 (c) "Hazardous substance" has the meaning given in section 115B.02, subdivision 8.

12.31 (d) "Oil" has the meaning given in section 115E.01, subdivision 8.

13.1 (e) "Pipeline company" means any individual, partnership, association, or public or
 13.2 private corporation who owns and operates pipeline facilities and is required to show specific
 13.3 preparedness under section 115E.03, subdivision 2.

13.4 Subd. 2. **Railroad and pipeline safety account.** (a) A railroad and pipeline safety
 13.5 account is created in the special revenue fund. The account consists of funds collected under
 13.6 subdivision 4 and funds donated, allotted, transferred, or otherwise provided to the account.

13.7 ~~(b) \$104,000 is annually appropriated from the railroad and pipeline safety account to~~
 13.8 ~~the commissioner of the Pollution Control Agency for environmental protection activities~~
 13.9 ~~related to railroad discharge preparedness under chapter 115E.~~

13.10 ~~(c) \$600,000 in fiscal year 2018 and \$600,000 in fiscal year 2019 are appropriated from~~
 13.11 ~~the railroad and pipeline safety account to the commissioner of transportation for improving~~
 13.12 ~~safety at railroad grade crossings.~~

13.13 ~~(d) Following the appropriation in paragraphs (b) and (c), the remaining money in the~~
 13.14 ~~account is~~ (b) Funds are annually appropriated to the commissioner of public safety for the
 13.15 purposes specified in subdivision 3.

13.16 Subd. 3. **Allocation of funds.** (a) Subject to funding appropriated for this subdivision,
 13.17 the commissioner shall provide funds for training and response preparedness related to (1)
 13.18 derailments, discharge incidents, or spills involving trains carrying oil or other hazardous
 13.19 substances, and (2) pipeline discharge incidents or spills involving oil or other hazardous
 13.20 substances.

13.21 (b) The commissioner shall allocate available funds as follows:

13.22 ~~(1) \$100,000 annually for emergency response teams; and~~

13.23 ~~(2) the remaining amount to the Board of Firefighter Training and Education under~~
 13.24 ~~section 299N.02 and the Division of Homeland Security and Emergency Management.~~

13.25 (1) \$225,000 for existing full-time equivalent and on-call funding at the Department of
 13.26 Public Safety, State Fire Marshal Division;

13.27 (2) \$122,000 for program operating expenses;

13.28 (3) \$128,000 transferred to the Minnesota Pollution Control Agency for program
 13.29 operating expenses;

13.30 (4) \$125,000 for Minnesota Board of Firefighter Training and Education training
 13.31 programs for fire departments;

14.1 (5) \$200,000 to facilitate and support trainings and exercises for State Emergency

14.2 Response Teams;

14.3 (6) \$200,000 to support local planning;

14.4 (7) \$200,000 to replace state hazmat response team equipment;

14.5 (8) \$700,000 for capital equipment and vehicle replacement; and

14.6 (9) \$600,000 transferred to the Department of Transportation for statewide rail crossing
14.7 improvements.

14.8 (c) Prior to making allocations under paragraph (b), the commissioner shall consult with
14.9 the Fire Service Advisory Committee under section 299F.012, subdivision 2.

14.10 (d) The commissioner and the entities identified in paragraph (b), clause (2), shall
14.11 prioritize uses of funds based on:

14.12 (1) firefighter training needs;

14.13 (2) community risk from discharge incidents or spills;

14.14 (3) geographic balance; and

14.15 (4) recommendations of the Fire Service Advisory Committee.

14.16 (e) The following are permissible uses of funds provided under this subdivision:

14.17 (1) training costs, which may include, but are not limited to, training curriculum, trainers,
14.18 trainee overtime salary, other personnel overtime salary, and tuition;

14.19 (2) costs of gear and equipment related to hazardous materials readiness, response, and
14.20 management, which may include, but are not limited to, original purchase, maintenance,
14.21 and replacement;

14.22 (3) supplies related to the uses under clauses (1) and (2); and

14.23 (4) emergency preparedness planning and coordination.

14.24 (f) Notwithstanding paragraph (b), clause (2), from funds in the railroad and pipeline
14.25 safety account provided for the purposes under this subdivision, the commissioner may
14.26 retain a balance in the account for budgeting in subsequent fiscal years.

14.27 **Subd. 4. Assessments.** (a) The commissioner of public safety shall annually assess
14.28 \$2,500,000 to railroad and pipeline companies based on the formula specified in paragraph
14.29 (b). The commissioner shall deposit funds collected under this subdivision in the railroad
14.30 and pipeline safety account under subdivision 2.

15.1 (b) The assessment for each railroad is 50 percent of the total annual assessment amount,
 15.2 divided in equal proportion between applicable rail carriers based on route miles operated
 15.3 in Minnesota. The assessment for each pipeline company is 50 percent of the total annual
 15.4 assessment amount, divided in equal proportion between companies based on the yearly
 15.5 aggregate gallons of oil and hazardous substance transported by pipeline in Minnesota.

15.6 ~~(c) The assessments under this subdivision expire July 1, 2017.~~

15.7 Sec. 3. **[299A.85] MISSING AND MURDERED INDIGENOUS WOMEN**
 15.8 **IMPLEMENTATION OFFICE.**

15.9 The commissioner of public safety shall establish and maintain an office dedicated to
 15.10 preventing and ending the targeting of Indigenous women, children, and two-spirited people
 15.11 with the Minnesota Office of Justice Programs. The office shall work with Tribal nations;
 15.12 community organizations; criminal justice partners; federal, state, and local units of
 15.13 government; and impacted communities to review, develop, enact, and evaluate strategies
 15.14 to change law, policy, practice, and education that perpetuates the targeting of Indigenous
 15.15 communities.

15.16 Sec. 4. **[299A.86] MINNESOTA HEALS.**

15.17 (a) The Minnesota Heals Initiative is established in the Department of Public Safety to
 15.18 provide:

15.19 (1) grants to community healing networks;

15.20 (2) resources for families after an officer-involved death; and

15.21 (3) a statewide critical incident stress management service.

15.22 (b) The commissioner of public safety shall establish and maintain a Statewide Critical
 15.23 Incident Stress Management Service Office for first responders. The office shall manage a
 15.24 mental health and wellness program for first responders including but not limited to regular
 15.25 trainings and education videos, self-assessment tools, and professional guidance and
 15.26 coaching. The office shall establish response teams across the state; provide support and
 15.27 technical assistance in establishing mutual aid requests; and develop and implement new
 15.28 trainings, services, online resources, and meetings. The office shall also maintain a referral
 15.29 program.

15.30 (c) The Office of Justice Programs shall administer a grant program to fund community
 15.31 healing networks to sustain trauma-informed responses to promote healing after critical
 15.32 events and natural disasters. Grants are for culturally, trauma-informed training and for

16.1 coordinating a statewide response network of trainers and responders in collaboration with
 16.2 local or tribal governments, or both governments in impacted areas.

16.3 The Office of Justice Programs shall establish and maintain a fund to reimburse costs
 16.4 related to funeral and burial expenses, cultural healing ceremonies, and mental health and
 16.5 trauma healing services for family members impacted by officer-involved deaths.

16.6 **Sec. 5. [299A.87] INNOVATION IN POLICING GRANTS.**

16.7 The Office of Justice Programs may administer and award innovation in policing grants.
 16.8 Local units of government, state agencies, tribal governments, and community organizations
 16.9 may receive grants to implement transformative strategies to prevent and reduce
 16.10 officer-involved deadly force encounters. Grants shall be used for but are not limited to:

16.11 (1) community-based mental health and social service centers;

16.12 (2) establishing alternative responses to 911 calls; and

16.13 (3) additional training on reducing use of force.

16.14 Sec. 6. Minnesota Statutes 2020, section 340A.504, subdivision 7, is amended to read:

16.15 **Subd. 7. Sales after 1:00 a.m.; permit fee.** (a) No licensee may sell intoxicating liquor
 16.16 or 3.2 percent malt liquor on-sale between the hours of 1:00 a.m. and 2:00 a.m. unless the
 16.17 licensee has obtained a permit from the commissioner. Application for the permit must be
 16.18 on a form the commissioner prescribes. Permits are effective for one year from date of
 16.19 issuance. For retailers of intoxicating liquor, the fee for the permit is based on the licensee's
 16.20 gross receipts from on-sales of alcoholic beverages in the 12 months prior to the month in
 16.21 which the permit is issued, and is at the following rates:

16.22 (1) up to \$100,000 in gross receipts, \$300;

16.23 (2) over \$100,000 but not over \$500,000 in gross receipts, \$750; and

16.24 (3) over \$500,000 in gross receipts, \$1,000.

16.25 For a licensed retailer of intoxicating liquor who did not sell intoxicating liquor at on-sale
 16.26 for a full 12 months prior to the month in which the permit is issued, the fee is \$200. For a
 16.27 retailer of 3.2 percent malt liquor, the fee is \$200.

16.28 (b) The commissioner shall deposit all permit fees received under this subdivision in
 16.29 the alcohol enforcement account in the ~~special revenue~~ general fund.

17.1 (c) Notwithstanding any law to the contrary, the commissioner of revenue may furnish
17.2 to the commissioner the information necessary to administer and enforce this subdivision.

17.3 Sec. 7. Minnesota Statutes 2020, section 403.11, subdivision 1, is amended to read:

17.4 Subdivision 1. **Emergency telecommunications service fee; account.** (a) Each customer
17.5 of a wireless or wire-line switched or packet-based telecommunications service provider
17.6 connected to the public switched telephone network that furnishes service capable of
17.7 originating a 911 emergency telephone call is assessed a fee based upon the number of
17.8 wired or wireless telephone lines, or their equivalent, to cover the costs of ongoing
17.9 maintenance and related improvements for trunking and central office switching equipment
17.10 for 911 emergency telecommunications service, to offset administrative and staffing costs
17.11 of the commissioner related to managing the 911 emergency telecommunications service
17.12 program, to make distributions provided for in section 403.113, and to offset the costs,
17.13 including administrative and staffing costs, incurred by the State Patrol Division of the
17.14 Department of Public Safety in handling 911 emergency calls made from wireless phones.

17.15 (b) Money remaining in the 911 emergency telecommunications service account after
17.16 all other obligations are paid must not cancel and is carried forward to subsequent years
17.17 and may be appropriated from time to time to the commissioner to provide financial
17.18 assistance to counties for the improvement of local emergency telecommunications services.

17.19 (c) The fee may not be ~~less than eight cents nor more than 65 cents a month until June~~
17.20 ~~30, 2008, not less than eight cents nor more than 75 cents a month until June 30, 2009, not~~
17.21 ~~less than eight cents nor more than 85 cents a month until June 30, 2010, and not less than~~
17.22 ~~eight cents nor more than 95 cents a month on or after July 1, 2010, for each customer access~~
17.23 line or other basic access service, including trunk equivalents as designated by the Public
17.24 Utilities Commission for access charge purposes and including wireless telecommunications
17.25 services. With the approval of the commissioner of management and budget, the
17.26 commissioner of public safety shall establish the amount of the fee within the limits specified
17.27 and inform the companies and carriers of the amount to be collected. When the revenue
17.28 bonds authorized under section 403.27, subdivision 1, have been fully paid or defeased, the
17.29 commissioner shall reduce the fee to reflect that debt service on the bonds is no longer
17.30 needed. The commissioner shall provide companies and carriers a minimum of 45 days'
17.31 notice of each fee change. The fee must be the same for all customers, except that the fee
17.32 imposed under this subdivision does not apply to prepaid wireless telecommunications
17.33 service, which is instead subject to the fee imposed under section 403.161, subdivision 1,
17.34 paragraph (a).

18.1 (d) The fee must be collected by each wireless or wire-line telecommunications service
 18.2 provider subject to the fee. Fees are payable to and must be submitted to the commissioner
 18.3 monthly before the 25th of each month following the month of collection, except that fees
 18.4 may be submitted quarterly if less than \$250 a month is due, or annually if less than \$25 a
 18.5 month is due. Receipts must be deposited in the state treasury and credited to a 911
 18.6 emergency telecommunications service account in the special revenue fund. The money in
 18.7 the account may only be used for 911 telecommunications services.

18.8 (e) Competitive local exchanges carriers holding certificates of authority from the Public
 18.9 Utilities Commission are eligible to receive payment for recurring 911 services.

18.10 Sec. 8. Laws 2020, Seventh Special Session chapter 2, article 2, section 4, is amended to
 18.11 read:

18.12 Sec. 4. **TRANSFER; ALCOHOL ENFORCEMENT ACCOUNT.**

18.13 ~~(a)~~ By July 15, 2021, the commissioner of public safety must certify to the commissioner
 18.14 of management and budget the amount of permit fees waived under section 3, clause (2),
 18.15 during the period from January 1, 2021, to June 30, 2021, and the commissioner of
 18.16 management and budget must transfer the certified amount from the general fund to the
 18.17 alcohol enforcement account in the special revenue fund established under Minnesota
 18.18 Statutes, section 299A.706.

18.19 ~~(b) By January 15, 2022, the commissioner of public safety must certify to the~~
 18.20 ~~commissioner of management and budget the amount of permit fees waived under section~~
 18.21 ~~3, clause (2), during the period from July 1, 2021, to December 31, 2021, and the~~
 18.22 ~~commissioner of management and budget must transfer the certified amount from the general~~
 18.23 ~~fund to the alcohol enforcement account in the special revenue fund established under~~
 18.24 ~~Minnesota Statutes, section 299A.706.~~

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

18.26 **ARTICLE 3**

18.27 **CORRECTIONS**

18.28 Section 1. Minnesota Statutes 2020, section 241.021, subdivision 1, is amended to read:

18.29 Subdivision 1. **Correctional facilities; inspection; licensing.** (a) Except as provided
 18.30 in paragraph (b), the commissioner of corrections shall inspect and license all correctional
 18.31 facilities throughout the state, whether public or private, established and operated for the

19.1 detention and confinement of persons ~~detained or confined~~ or incarcerated therein according
 19.2 to law except to the extent that they are inspected or licensed by other state regulating
 19.3 agencies. The commissioner shall promulgate pursuant to chapter 14, rules establishing
 19.4 minimum standards for these facilities with respect to their management, operation, physical
 19.5 condition, and the security, safety, health, treatment, and discipline of persons ~~detained or~~
 19.6 ~~confined~~ or incarcerated therein. Commencing September 1, 1980, These minimum standards
 19.7 shall include but are not limited to specific guidance pertaining to:

19.8 (1) mental health, including but not limited to assessment following admission, medication
 19.9 administration, and requirements for discharge planning;

19.10 (2) self-auditing of compliance with minimum standards;

19.11 (3) information sharing with medical personnel and when medical assessment must be
 19.12 facilitated;

19.13 (4) a code of conduct policy for facility staff and annual training;

19.14 (5) a policy on death review of all circumstances surrounding the death of an individual
 19.15 committed to the custody of the facility; and

19.16 (6) dissemination of a rights statement made available to persons confined or incarcerated
 19.17 in licensed correctional facilities.

19.18 No individual, corporation, partnership, voluntary association, or other private
 19.19 organization legally responsible for the operation of a correctional facility may operate the
 19.20 facility unless ~~licensed by it~~ it possesses a current license from the commissioner of corrections.
 19.21 Private adult correctional facilities shall have the authority of section 624.714, subdivision
 19.22 13, if the Department of Corrections licenses the facility with ~~such~~ the authority and the
 19.23 facility meets requirements of section 243.52.

19.24 The commissioner shall review the correctional facilities described in this subdivision
 19.25 at least once every ~~biennium~~ two years, except as otherwise provided ~~herein~~, to determine
 19.26 compliance with the minimum standards established ~~pursuant~~ according to this subdivision
 19.27 or other law related to minimum standards and conditions of confinement.

19.28 The commissioner shall grant a license to any facility found to conform to minimum
 19.29 standards or to any facility which, in the commissioner's judgment, is making satisfactory
 19.30 progress toward substantial conformity and the interests and well-being of the persons
 19.31 ~~detained or confined therein~~ or incarcerated in the facility are protected. The commissioner
 19.32 may grant licensure up to two years. Unless otherwise specified by statute, all licenses issued

20.1 under this chapter expire at 12:01 a.m. on the day after the expiration date stated on the
20.2 license.

20.3 The commissioner shall have access to the buildings, grounds, books, records, staff, and
20.4 to persons ~~detained or confined~~ or incarcerated in these facilities. The commissioner may
20.5 require the officers in charge of these facilities to furnish all information and statistics the
20.6 commissioner deems necessary, at a time and place designated by the commissioner.

20.7 All facility administrators of correctional facilities defined under subdivision 1f are
20.8 required to report all deaths of individuals who died while committed to the custody of the
20.9 facility, regardless of whether the death occurred at the facility or after removal from the
20.10 facility for medical care stemming from an incident or need for medical care at the
20.11 correctional facility, within 24 hours of receiving knowledge of the death, including any
20.12 demographic information as required by the commissioner.

20.13 All facility administrators of correctional facilities defined under subdivision 1f are
20.14 required to report all other emergency or unusual occurrences as defined by rule, including
20.15 uses of force by facility staff that result in substantial bodily harm, to the commissioner of
20.16 corrections within ten days from the occurrence, including any demographic information
20.17 as required by the commissioner. The commissioner of corrections shall consult with the
20.18 Minnesota Sheriffs' Association to define "use of force" that results in substantial bodily
20.19 harm for reporting purposes.

20.20 The commissioner may require that any or all such information be provided through the
20.21 Department of Corrections detention information system. The commissioner shall post each
20.22 inspection report publicly within 30 days of completing the inspection. The education
20.23 program offered in a correctional facility for the ~~detention or confinement~~ or incarceration
20.24 of juvenile offenders must be approved by the commissioner of education before the
20.25 commissioner of corrections may grant a license to the facility.

20.26 (b) For juvenile facilities licensed by the commissioner of human services, the
20.27 commissioner may inspect and certify programs based on certification standards set forth
20.28 in Minnesota Rules. For the purpose of this paragraph, "certification" has the meaning given
20.29 it in section 245A.02.

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

21.1 (d) Nothing in this section shall be construed to limit the commissioner of corrections'
 21.2 authority to promulgate rules establishing standards of eligibility for counties to receive
 21.3 funds under sections 401.01 to 401.16, or to require counties to comply with operating
 21.4 standards the commissioner establishes as a condition precedent for counties to receive that
 21.5 funding.

21.6 ~~(e) When the commissioner finds that any facility described in paragraph (a), except~~
 21.7 ~~foster care facilities for delinquent children and youth as provided in subdivision 2, does~~
 21.8 ~~not substantially conform to the minimum standards established by the commissioner and~~
 21.9 ~~is not making satisfactory progress toward substantial conformance, the commissioner shall~~
 21.10 ~~promptly notify the chief executive officer and the governing board of the facility of the~~
 21.11 ~~deficiencies and order that they be remedied within a reasonable period of time. The~~
 21.12 ~~commissioner may by written order restrict the use of any facility which does not substantially~~
 21.13 ~~conform to minimum standards to prohibit the detention of any person therein for more than~~
 21.14 ~~72 hours at one time. When, after due notice and hearing, the commissioner finds that any~~
 21.15 ~~facility described in this subdivision, except county jails and lockups as provided in sections~~
 21.16 ~~641.26, 642.10, and 642.11, does not conform to minimum standards, or is not making~~
 21.17 ~~satisfactory progress toward substantial compliance therewith, the commissioner may issue~~
 21.18 ~~an order revoking the license of that facility. After revocation of its license, that facility~~
 21.19 ~~shall not be used until its license is renewed. When the commissioner is satisfied that~~
 21.20 ~~satisfactory progress towards substantial compliance with minimum standard is being made,~~
 21.21 ~~the commissioner may, at the request of the appropriate officials of the affected facility~~
 21.22 ~~supported by a written schedule for compliance, grant an extension of time for a period not~~
 21.23 ~~to exceed one year.~~

21.24 ~~(f) As used in this subdivision, "correctional facility" means any facility, including a~~
 21.25 ~~group home, having a residential component, the primary purpose of which is to serve~~
 21.26 ~~persons placed therein by a court, court services department, parole authority, or other~~
 21.27 ~~correctional agency having dispositional power over persons charged with, convicted, or~~
 21.28 ~~adjudicated to be guilty or delinquent.~~

21.29 Sec. 2. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
 21.30 read:

21.31 Subd. 1a. Correction order; conditional license. (a) When the commissioner finds that
 21.32 any facility described in subdivision 1, except foster care facilities for delinquent children
 21.33 and youth as provided in subdivision 2, does not substantially conform to the minimum
 21.34 standards established by the commissioner and is not making satisfactory progress toward

22.1 substantial conformance and the nonconformance does not present an imminent risk of
22.2 life-threatening harm or serious physical injury to the persons confined or incarcerated in
22.3 the facility, the commissioner shall promptly notify the facility administrator and the
22.4 governing board of the facility of the deficiencies and may issue a correction order or a
22.5 conditional license order that they be remedied within a reasonable and specified period of
22.6 time.

22.7 The conditional license order may restrict the use of any facility which does not
22.8 substantially conform to minimum standards, including imposition of conditions limiting
22.9 operation of the facility or parts of the facility, reducing facility capacity, limiting intake,
22.10 limiting length of detention for individuals, or imposing detention limitations based on the
22.11 needs of the individuals being confined or incarcerated therein.

22.12 The correction order or conditional license order must clearly state the following:

22.13 (1) the specific minimum standards violated, noting the implicated rule or law;

22.14 (2) the findings that constitute a violation of minimum standards;

22.15 (3) the corrective action needed;

22.16 (4) time allowed to correct each violation; and

22.17 (5) if a license is made conditional, the length and terms of the conditional license, any
22.18 conditions limiting operation of the facility, and the reasons for making the license
22.19 conditional.

22.20 (b) The facility administrator may request review of the findings noted in the conditional
22.21 license order after satisfactory progress toward substantial compliance with minimum
22.22 standards has been made, supported by evidence of correction, and, if appropriate, may
22.23 include a written schedule for compliance. The commissioner shall review the evidence of
22.24 correction and the progress made toward substantial compliance with minimum standards
22.25 within a reasonable period of time, not to exceed ten business days. When the commissioner
22.26 has assurance that satisfactory progress toward substantial compliance with minimum
22.27 standards is being made, the commissioner shall lift any conditions limiting operation of
22.28 the facility or parts of the facility or remove the conditional license order.

22.29 (c) Nothing in this section prohibits the commissioner from ordering a revocation under
22.30 subdivision 1b prior to issuing a correction order or conditional license order.

23.1 Sec. 3. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
23.2 read:

23.3 Subd. 1b. License revocation order. (a) When, after due notice to the facility
23.4 administrator of the commissioner's intent to issue a revocation order, the commissioner
23.5 finds that any facility described in this subdivision, except county jails and lockups subject
23.6 to active condemnation proceedings or orders as provided in sections 641.26, 642.10, and
23.7 642.11, does not conform to minimum standards, or is not making satisfactory progress
23.8 toward substantial compliance with minimum standards, the commissioner may issue an
23.9 order revoking the license of that facility.

23.10 The notice of intent to issue a revocation order shall include:

23.11 (1) the citation to minimum standards that have been violated;

23.12 (2) the nature and severity of each violation;

23.13 (3) whether the violation is recurring or nonrecurring;

23.14 (4) the effect of the violation on persons confined or incarcerated by the correctional
23.15 facility;

23.16 (5) an evaluation of the risk of harm to persons confined or incarcerated in the correctional
23.17 facility;

23.18 (6) relevant facts, conditions, and circumstances concerning the operation of the licensed
23.19 facility, including at a minimum:

23.20 (i) specific facility deficiencies that endanger the health or safety of persons confined
23.21 or incarcerated in the correctional facility;

23.22 (ii) substantiated complaints relating to the correctional facility; or

23.23 (iii) any other evidence that the correctional facility is not in compliance with minimum
23.24 standards.

23.25 (b) The facility administrator must submit a written response within 60 days of receipt
23.26 of the notice of intent to issue a revocation order with any information related to errors in
23.27 the notice, ability to conform to minimum standards within a set period of time including
23.28 but not limited to a written schedule for compliance, and any other information the facility
23.29 administrator deems relevant for consideration in revocation. The written response must
23.30 also include a written plan indicating how the correctional facility will ensure the transfer
23.31 of confined or incarcerated individuals and records if the correctional facility closes. Plans

24.1 must specify arrangements the correctional facility will make to transfer confined or
 24.2 incarcerated individuals to another licensed correctional facility for continuation of detention.

24.3 (c) When revoking a license, the commissioner shall consider the nature, chronicity, or
 24.4 severity of the violation of law or rule and the effect of the violation on the health, safety,
 24.5 or rights of persons confined or incarcerated in the correctional facility.

24.6 (d) If the facility administrator does not respond within 60 days to the notice of intent
 24.7 to issue a revocation order or if the commissioner does not have assurance that satisfactory
 24.8 progress toward substantial compliance with minimum standards will be made, the
 24.9 commissioner shall issue a revocation order. The revocation order must be sent to the facility
 24.10 administrator and the governing board of the facility, clearly stating:

24.11 (1) the specific minimum standards violated, noting the implicated rule or law;

24.12 (2) the findings that constitute a violation of minimum standards and the nature,
 24.13 chronicity, or severity of those violations;

24.14 (3) the corrective action needed;

24.15 (4) any prior correction or conditional license orders issued to correct violations; and

24.16 (5) the date at which the license revocation shall take place.

24.17 A revocation order may authorize use until a certain date, not to exceed the duration of the
 24.18 current license, unless a new license is issued by the commissioner for purposes of
 24.19 effectuating a facility closure and continued operation does not present an imminent risk
 24.20 of life-threatening harm or is not likely to result in serious physical injury to the persons
 24.21 confined or incarcerated in the facility.

24.22 (e) After revocation of the facility's licensure, that facility shall not be used until the
 24.23 license is renewed. When the commissioner is satisfied that satisfactory progress toward
 24.24 substantial compliance with minimum standards is being made, the commissioner may, at
 24.25 the request of the appropriate officials of the affected facility supported by a written schedule
 24.26 for compliance, reinstate the license for a period not to exceed one year.

24.27 Sec. 4. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
 24.28 read:

24.29 Subd. 1c. **Temporary license suspension.** The commissioner shall act immediately to
 24.30 temporarily suspend a license issued under this chapter if:

24.31 (1) the correctional facility's failure to comply with applicable minimum standards or
 24.32 the conditions in the correctional facility pose an imminent risk of life-threatening harm or

25.1 serious physical injury to persons confined or incarcerated in the facility, staff, law
 25.2 enforcement, visitors, or the public; and

25.3 (i) if the imminent risk of life-threatening harm or serious physical injury cannot be
 25.4 promptly corrected through a different type of order under this section; and

25.5 (ii) the correctional facility cannot or has not corrected the violation giving rise to the
 25.6 imminent risk of life-threatening harm or serious physical injury; or

25.7 (2) while the correctional facility continues to operate pending due notice and opportunity
 25.8 for written response to the commissioner's notice of intent to issue an order of revocation,
 25.9 the commissioner identifies one or more subsequent violations of minimum standards which
 25.10 may adversely affect the health or safety of persons confined or incarcerated in the facility,
 25.11 staff, law enforcement, visitors, or the public.

25.12 A notice stating the reasons for the immediate suspension informing the facility
 25.13 administrator must be delivered by personal service to the correctional facility administrator
 25.14 and the governing board of the facility.

25.15 Sec. 5. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
 25.16 read:

25.17 Subd. 1d. **Reconsideration of orders; appeals.** (a) If the facility administrator believes
 25.18 the correction order, conditional license order, or revocation order is in error, the facility
 25.19 administrator may ask the Department of Corrections to reconsider the parts of the order or
 25.20 action that are alleged to be in error. The request for reconsideration must:

25.21 (1) be made in writing;

25.22 (2) be postmarked and sent to the commissioner no later than 30 calendar days after
 25.23 receipt of the correction order, conditional license order, or revocation order;

25.24 (3) specify the parts of the order that are alleged to be in error;

25.25 (4) explain why the correction order, conditional license order, or revocation order is in
 25.26 error; and

25.27 (5) include documentation to support the allegation of error.

25.28 The commissioner shall issue a disposition within 60 days of receipt of the facility
 25.29 administrator's response to correction, conditional license, or revocation order violations.

25.30 A request for reconsideration does not stay any provisions or requirements of the order.

26.1 (b) The facility administrator may request reconsideration of an order immediately
26.2 suspending a license. The request for reconsideration of an order immediately suspending
26.3 a license must be made in writing and sent by certified mail, personal service, or other means
26.4 expressly stated in the commissioner's order. If mailed, the request for reconsideration must
26.5 be postmarked and sent to the commissioner no later than five business days after the facility
26.6 administrator receives notice that the license has been immediately suspended. If a request
26.7 is made by personal service, it must be received by the commissioner no later than five
26.8 business days after the facility administrator received the order. The request for
26.9 reconsideration must:

26.10 (1) specify the parts of the order that are alleged to be in error;

26.11 (2) explain why they are in error; and

26.12 (3) include documentation to support the allegation of error.

26.13 A facility administrator and any controlling board or individual shall discontinue operation
26.14 of the correctional facility upon receipt of the commissioner's order to immediately suspend
26.15 the license.

26.16 (c) Within five business days of receipt of the facility administrator's timely request for
26.17 reconsideration of a temporary immediate suspension, the commissioner shall review the
26.18 request for reconsideration. The scope of the review shall be limited solely to the issue of
26.19 whether the temporary immediate suspension should remain in effect pending the written
26.20 response to commissioner's notice of intent to issue a revocation order.

26.21 The commissioner's disposition of a request for reconsideration of correction, conditional
26.22 license, temporary immediate suspension, or revocation order is final and subject to appeal.
26.23 The facility administrator must request reconsideration as required by this section of any
26.24 correction, conditional license, temporary immediate suspension, or revocation order prior
26.25 to appeal.

26.26 No later than 60 days after the postmark date of the mailed notice of the commissioner's
26.27 decision, the facility administrator may appeal the decision by filing a writ of certiorari with
26.28 the court of appeals under section 606.01 and Minnesota Rules of Civil Appellate Procedure,
26.29 Rule 115. Failure by the facility administrator to appeal to the court of appeals no later than
26.30 the 60-day period precludes the person from later raising, in any subsequent administrative
26.31 hearing or court proceeding, those substantive and procedural issues that reasonably should
26.32 have been raised upon a timely appeal.

27.1 Sec. 6. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
27.2 read:

27.3 Subd. 1e. **Report.** By February 15, 2022, and by February 15 each year thereafter, the
27.4 commissioner of corrections shall report to the chairs and ranking minority members of the
27.5 house of representatives and senate committees and divisions with jurisdiction over public
27.6 safety and judiciary on the status of the implementation of the provisions in this section
27.7 over the prior year, particularly the health and safety of individuals confined or incarcerated
27.8 in a state correctional facility and a facility licensed by the commissioner. This report shall
27.9 include but not be limited to data regarding:

27.10 (1) the number of confined or incarcerated persons who died while committed to the
27.11 custody of the facility, regardless of whether the death occurred at the facility or after
27.12 removal from the facility for medical care stemming from an incident or need for medical
27.13 care at the correctional facility, including aggregated demographic information and the
27.14 correctional facilities' most recent inspection reports and any corrective orders or conditional
27.15 licenses issued;

27.16 (2) the aggregated results of the death reviews by facility as required by subdivision 8,
27.17 including any implemented policy changes;

27.18 (3) the number of uses of force by facility staff on persons confined or incarcerated in
27.19 the correctional facility, including but not limited to whether those uses of force were
27.20 determined to be justified by the facility, for which the commissioner of corrections shall
27.21 consult with the Minnesota Sheriffs' Association to develop criteria for reporting and define
27.22 reportable uses of force;

27.23 (4) the number of persons committed to the commissioner of corrections' authority that
27.24 the commissioner is housing in facilities licensed under subdivision 1f, including but not
27.25 limited to:

27.26 (i) aggregated demographic data of those individuals;

27.27 (ii) length of time spent housed in a licensed correctional facility; and

27.28 (iii) any contracts the Department of Corrections has with correctional facilities to provide
27.29 housing; and

27.30 (5) summary data from state correctional facilities regarding complaints involving alleged
27.31 on-duty staff misconduct, including but not limited to the:

27.32 (i) total number of misconduct complaints and investigations;

28.1 (ii) total number of complaints by each category of misconduct, as defined by the
 28.2 commissioner of corrections;

28.3 (iii) number of allegations dismissed as unfounded;

28.4 (iv) number of allegations dismissed on grounds that the allegation was unsubstantiated;
 28.5 and

28.6 (v) number of allegations substantiated, any resulting disciplinary action, and the nature
 28.7 of the discipline.

28.8 Sec. 7. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
 28.9 read:

28.10 Subd. 1f. **Definition.** As used in this section, "correctional facility" means any facility,
 28.11 including a group home, having a residential component, the primary purpose of which is
 28.12 to serve persons placed therein by a court, court services department, parole authority, or
 28.13 other correctional agency having dispositional power over persons charged with, convicted,
 28.14 or adjudicated guilty or delinquent.

28.15 Sec. 8. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
 28.16 read:

28.17 Subd. 7. **Intake release of information.** All correctional facilities that confine or
 28.18 incarcerate adults are required at intake to provide every person an authorization form to
 28.19 release information related to their health condition and when that information should be
 28.20 shared. This release form shall allow the individual to select if they want to require the
 28.21 correctional facility to make attempts to contact the designated person to facilitate the sharing
 28.22 of health condition information upon incapacitation or if the individual becomes unable to
 28.23 communicate or direct the sharing of this information, so long as contact information was
 28.24 provided and the incapacitated person or individual who is unable to communicate or direct
 28.25 the sharing of this information is not subject to a court order prohibiting contact with the
 28.26 designated person.

28.27 Sec. 9. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
 28.28 read:

28.29 Subd. 8. **Death review teams.** In the event a correctional facility as defined in subdivision
 28.30 1f receives information of the death of an individual while committed to the custody of the
 28.31 facility, regardless of whether the death occurred at the facility or after removal from the
 28.32 facility for medical care stemming from an incident or need for medical care at the

29.1 correctional facility, the administrator of the facility, minimally including a medical expert
 29.2 of the facility's choosing who did not provide medical services to the individual, and, if
 29.3 appropriate, a mental health expert, shall review the circumstances of the death and assess
 29.4 for preventable mortality and morbidity, including recommendations for policy or procedure
 29.5 change, within 90 days of death. The investigating law enforcement agency may provide
 29.6 documentation, participate in, or provide documentation and participate in the review in
 29.7 instances where criminal charges were not brought. A preliminary autopsy report must be
 29.8 provided as part of the review and any subsequent autopsy findings as available. The facility
 29.9 administrator shall provide notice to the commissioner of corrections via the Department
 29.10 of Corrections detention information system that the correctional facility has conducted a
 29.11 review and identify any recommendations for changes in policy, procedure, or training that
 29.12 will be implemented. Any report or other documentation created for purposes of a facility
 29.13 death review is confidential as defined in section 13.02, subdivision 3. Nothing in this
 29.14 section relieves the facility administrator from complying with the notice of death to the
 29.15 commissioner as required by subdivision 1, paragraph (a).

29.16 Sec. 10. Minnesota Statutes 2020, section 243.52, is amended to read:

29.17 **243.52 DISCIPLINE; PREVENTION OF ESCAPE; DUTY TO REPORT.**

29.18 Subdivision 1. **Discipline and prevention of escape** If any ~~inmate~~ of person confined
 29.19 or incarcerated in any adult correctional facility either under the control of the commissioner
 29.20 of corrections or licensed by the commissioner of corrections under section 241.021 assaults
 29.21 any correctional officer or any other person or ~~inmate~~, the assaulted person may use force
 29.22 in defense of the assault, except as limited in this section. If any ~~inmate~~ confined or
 29.23 incarcerated person attempts to damage the buildings or appurtenances, resists the lawful
 29.24 authority of any correctional officer, refuses to obey the correctional officer's reasonable
 29.25 demands, or attempts to escape, the correctional officer may enforce obedience and discipline
 29.26 or prevent escape by the use of force. If any ~~inmate~~ confined or incarcerated person resisting
 29.27 lawful authority is wounded or killed by the use of force by the correctional officer or
 29.28 assistants, that conduct is authorized under this section.

29.29 Subd. 2. **Use of force.** (a) Unless the use of deadly force is justified in this section, a
 29.30 correctional officer may not use any of the following restraints:

29.31 (1) a choke hold;

29.32 (2) tying all of a person's limbs together behind the person's back to render the person
 29.33 immobile; or

30.1 (3) securing a person in any way that results in transporting the person face down in a
30.2 vehicle, except as directed by a medical professional.

30.3 (b) For the purposes of this subdivision, the following terms have the meanings given
30.4 them:

30.5 (1) "choke hold" has the meaning given in section 609.06, subdivision 3, paragraph (b);
30.6 and

30.7 ~~As used in this section,~~ (2) "use of force" means conduct which is defined by sections
30.8 609.06 to 609.066.

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

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

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

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

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

30.17 (2) to effect the capture, or prevent the escape, of a person whom the correctional officer
30.18 knows or has reasonable grounds to believe has committed or attempted to commit a felony
30.19 and the officer reasonably believes that the person will cause death or great bodily harm to
30.20 another person under the threat criteria in clause (1), unless immediately apprehended.

30.21 Subd. 3. **Duty to report.** (a) Regardless of tenure or rank, staff who observe another
30.22 employee engage in neglect or use force that exceeds the degree of force permitted by law
30.23 must report the incident in writing within 24 hours to the administrator of the correctional
30.24 facility that employs the reporting staff member.

30.25 (b) A staff member who fails to report neglect or excessive use of force within 24 hours
30.26 is subject to disciplinary action or sanction by the correctional facility that employs them.
30.27 Staff members shall suffer no reprisal for reporting another staff member engaged in
30.28 excessive use of force or neglect.

30.29 (c) For the purposes of this subdivision, neglect means:

30.30 (1) the knowing failure or omission to supply a person confined or incarcerated in the
30.31 facility with care or services, including but not limited to food, clothing, health care, or

31.1 supervision that is reasonable and necessary to obtain or maintain the person's physical or
 31.2 mental health or safety; or

31.3 (2) the absence or likelihood of absence of care or services, including but not limited to
 31.4 food, clothing, health care, or supervision necessary to maintain the physical and mental
 31.5 health of the person that a reasonable person would deem essential for health, safety, or
 31.6 comfort.

31.7 **EFFECTIVE DATE.** This section is effective March 1, 2021.

31.8 **Sec. 11. [244.049] INDETERMINATE SENTENCE RELEASE BOARD.**

31.9 Subdivision 1. **Establishment; membership.** (a) The Indeterminate Sentence Release
 31.10 Board is established to review eligible cases and make release decisions for inmates serving
 31.11 indeterminate sentences under the authority of the commissioner.

31.12 (b) The board shall consist of five members as follows:

31.13 (1) four persons appointed by the governor from two recommendations of each of the
 31.14 majority leaders and minority leaders of the house of representatives and the senate; and

31.15 (2) the commissioner of corrections who shall serve as chair.

31.16 (c) The members appointed from the legislative recommendations must meet the
 31.17 following qualifications at a minimum:

31.18 (1) a bachelor's degree in criminology, corrections, or a related social science, or a law
 31.19 degree;

31.20 (2) five years of experience in corrections, a criminal justice or community corrections
 31.21 field, rehabilitation programming, behavioral health, or criminal law; and

31.22 (3) demonstrated knowledge of victim issues and correctional processes.

31.23 Subd. 2. **Terms; compensation.** (a) Members of the board shall serve four-year staggered
 31.24 terms except that the terms of the initial members of the board must be as follows:

31.25 (1) two members must be appointed for terms that expire January 1, 2024; and

31.26 (2) two members must be appointed for terms that expire January 1, 2026.

31.27 (b) A member is eligible for reappointment.

31.28 (c) Vacancies on the board shall be filled in the same manner as the initial appointments
 31.29 under subdivision 1.

32.1 (d) Member compensation and removal of members on the board shall be as provided
 32.2 in section 15.0575.

32.3 Subd. 3. **Quorum; administrative duties.** (a) The majority of members constitutes a
 32.4 quorum.

32.5 (b) The commissioner of corrections shall provide the board with personnel, supplies,
 32.6 equipment, office space, and other administrative services necessary and incident to the
 32.7 discharge of the functions of the board.

32.8 Subd. 4. **Limitation.** Nothing in this section supersedes the commissioner's authority
 32.9 to revoke an inmate's release for a violation of the inmate's terms of release or impairs the
 32.10 power of the Board of Pardons to grant a pardon or commutation in any case.

32.11 Subd. 5. **Report.** On or before February 15 each year, the board shall submit to the
 32.12 legislative committees with jurisdiction over criminal justice policy a written report detailing
 32.13 the number of inmates reviewed and identifying persons granted release in the preceding
 32.14 year. The report shall also include the board's recommendations for policy modifications
 32.15 that influence the board's duties.

32.16 Sec. 12. Minnesota Statutes 2020, section 244.05, subdivision 5, is amended to read:

32.17 Subd. 5. **Supervised release, life sentence.** (a) The ~~commissioner of corrections~~ board
 32.18 may, under rules ~~promulgated~~ adopted by the commissioner and upon majority vote of the
 32.19 board members, give supervised release to an inmate serving a mandatory life sentence
 32.20 under section 609.185, paragraph (a), clause (3), (5), or (6); 609.3455, subdivision 3 or 4;
 32.21 609.385; or Minnesota Statutes 2004, section 609.109, subdivision 3, after the inmate has
 32.22 served the minimum term of imprisonment specified in subdivision 4.

32.23 (b) The ~~commissioner~~ board shall require the preparation of a community investigation
 32.24 report and shall consider the findings of the report when making a supervised release decision
 32.25 under this subdivision. The report shall reflect the sentiment of the various elements of the
 32.26 community toward the inmate, both at the time of the offense and at the present time. The
 32.27 report shall include the views of the sentencing judge, the prosecutor, any law enforcement
 32.28 personnel who may have been involved in the case, and any successors to these individuals
 32.29 who may have information relevant to the supervised release decision. The report shall also
 32.30 include the views of the victim and the victim's family unless the victim or the victim's
 32.31 family chooses not to participate.

32.32 (c) The commissioner shall make reasonable efforts to notify the victim, in advance, of
 32.33 the time and place of the inmate's supervised release review hearing. The victim has a right

33.1 to submit an oral or written statement at the review hearing. The statement may summarize
 33.2 the harm suffered by the victim as a result of the crime and give the victim's recommendation
 33.3 on whether the inmate should be given supervised release at this time. The ~~commissioner~~
 33.4 board must consider the victim's statement when making the supervised release decision.

33.5 (d) When considering whether to give supervised release to an inmate serving a life
 33.6 sentence under section 609.3455, subdivision 3 or 4, the ~~commissioner~~ board shall consider,
 33.7 at a minimum, the following: the risk the inmate poses to the community if released, the
 33.8 inmate's progress in treatment, the inmate's behavior while incarcerated, psychological or
 33.9 other diagnostic evaluations of the inmate, the inmate's criminal history, and any other
 33.10 relevant conduct of the inmate while incarcerated or before incarceration. The ~~commissioner~~
 33.11 board may not give supervised release to the inmate unless:

33.12 (1) while in prison:

33.13 (i) the inmate has successfully completed appropriate sex offender treatment;

33.14 (ii) the inmate has been assessed for chemical dependency needs and, if appropriate, has
 33.15 successfully completed chemical dependency treatment; and

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

33.18 (2) a comprehensive individual release plan is in place for the inmate that ensures that,
 33.19 after release, the inmate will have suitable housing and receive appropriate aftercare and
 33.20 community-based treatment. The comprehensive plan also must include a postprison
 33.21 employment or education plan for the inmate.

33.22 (e) As used in this subdivision:

33.23 (1) "board" means the Indeterminate Sentence Release Board under section 244.049;

33.24 and

33.25 (2) "victim" means the individual who suffered harm as a result of the inmate's crime
 33.26 or, if the individual is deceased, the deceased's surviving spouse or next of kin.

33.27 Sec. 13. Minnesota Statutes 2020, section 244.065, is amended to read:

33.28 **244.065 PRIVATE EMPLOYMENT OF INMATES OR SPECIALIZED**
 33.29 **PROGRAMMING FOR PREGNANT INMATES OF STATE CORRECTIONAL**
 33.30 **INSTITUTIONS IN COMMUNITY.**

33.31 Subdivision 1. Work. When consistent with the public interest and the public safety,
 33.32 the commissioner of corrections may conditionally release an inmate to work at paid

34.1 employment, seek employment, or participate in a vocational training or educational program,
34.2 as provided in section 241.26, if the inmate has served at least one half of the term of
34.3 imprisonment.

34.4 Subd. 2. **Pregnancy.** (a) In the furtherance of public interest and community safety, the
34.5 commissioner of corrections may conditionally release:

34.6 (1) for up to one year, an inmate who is postpartum and gave birth within eight months
34.7 of the date of commitment; and

34.8 (2) for the duration of the pregnancy and up to one year postpartum, an inmate who is
34.9 pregnant.

34.10 (b) The commissioner may conditionally release an inmate under paragraph (a) to
34.11 community-based programming for the purpose of participation in prenatal or postnatal
34.12 care programming and to promote mother-child bonding in addition to other programming
34.13 requirements as established by the commissioner, including evidence-based parenting skills
34.14 programming; working at paid employment; seeking employment; or participating in
34.15 vocational training, an educational program, or chemical dependency or mental health
34.16 treatment services.

34.17 (c) The commissioner shall develop policy and criteria to implement this subdivision
34.18 according to public safety and generally accepted correctional practice.

34.19 (d) By April 1 of each year, the commissioner shall report to the chairs and ranking
34.20 minority members of the house of representatives and senate committees with jurisdiction
34.21 over corrections on the number of inmates released and the duration of the release under
34.22 this subdivision for the prior calendar year.