

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH LEGISLATURE

S.F. No. 671

(SENATE AUTHORS: LATZ and Dibble)

DATE	D-PG	OFFICIAL STATUS
02/21/2013	357	Introduction and first reading Joint rule 2.03, referred to Rules and Administration
02/28/2013	405	Comm report: Re-referred to Finance
04/15/2013	1790a	Comm report: To pass as amended
	1835	Second reading
04/16/2013	1862	Special Order
	1862	Third reading Passed
04/20/2013	2512	Returned from House with amendment
	2513	Senate not concur, conference committee of 5 requested
	2522	Senate conferees Latz; Dibble; Goodwin; Dziedzic; Limmer
04/22/2013	2591	House conferees Paymar; Hilstrom; Lesch; Melin; Cornish
05/16/2013	3745c	Conference committee report, delete everything Senate adopted CC report and repassed bill
	3781	Third reading
05/17/2013	3953	House adopted SCC report and repassed bill Presentment date 05/21/13 Governor's action Approval 05/23/13 Secretary of State Chapter 86 05/23/13 Effective date Various Dates See also SF 1664, Sec. 5

A bill for an act

1.1 relating to criminal justice; modifying certain provisions relating to public safety,
1.2 courts, guardians and conservators, corrections, offenders, and data integration;
1.3 requiring reports; providing for penalties; appropriating money for courts,
1.4 Guardian Ad Litem Board, Uniform Laws Commission, Board on Judicial
1.5 Standards, Board of Public Defense, sentencing guidelines, public safety, Peace
1.6 Officer Standards and Training (POST) Board, Private Detective Board, human
1.7 rights, and corrections; amending Minnesota Statutes 2012, sections 241.301;
1.8 243.51, subdivisions 1, 3; 245C.32, subdivision 2; 253B.24; 299A.705, by
1.9 adding a subdivision; 299A.73, subdivision 3; 299C.10, subdivisions 1, 3;
1.10 299C.11, subdivision 1; 299C.14; 299C.17; 357.021, by adding a subdivision;
1.11 363A.36, subdivisions 1, 2; 480A.02, subdivision 7; 524.5-118, subdivision 1, by
1.12 adding a subdivision; 524.5-303; 524.5-316; 524.5-403; 524.5-420; 609.3455,
1.13 by adding a subdivision; 624.713, subdivision 3, by adding a subdivision;
1.14 Laws 2011, First Special Session chapter 1, article 1, section 3, subdivision 3;
1.15 proposing coding for new law in Minnesota Statutes, chapter 244; repealing
1.16 Minnesota Statutes 2012, section 243.51, subdivision 5.
1.17

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

ARTICLE 1

APPROPRIATIONS

1.21 Section 1. **SUMMARY OF APPROPRIATIONS.**

1.22 The amounts shown in this section summarize direct appropriations, by fund, made
1.23 in this article.

	<u>2014</u>	<u>2015</u>	<u>Total</u>
1.24 <u>Special Revenue</u>	\$ 17,932,000	\$ 16,932,000	\$ 34,864,000
1.25 <u>State Government Special</u>			
1.26 <u>Revenue</u>	59,241,000	63,742,000	122,983,000
1.27 <u>Environment</u>	69,000	69,000	138,000
1.28 <u>Trunk Highway Fund</u>	2,266,000	2,266,000	4,532,000

2.1	<u>General Fund</u>		<u>955,672,000</u>	<u>974,870,000</u>	<u>1,930,542,000</u>
2.2	<u>Total</u>	\$	<u>1,035,180,000</u>	\$	<u>1,057,879,000</u>

2.3 **Sec. 2. APPROPRIATIONS.**

2.4 The sums shown in the columns marked "Appropriations" are appropriated to the
 2.5 agencies and for the purposes specified in this article. The appropriations are from the
 2.6 general fund, or another named fund, and are available for the fiscal years indicated
 2.7 for each purpose. The figures "2014" and "2015" used in this article mean that the
 2.8 appropriations listed under them are available for the fiscal year ending June 30, 2014, or
 2.9 June 30, 2015, respectively. "The first year" is fiscal year 2014. "The second year" is fiscal
 2.10 year 2015. "The biennium" is fiscal years 2014 and 2015. Appropriations for the fiscal
 2.11 year ending June 30, 2013, are effective the day following final enactment.

2.12		<u>APPROPRIATIONS</u>
2.13		<u>Available for the Year</u>
2.14		<u>Ending June 30</u>
2.15		<u>2014</u> <u>2015</u>

2.16 **Sec. 3. SUPREME COURT**

2.17	<u>Subdivision 1. Total Appropriation</u>	\$	<u>44,548,000</u>	\$	<u>45,191,000</u>
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2.18 The amounts that may be spent for each
 2.19 purpose are specified in the following
 2.20 subdivisions.

2.21	<u>Subd. 2. Supreme Court Operations</u>		<u>32,282,000</u>		<u>32,925,000</u>
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2.22 **(a) Contingent Account**

2.23 \$5,000 each year is for a contingent account
 2.24 for expenses necessary for the normal
 2.25 operation of the court for which no other
 2.26 reimbursement is provided.

2.27 **(b) Employer Pension Fund Contribution**

2.28 \$22,000 each year is for a two percent
 2.29 increase in the employer pension fund
 2.30 contribution rate to the judge retirement
 2.31 plan. These appropriations take effect only if
 2.32 legislation to increase the employer pension
 2.33 fund contribution rate by two percent is

3.1 enacted into law by July 1, 2013. If the
 3.2 appropriations do not take effect, this
 3.3 appropriation cancels to the general fund.

3.4 **Subd. 3. Civil Legal Services** 12,266,000 12,266,000

3.5 **Legal Services to Low-Income Clients in**
 3.6 **Family Law Matters**

3.7 \$877,000 each year is to improve the access
 3.8 of low-income clients to legal representation
 3.9 in family law matters. This appropriation
 3.10 must be distributed under Minnesota Statutes,
 3.11 section 480.242, to the qualified legal
 3.12 services program described in Minnesota
 3.13 Statutes, section 480.242, subdivision 2,
 3.14 paragraph (a). Any unencumbered balance
 3.15 remaining in the first year does not cancel
 3.16 and is available in the second year.

3.17 **Sec. 4. COURT OF APPEALS** \$ 10,641,000 \$ 11,035,000

3.18 **(a) Employer Pension Fund Contribution**

3.19 \$55,000 the first year and \$57,000 the
 3.20 second year are for a two percent increase
 3.21 in the employer pension fund contribution
 3.22 rate to the judge retirement plan. These
 3.23 appropriations take effect only if legislation
 3.24 to increase the employer pension fund
 3.25 contribution rate by two percent is enacted
 3.26 into law by July 1, 2013. If the appropriations
 3.27 do not take effect, this appropriation cancels
 3.28 to the general fund.

3.29 **(b) General Fund Base**

3.30 The court of appeals general fund base shall
 3.31 be increased by \$69,000 in fiscal year 2016
 3.32 and \$89,000 in fiscal year 2017.

3.33 **Sec. 5. DISTRICT COURTS** \$ 247,459,000 \$ 256,622,000

4.1 **(a) Specialty Courts**

4.2 \$875,000 each year is to develop, expand,
 4.3 and maintain specialty courts.

4.4 **(b) Employer Pension Fund Contribution**

4.5 \$778,000 the first year and \$809,000 the
 4.6 second year are for a two percent increase
 4.7 in the employer pension fund contribution
 4.8 rate to the judge retirement plan. These
 4.9 appropriations take effect only if legislation
 4.10 to increase the employer pension fund
 4.11 contribution rate by two percent is enacted
 4.12 into law by July 1, 2013. If the appropriations
 4.13 do not take effect, this appropriation cancels
 4.14 to the general fund.

4.15 Sec. 6. **GUARDIAN AD LITEM BOARD** \$ **12,414,000** \$ **12,756,000**

4.16 Sec. 7. **TAX COURT** \$ **1,023,000** \$ **1,035,000**

4.17 **(a) Additional Resources**

4.18 \$161,000 each year is for two law clerks,
 4.19 continuing legal education costs, and
 4.20 Westlaw costs.

4.21 **(b) Case Management System**

4.22 \$25,000 each year is for the implementation
 4.23 and maintenance of a modern case
 4.24 management system.

4.25 Sec. 8. **UNIFORM LAWS COMMISSION** \$ **147,000** \$ **84,000**

4.26 **Back Dues**

4.27 \$63,000 the first year is to pay back dues
 4.28 owing to the National Conference of
 4.29 Commissioners on Uniform State Laws.

4.30 Sec. 9. **BOARD ON JUDICIAL STANDARDS** \$ **756,000** \$ **456,000**

5.1 **(a) Deficiencies**

5.2 \$300,000 the first year is for deficiencies
 5.3 occurring in fiscal year 2013. This
 5.4 appropriation is available for expenditure the
 5.5 day following final enactment.

5.6 **(b) Major Disciplinary Actions**

5.7 \$125,000 each year is for special
 5.8 investigative and hearing costs for major
 5.9 disciplinary actions undertaken by the
 5.10 board. This appropriation does not cancel.
 5.11 Any encumbered and unspent balances
 5.12 remain available for these expenditures in
 5.13 subsequent fiscal years.

5.14 Sec. 10. **BOARD OF PUBLIC DEFENSE** **\$** **70,698,000** **\$** **73,612,000**

5.15 **(a) Transcripts**

5.16 From this appropriation, the board shall pay
 5.17 all outstanding billings as of June 30, 2013,
 5.18 for transcripts.

5.19 **(b) Report to the Legislature**

5.20 By January 15, 2014, and by January 15,
 5.21 2015, the board shall report to the chairs
 5.22 and ranking minority members of the house
 5.23 of representatives and senate committees
 5.24 with jurisdiction over criminal justice and
 5.25 judiciary finance on how this appropriation
 5.26 was spent, including information on new
 5.27 attorney and staff hires, salary and benefit
 5.28 increases, caseload reductions, technology
 5.29 improvements, and transcript costs and
 5.30 billings.

5.31 Sec. 11. **SENTENCING GUIDELINES** **\$** **886,000** **\$** **586,000**

5.32 **Electronic Sentencing Worksheet**

7.1 reinstate the school safety center and to
 7.2 provide for school safety. The commissioner
 7.3 of public safety shall work collaboratively
 7.4 with the School Climate Council and the
 7.5 school climate center established under
 7.6 Minnesota Statutes, sections 121A.07 and
 7.7 127A.052.

7.8 By January 15, 2014, and by January 15,
 7.9 2015, the commissioner of public safety
 7.10 shall report to the chairs and ranking
 7.11 minority members of the senate and house of
 7.12 representatives committees with jurisdiction
 7.13 over criminal justice and judiciary funding
 7.14 on how this appropriation was spent. The
 7.15 report shall specify the results achieved
 7.16 by the school safety center and the level
 7.17 of cooperation achieved between the
 7.18 commissioner and the School Climate
 7.19 Council and school climate center.

7.20 **Subd. 3. Criminal Apprehension** 47,588,000 47,197,000

7.21	<u>Appropriations by Fund</u>	
7.22	<u>General</u>	<u>42,315,000</u> <u>42,924,000</u>
7.23	<u>Special Revenue</u>	<u>3,000,000</u> <u>2,000,000</u>
7.24	<u>State Government</u>	
7.25	<u>Special Revenue</u>	<u>7,000</u> <u>7,000</u>
7.26	<u>Trunk Highway</u>	<u>2,266,000</u> <u>2,266,000</u>

7.27 **(a) DWI Lab Analysis; Trunk Highway Fund**

7.28 Notwithstanding Minnesota Statutes, section
 7.29 161.20, subdivision 3, \$1,941,000 each year
 7.30 is from the trunk highway fund for laboratory
 7.31 analysis related to driving-while-impaired
 7.32 cases.

7.33 **(b) Criminal History System**

7.34 \$50,000 the first year and \$580,000 the
 7.35 second year from the general fund and,

8.1 notwithstanding Minnesota Statutes, section
8.2 299A.705, subdivision 4, \$3,000,000 the
8.3 first year and \$2,000,000 the second year
8.4 from the vehicle services account in the
8.5 special revenue fund are to replace the
8.6 state criminal history system. This is a
8.7 onetime appropriation and is available until
8.8 expended. Of this amount, \$2,980,000 the
8.9 first year and \$2,580,000 the second year
8.10 are for a onetime transfer to the Office of
8.11 Enterprise Technology for start-up costs.
8.12 Service level agreements must document all
8.13 project-related transfers under this paragraph.
8.14 Ongoing operating and support costs for this
8.15 system shall be identified and incorporated
8.16 into future service level agreements.
8.17 The commissioner is authorized to use funds
8.18 appropriated under this paragraph for the
8.19 purposes specified in paragraph (c).
8.20 **(c) Criminal Reporting System**
8.21 \$1,360,000 the first year and \$1,360,000 the
8.22 second year from the general fund are to
8.23 replace the state's crime reporting system.
8.24 This is a onetime appropriation and is
8.25 available until expended. Of these amounts,
8.26 \$1,360,000 the first year and \$1,360,000
8.27 the second year are for a onetime transfer
8.28 to the Office of Enterprise Technology for
8.29 start-up costs. Service level agreements
8.30 must document all project-related transfers
8.31 under this paragraph. Ongoing operating
8.32 and support costs for this system shall
8.33 be identified and incorporated into future
8.34 service level agreements.

9.1 The commissioner is authorized to use funds
9.2 appropriated under this paragraph for the
9.3 purposes specified in paragraph (b).

9.4 **(d) Forensic Laboratory**

9.5 \$125,000 the first year and \$125,000 the
9.6 second year from the general fund and,
9.7 notwithstanding Minnesota Statutes, section
9.8 161.20, subdivision 3, \$125,000 the first
9.9 year and \$125,000 the second year from the
9.10 trunk highway fund are to replace forensic
9.11 laboratory equipment at the Bureau of
9.12 Criminal Apprehension.

9.13 \$200,000 the first year and \$200,000 the
9.14 second year from the general fund and,
9.15 notwithstanding Minnesota Statutes, section
9.16 161.20, subdivision 3, \$200,000 the first
9.17 year and \$200,000 the second year from the
9.18 trunk highway fund are to improve forensic
9.19 laboratory staffing at the Bureau of Criminal
9.20 Apprehension.

9.21 **(e) Livescan Fingerprinting**

9.22 \$310,000 the first year and \$389,000 the
9.23 second year from the general fund are to
9.24 maintain Livescan fingerprinting machines.
9.25 This is a onetime appropriation.

9.26 **(f) General Fund Base**

9.27 The Bureau of Criminal Apprehension's
9.28 general fund base is reduced by \$1,720,000
9.29 in fiscal year 2014 and \$2,329,000 in fiscal
9.30 year 2015 to reflect onetime appropriations.

9.31 **(g) Report**

9.32 If the vehicle services special revenue account
9.33 accrues an unallocated balance in excess
9.34 of 50 percent of the previous fiscal year's

10.1 expenditures, the commissioner of public
 10.2 safety shall submit a report to the chairs
 10.3 and ranking minority members of the house
 10.4 of representatives and senate committees
 10.5 with jurisdiction over transportation and
 10.6 public safety policy and finance. The report
 10.7 must contain specific policy and legislative
 10.8 recommendations for reducing the fund
 10.9 balance and avoiding future excessive fund
 10.10 balances. The report is due within three
 10.11 months of the fund balance exceeding the
 10.12 threshold established in this paragraph.

10.13 Subd. 4. **Fire Marshal** 9,555,000 9,555,000

10.14 This appropriation is from the fire safety
 10.15 account in the special revenue fund and is for
 10.16 activities under Minnesota Statutes, section
 10.17 299F.012.

10.18 Of this amount: (1) \$7,187,000 each year
 10.19 is for activities under Minnesota Statutes,
 10.20 section 299F.012; and (2) \$2,368,000 the first
 10.21 year and \$2,368,000 the second year are for
 10.22 transfers to the general fund under Minnesota
 10.23 Statutes, section 297I.06, subdivision 3.

10.24 Subd. 5. **Alcohol and Gambling Enforcement** 2,485,000 2,485,000

<u>Appropriations by Fund</u>		
10.26 <u>General</u>	<u>1,582,000</u>	<u>1,582,000</u>
10.27 <u>Special Revenue</u>	<u>903,000</u>	<u>903,000</u>

10.28 \$653,000 each year is from the alcohol
 10.29 enforcement account in the special revenue
 10.30 fund. Of this appropriation, \$500,000 each
 10.31 year shall be transferred to the general fund.
 10.32 \$250,000 each year is appropriated from the
 10.33 lawful gambling regulation account in the
 10.34 special revenue fund.

11.1	<u>Subd. 6. Office of Justice Programs</u>		<u>36,106,000</u>	<u>36,106,000</u>
11.2	<u>Appropriations by Fund</u>			
11.3	<u>General</u>	<u>36,010,000</u>		<u>36,010,000</u>
11.4	<u>State Government</u>			
11.5	<u>Special Revenue</u>	<u>96,000</u>		<u>96,000</u>
11.6	<u>(a) OJP Administration Costs</u>			
11.7	<u>Up to 2.5 percent of the grant funds</u>			
11.8	<u>appropriated in this subdivision may be used</u>			
11.9	<u>by the commissioner to administer the grant</u>			
11.10	<u>program.</u>			
11.11	<u>(b) Crime Victim Programs</u>			
11.12	<u>\$1,500,000 each year must be distributed</u>			
11.13	<u>through an open and competitive grant</u>			
11.14	<u>process for existing crime victim programs.</u>			
11.15	<u>The funds must be used to meet the needs</u>			
11.16	<u>of underserved and unserved areas and</u>			
11.17	<u>populations.</u>			
11.18	<u>(c) Community Offender Reentry Program</u>			
11.19	<u>\$100,000 each year is for a grant to the</u>			
11.20	<u>community offender reentry program for</u>			
11.21	<u>assisting individuals to transition from</u>			
11.22	<u>incarceration to the communities in and</u>			
11.23	<u>around Duluth, including assistance in</u>			
11.24	<u>finding housing, employment, educational</u>			
11.25	<u>opportunities, counseling, and other</u>			
11.26	<u>resources. This is a onetime appropriation.</u>			
11.27	<u>(d) Youth Intervention Programs</u>			
11.28	<u>\$1,000,000 each year is for youth intervention</u>			
11.29	<u>programs under Minnesota Statutes, section</u>			
11.30	<u>299A.73. The appropriations must be</u>			
11.31	<u>used to create new programs statewide</u>			
11.32	<u>in underserved areas and to help existing</u>			
11.33	<u>programs serve unmet needs in program</u>			
11.34	<u>communities. These appropriations are</u>			

12.1 available until expended. This amount must
12.2 be added to the department's base budget for
12.3 grants to youth intervention programs.

12.4 **(e) Sexually Exploited Youth; Law**
12.5 **Enforcement and Prosecution Training**

12.6 \$350,000 each year is for a grant to Ramsey
12.7 County to be used by the Ramsey County
12.8 Attorney's Office to:

12.9 (1) develop a statewide model protocol for
12.10 law enforcement, prosecutors, and others,
12.11 who in their professional capacity encounter
12.12 sexually exploited and trafficked youth, on
12.13 identifying and intervening with sexually
12.14 exploited and trafficked youth;

12.15 (2) conduct statewide training for law
12.16 enforcement and prosecutors on the model
12.17 protocol and the Safe Harbor Law described
12.18 in Laws 2011, First Special Session chapter
12.19 1, article 4, as modified by Senate File No.
12.20 384, article 2, if enacted; and

12.21 (3) develop and disseminate to law
12.22 enforcement, prosecutors, and others, who
12.23 in their professional capacity encounter
12.24 sexually exploited and trafficked youth, on
12.25 investigative best practices to identify sex
12.26 trafficked victims and traffickers.

12.27 The Ramsey County attorney may use the
12.28 money appropriated in this paragraph to
12.29 partner with other entities to implement
12.30 clauses (1) to (3).

12.31 By January 15, 2015, the Ramsey County
12.32 Attorney's Office shall report to the chairs
12.33 and ranking minority members of the senate
12.34 and house of representatives committees and

13.1 divisions having jurisdiction over criminal
 13.2 justice policy and funding on how this
 13.3 appropriation was spent.

13.4 These appropriations are onetime.

13.5 **(f) Returning Veterans in Crisis**

13.6 \$50,000 each year is for a grant to the Upper
 13.7 Midwest Community Policing Institute for
 13.8 use in training community safety personnel
 13.9 about the use of de-escalation strategies
 13.10 for handling returning veterans in crisis.

13.11 This is a onetime appropriation, and the
 13.12 unencumbered balance in the first year does
 13.13 not cancel but is available for the second
 13.14 year. The commissioner shall consult with
 13.15 the Peace Officers Standards and Training
 13.16 (POST) Board regarding the design and
 13.17 content of the course, and must also ensure
 13.18 that the training opportunities are reasonably
 13.19 distributed throughout the state.

13.20 **(g) Juvenile Detention Alternative**
 13.21 **Initiative**

13.22 \$50,000 each year is for a grant to the
 13.23 Juvenile Detention Alternative Initiative.
 13.24 This is a onetime appropriation, and funds
 13.25 unexpended in the first year are available in
 13.26 the second year.

13.27	<u>Subd. 7. Emergency Communication Networks</u>	<u>59,138,000</u>	<u>63,639,000</u>
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13.28 This appropriation is from the state
 13.29 government special revenue fund for 911
 13.30 emergency telecommunications services.

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

13.32 \$13,664,000 each year is to be distributed
 13.33 as provided in Minnesota Statutes, section
 13.34 403.113, subdivision 2.

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

14.2 \$683,000 each year is for grants to the

14.3 Minnesota Emergency Medical Services

14.4 Regulatory Board for the Metro East

14.5 and Metro West Medical Resource

14.6 Communication Centers that were in

14.7 operation before January 1, 2000.

14.8 **(c) ARMER Debt Service**

14.9 \$23,261,000 each year is to the commissioner

14.10 of management and budget to pay debt

14.11 service on revenue bonds issued under

14.12 Minnesota Statutes, section 403.275.

14.13 Any portion of this appropriation not needed

14.14 to pay debt service in a fiscal year may be

14.15 used by the commissioner of public safety to

14.16 pay cash for any of the capital improvements

14.17 for which bond proceeds were appropriated

14.18 by Laws 2005, chapter 136, article 1, section

14.19 9, subdivision 8; or Laws 2007, chapter 54,

14.20 article 1, section 10, subdivision 8.

14.21 **(d) ARMER State Backbone Operating Costs**

14.22 \$9,250,000 the first year and \$9,650,00 the

14.23 second year are to the commissioner of

14.24 transportation for costs of maintaining and

14.25 operating the first and third phases of the

14.26 statewide radio system backbone.

14.27 **(e) ARMER Improvements**

14.28 \$1,000,000 each year is to the Statewide

14.29 Radio Board for costs of design, construction,

14.30 and maintenance of, and improvements

14.31 to, those elements of the statewide public

14.32 safety radio and communication system

14.33 that support mutual aid communications

14.34 and emergency medical services or provide

15.1 interim enhancement of public safety
 15.2 communication interoperability in those
 15.3 areas of the state where the statewide public
 15.4 safety radio and communication system is
 15.5 not yet implemented.

15.6 **Sec. 13. PEACE OFFICER STANDARDS**
 15.7 **AND TRAINING (POST) BOARD** **\$ 3,870,000 \$ 3,870,000**

15.8 **(a) Excess Amounts Transferred**

15.9 This appropriation is from the peace officer
 15.10 training account in the special revenue fund.
 15.11 Any new receipts credited to that account in
 15.12 the first year in excess of \$3,870,000 must be
 15.13 transferred and credited to the general fund.
 15.14 Any new receipts credited to that account in
 15.15 the second year in excess of \$3,870,000 must
 15.16 be transferred and credited to the general
 15.17 fund.

15.18 **(b) Peace Officer Training**

15.19 **Reimbursements**

15.20 \$2,734,000 each year is for reimbursements
 15.21 to local governments for peace officer
 15.22 training costs.

15.23 **(c) Training; Sexually Exploited and**

15.24 **Trafficked Youth**

15.25 Of the appropriation in paragraph (b),
 15.26 \$100,000 the first year is for reimbursements
 15.27 to local governments for peace officer
 15.28 training costs on sexually exploited and
 15.29 trafficked youth, including effectively
 15.30 identifying sex trafficked victims and
 15.31 traffickers, investigation techniques, and
 15.32 assisting sexually exploited youth.

15.33 Reimbursement shall be provided on a flat
 15.34 fee basis of \$100 per diem per officer.

16.1	Sec. 14. <u>PRIVATE DETECTIVE BOARD</u>	\$	<u>120,000</u>	\$	<u>120,000</u>
16.2	Sec. 15. <u>HUMAN RIGHTS</u>	\$	<u>3,297,000</u>	\$	<u>3,297,000</u>
16.3	<u>Increased Compliance</u>				
16.4	<u>\$129,000 each year is for two additional</u>				
16.5	<u>contract compliance officers.</u>				
16.6	Sec. 16. <u>DEPARTMENT OF CORRECTIONS</u>				
16.7	<u>Subdivision 1. Total Appropriation</u>	\$	<u>481,470,000</u>	\$	<u>487,304,000</u>
16.8	<u>The amounts that may be spent for each</u>				
16.9	<u>purpose are specified in the following</u>				
16.10	<u>subdivisions.</u>				
16.11	<u>Subd. 2. Correctional Institutions</u>		<u>345,048,000</u>		<u>350,087,000</u>
16.12	<u>(a) Program Base</u>				
16.13	<u>The general fund base for correctional</u>				
16.14	<u>institutions shall be \$352,372,000 in fiscal</u>				
16.15	<u>year 2016 and \$354,982,000 in fiscal year</u>				
16.16	<u>2017.</u>				
16.17	<u>(b) Medical Release Planners</u>				
16.18	<u>\$68,000 the first year and \$136,000 the</u>				
16.19	<u>second year are for two medical release</u>				
16.20	<u>planners.</u>				
16.21	<u>(c) MINNCOR</u>				
16.22	<u>Notwithstanding Minnesota Statutes, section</u>				
16.23	<u>241.27, the commissioner of management</u>				
16.24	<u>and budget shall transfer \$1,300,000 each</u>				
16.25	<u>year from the Minnesota correctional</u>				
16.26	<u>industries revolving fund to the general fund.</u>				
16.27	<u>This is a onetime transfer.</u>				
16.28	<u>(d) Treatment Beds</u>				
16.29	<u>\$1,500,000 each year is to fund additional</u>				
16.30	<u>sex offender and chemical dependency</u>				
16.31	<u>treatment beds and shall not be used for any</u>				

17.1 other purpose. The commissioner shall report
 17.2 to the legislature on how this appropriation
 17.3 was spent.

17.4 **Subd. 3. Community Services** 114,178,000 114,704,000

17.5 **(a) Probation Supervision, CCA System**

17.6 \$1,025,000 the first year and \$1,025,000 the
 17.7 second year are added to the Community
 17.8 Corrections Act subsidy, as described in
 17.9 Minnesota Statutes, section 401.14.

17.10 **(b) Probation Supervision, CPO System**

17.11 \$200,000 each year is for county probation
 17.12 officers reimbursement, as described
 17.13 in Minnesota Statutes, section 244.19,
 17.14 subdivision 6.

17.15 **Subd. 4. Operations Support** 22,244,000 22,513,000

17.16 **ARTICLE 2**

17.17 **GUARDIANS AND CONSERVATORS**

17.18 Section 1. Minnesota Statutes 2012, section 245C.32, subdivision 2, is amended to read:

17.19 Subd. 2. **Use.** (a) The commissioner may also use these systems and records to
 17.20 obtain and provide criminal history data from the Bureau of Criminal Apprehension,
 17.21 criminal history data held by the commissioner, and data about substantiated maltreatment
 17.22 under section 626.556 or 626.557, for other purposes, provided that:

17.23 (1) the background study is specifically authorized in statute; or

17.24 (2) the request is made with the informed consent of the subject of the study as
 17.25 provided in section 13.05, subdivision 4.

17.26 (b) An individual making a request under paragraph (a), clause (2), must agree in
 17.27 writing not to disclose the data to any other individual without the consent of the subject
 17.28 of the data.

17.29 (c) The commissioner may recover the cost of obtaining and providing background
 17.30 study data by charging the individual or entity requesting the study a fee of no more
 17.31 than \$20 per study. The fees collected under this paragraph are appropriated to the
 17.32 commissioner for the purpose of conducting background studies.

18.1 (d) The commissioner shall recover the cost of obtaining background study data
18.2 required under section 524.5-118 through a fee of \$50 per study for an individual who
18.3 has not lived outside Minnesota for the past ten years, and a fee of \$100 for an individual
18.4 who has resided outside of Minnesota for any period during the ten years preceding the
18.5 background study. The commissioner shall recover, from the individual, any additional
18.6 fees charged by other states' licensing agencies that are associated with these data requests.
18.7 Fees under subdivision 3 also apply when criminal history data from the National Criminal
18.8 Records Repository is required.

18.9 Sec. 2. Minnesota Statutes 2012, section 524.5-118, subdivision 1, is amended to read:

18.10 Subdivision 1. **When required; exception.** (a) The court shall require a background
18.11 study under this section:

18.12 (1) before the appointment of a guardian or conservator, unless a background study
18.13 has been done on the person under this section within the previous ~~five~~ two years; and

18.14 (2) once every ~~five~~ two years after the appointment, if the person continues to serve
18.15 as a guardian or conservator.

18.16 (b) The background study must include:

18.17 (1) criminal history data from the Bureau of Criminal Apprehension, other criminal
18.18 history data held by the commissioner of human services, and data regarding whether the
18.19 person has been a perpetrator of substantiated maltreatment of a vulnerable adult ~~and a~~
18.20 or minor;

18.21 ~~(e) The court shall request a search of the (2) criminal history data from the National~~
18.22 ~~Criminal Records Repository if the proposed guardian or conservator has not resided in~~
18.23 ~~Minnesota for the previous ~~five~~ ten years or if the Bureau of Criminal Apprehension~~
18.24 ~~information received from the commissioner of human services under subdivision 2,~~
18.25 ~~paragraph (b), indicates that the subject is a multistate offender or that the individual's~~
18.26 ~~multistate offender status is undetermined; and~~

18.27 (3) state licensing agency data if a search of the database or databases of the agencies
18.28 listed in subdivision 2a shows that the proposed guardian or conservator has ever held a
18.29 professional license directly related to the responsibilities of a professional fiduciary from
18.30 an agency listed in subdivision 2a that was conditioned, suspended, revoked, or canceled.

18.31 ~~(d)~~ (c) If the guardian or conservator is not an individual, the background study must
18.32 be done on all individuals currently employed by the proposed guardian or conservator
18.33 who will be responsible for exercising powers and duties under the guardianship or
18.34 conservatorship.

19.1 ~~(e)~~ (d) If the court determines that it would be in the best interests of the ward or
 19.2 protected person to appoint a guardian or conservator before the background study can
 19.3 be completed, the court may make the appointment pending the results of the study,
 19.4 however, the background study must then be completed as soon as reasonably possible
 19.5 after appointment, no later than 30 days after appointment.

19.6 ~~(f)~~ (e) The fee for conducting a background study for appointment of a professional
 19.7 guardian or conservator must be paid by the guardian or conservator. In other cases,
 19.8 the fee must be paid as follows:

19.9 (1) if the matter is proceeding in forma pauperis, the fee is an expense for purposes
 19.10 of section 524.5-502, paragraph (a);

19.11 (2) if there is an estate of the ward or protected person, the fee must be paid from
 19.12 the estate; or

19.13 (3) in the case of a guardianship or conservatorship of the person that is not
 19.14 proceeding in forma pauperis, the court may order that the fee be paid by the guardian or
 19.15 conservator or by the court.

19.16 ~~(g)~~ (f) The requirements of this subdivision do not apply if the guardian or
 19.17 conservator is:

19.18 (1) a state agency or county;

19.19 (2) a parent or guardian of a proposed ward or protected person who has a
 19.20 developmental disability, if the parent or guardian has raised the proposed ward or
 19.21 protected person in the family home until the time the petition is filed, unless counsel
 19.22 appointed for the proposed ward or protected person under section 524.5-205, paragraph
 19.23 (d); 524.5-304, paragraph (b); 524.5-405, paragraph (a); or 524.5-406, paragraph (b),
 19.24 recommends a background study; or

19.25 (3) a bank with trust powers, bank and trust company, or trust company, organized
 19.26 under the laws of any state or of the United States and which is regulated by the
 19.27 commissioner of commerce or a federal regulator.

19.28 Sec. 3. Minnesota Statutes 2012, section 524.5-118, is amended by adding a
 19.29 subdivision to read:

19.30 Subd. 2a. **Procedure; state licensing agency data.** (a) The court shall request the
 19.31 commissioner of human services to provide the court within 25 working days of receipt of
 19.32 the request with licensing agency data for licenses directly related to the responsibilities of
 19.33 a professional fiduciary from the following agencies in Minnesota:

19.34 (1) Lawyers Responsibility Board;

19.35 (2) State Board of Accountancy;

20.1 (3) Board of Social Work;

20.2 (4) Board of Psychology;

20.3 (5) Board of Nursing;

20.4 (6) Board of Medical Practice;

20.5 (7) Department of Education;

20.6 (8) Department of Commerce;

20.7 (9) Board of Chiropractic Examiners;

20.8 (10) Board of Dentistry;

20.9 (11) Board of Marriage and Family Therapy;

20.10 (12) Department of Human Services; and

20.11 (13) Peace Officer Standards and Training (POST) Board.

20.12 (b) The commissioner shall enter into agreements with these agencies to provide for
20.13 electronic access to the relevant licensing data by the commissioner.

20.14 (c) The commissioner shall provide to the court the electronically available data
20.15 maintained in the agency's database, including whether the proposed guardian or
20.16 conservator is or has been licensed by the agency, and if the licensing agency database
20.17 indicates a disciplinary action or a sanction against the individual's license, including a
20.18 condition, suspension, revocation, or cancellation.

20.19 (d) If the proposed guardian or conservator has resided in a state other than
20.20 Minnesota in the previous ten years, licensing agency data under this section shall also
20.21 include the licensing agency data from any other state where the proposed guardian or
20.22 conservator reported to have resided during the previous ten years. If the proposed
20.23 guardian or conservator has or has had a professional license in another state that is
20.24 directly related to the responsibilities of a professional fiduciary from one of the agencies
20.25 listed under paragraph (a), state licensing agency data shall also include data from the
20.26 relevant licensing agency of that state.

20.27 (e) The commissioner is not required to repeat a search for Minnesota or out-of-state
20.28 licensing data on an individual if the commissioner has provided this information to the
20.29 court within the prior two years.

20.30 (f) If an individual has continuously resided in Minnesota since a previous
20.31 background study under this section was completed, the commissioner is not required to
20.32 repeat a search for records in another state.

20.33 Sec. 4. Minnesota Statutes 2012, section 524.5-303, is amended to read:

20.34 **524.5-303 JUDICIAL APPOINTMENT OF GUARDIAN: PETITION.**

21.1 (a) An individual or a person interested in the individual's welfare may petition for
21.2 a determination of incapacity, in whole or in part, and for the appointment of a limited
21.3 or unlimited guardian for the individual.

21.4 (b) The petition must set forth the petitioner's name, residence, current address if
21.5 different, relationship to the respondent, and interest in the appointment and, to the extent
21.6 known, state or contain the following with respect to the respondent and the relief requested:

21.7 (1) the respondent's name, age, principal residence, current street address, and, if
21.8 different, the address of the dwelling in which it is proposed that the respondent will
21.9 reside if the appointment is made;

21.10 (2) the name and address of the respondent's:

21.11 (i) spouse, or if the respondent has none, an adult with whom the respondent has
21.12 resided for more than six months before the filing of the petition; and

21.13 (ii) adult children or, if the respondent has none, the respondent's parents and adult
21.14 brothers and sisters, or if the respondent has none, at least one of the adults nearest in
21.15 kinship to the respondent who can be found;

21.16 (3) the name of the administrative head and address of the institution where the
21.17 respondent is a patient, resident, or client of any hospital, nursing home, home care
21.18 agency, or other institution;

21.19 (4) the name and address of any legal representative for the respondent;

21.20 (5) the name, address, and telephone number of any person nominated as guardian
21.21 by the respondent in any manner permitted by law, including a health care agent nominated
21.22 in a health care directive;

21.23 (6) the name, address, and telephone number of any proposed guardian and the
21.24 reason why the proposed guardian should be selected;

21.25 (7) the name and address of any health care agent or proxy appointed pursuant to
21.26 a health care directive as defined in section 145C.01, a living will under chapter 145B,
21.27 or other similar document executed in another state and enforceable under the laws of
21.28 this state;

21.29 (8) the reason why guardianship is necessary, including a brief description of the
21.30 nature and extent of the respondent's alleged incapacity;

21.31 (9) if an unlimited guardianship is requested, the reason why limited guardianship
21.32 is inappropriate and, if a limited guardianship is requested, the powers to be granted to
21.33 the limited guardian; and

21.34 (10) a general statement of the respondent's property with an estimate of its value,
21.35 including any insurance or pension, and the source and amount of any other anticipated
21.36 income or receipts.

22.1 (c) The petition must also set forth the following information regarding the proposed
 22.2 guardian or any employee of the guardian responsible for exercising powers and duties
 22.3 under the guardianship:

22.4 (1) whether the proposed guardian has ever been removed for cause from serving as
 22.5 a guardian or conservator and, if so, the case number and court location; ~~and~~

22.6 (2) if the proposed guardian is a professional guardian or conservator, a summary of
 22.7 the proposed guardian's educational background and relevant work and other experience;

22.8 (3) whether the proposed guardian has ever applied for or held, at any time, any
 22.9 professional license from an agency listed under section 524.5-118, subdivision 2a, and if
 22.10 so, the name of the licensing agency, and as applicable, the license number and status;
 22.11 whether the license is active or has been denied, conditioned, suspended, revoked, or
 22.12 canceled; and the basis for the denial, condition, suspension, revocation, or cancellation
 22.13 of the license;

22.14 (4) whether the proposed guardian has ever been found civilly liable in an action
 22.15 that involved fraud, misrepresentation, material omission, misappropriation, theft, or
 22.16 conversion, and if so, the case number and court location;

22.17 (5) whether the proposed guardian has ever filed for or received protection under the
 22.18 bankruptcy laws, and if so, the case number and court location;

22.19 (6) whether the proposed guardian has any outstanding civil monetary judgments
 22.20 against the proposed guardian, and if so, the case number, court location, and outstanding
 22.21 amount owed;

22.22 (7) whether an order for protection or harassment restraining order has ever been
 22.23 issued against the proposed guardian, and if so, the case number and court location; and

22.24 (8) whether the proposed guardian has ever been convicted of a crime other than a
 22.25 petty misdemeanor or traffic offense, and if so, the case number and the crime of which
 22.26 the guardian was convicted.

22.27 Sec. 5. Minnesota Statutes 2012, section 524.5-316, is amended to read:

22.28 **524.5-316 REPORTS; MONITORING OF GUARDIANSHIP; COURT**
 22.29 **ORDERS.**

22.30 (a) A guardian shall report to the court in writing on the condition of the ward at least
 22.31 annually and whenever ordered by the court. A copy of the report must be provided to the
 22.32 ward and to interested persons of record with the court. A report must state or contain:

22.33 (1) the current mental, physical, and social condition of the ward;

22.34 (2) the living arrangements for all addresses of the ward during the reporting period;

23.1 (3) any restrictions placed on the ward's right to communication and visitation with
 23.2 persons of the ward's choice and the factual bases for those restrictions;

23.3 (4) the medical, educational, vocational, and other services provided to the ward and
 23.4 the guardian's opinion as to the adequacy of the ward's care;

23.5 (5) a recommendation as to the need for continued guardianship and any
 23.6 recommended changes in the scope of the guardianship;

23.7 (6) an address and telephone number where the guardian can be contacted; and

23.8 ~~(7) whether the guardian has ever been removed for cause from serving as a guardian~~
 23.9 ~~or conservator and, if so, the case number and court location;~~

23.10 ~~(8) any changes occurring that would affect the accuracy of information contained~~
 23.11 ~~in the most recent criminal background study of the guardian conducted under section~~
 23.12 ~~524.5-118; and~~

23.13 ~~(9)~~ (7) if applicable, the amount of reimbursement for services rendered to the ward
 23.14 that the guardian received during the previous year that were not reimbursed by county
 23.15 contract.

23.16 (b) A guardian shall report to the court in writing within 30 days of the occurrence of
 23.17 any of the events listed in this paragraph. The guardian must report any of the occurrences
 23.18 in this paragraph and follow the same reporting requirements in this paragraph for
 23.19 any employee of the guardian responsible for exercising powers and duties under the
 23.20 guardianship. A copy of the report must be provided to the ward and to interested persons
 23.21 of record with the court. A guardian shall report when:

23.22 (1) the guardian is removed for cause from serving as a guardian or conservator, and
 23.23 if so, the case number and court location;

23.24 (2) the guardian has a professional license from an agency listed under section
 23.25 524.5-118, subdivision 2a, denied, conditioned, suspended, revoked, or canceled, and
 23.26 if so, the licensing agency and license number, and the basis for denial, condition,
 23.27 suspension, revocation, or cancellation of the license;

23.28 (3) the guardian is found civilly liable in an action that involves fraud,
 23.29 misrepresentation, material omission, misappropriation, theft, or conversion, and if so, the
 23.30 case number and court location;

23.31 (4) the guardian files for or receives protection under the bankruptcy laws, and
 23.32 if so, the case number and court location;

23.33 (5) a civil monetary judgment is entered against the guardian, and if so, the case
 23.34 number, court location, and outstanding amount owed;

23.35 (6) the guardian is convicted of a crime other than a petty misdemeanor or traffic
 23.36 offense, and if so, the case number and court location; or

24.1 (7) an order for protection or harassment restraining order is issued against the
 24.2 guardian, and if so, the case number and court location.

24.3 ~~(b)~~ (c) A ward or interested person of record with the court may submit to the court a
 24.4 written statement disputing statements or conclusions regarding the condition of the ward
 24.5 or addressing any disciplinary or legal action that are is contained in the report guardian's
 24.6 reports and may petition the court for an order that is in the best interests of the ward or
 24.7 for other appropriate relief.

24.8 ~~(e)~~ (d) An interested person may notify the court in writing that the interested person
 24.9 does not wish to receive copies of reports required under this section.

24.10 ~~(d)~~ (e) The court may appoint a visitor to review a report, interview the ward or
 24.11 guardian, and make any other investigation the court directs.

24.12 ~~(e)~~ (f) The court shall establish a system for monitoring guardianships, including the
 24.13 filing and review of annual reports. If an annual report is not filed within 60 days of the
 24.14 required date, the court shall issue an order to show cause.

24.15 (g) If a guardian fails to comply with this section, the court may decline to appoint that
 24.16 person as a guardian or conservator, or may remove a person as guardian or conservator.

24.17 Sec. 6. Minnesota Statutes 2012, section 524.5-403, is amended to read:

24.18 **524.5-403 ORIGINAL PETITION FOR APPOINTMENT OR PROTECTIVE**
 24.19 **ORDER.**

24.20 (a) The following may petition for the appointment of a conservator or for any
 24.21 other appropriate protective order:

24.22 (1) the person to be protected;

24.23 (2) an individual interested in the estate, affairs, or welfare of the person to be
 24.24 protected; or

24.25 (3) a person who would be adversely affected by lack of effective management of
 24.26 the property and business affairs of the person to be protected.

24.27 (b) The petition must set forth the petitioner's name, residence, current address
 24.28 if different, relationship to the respondent, and interest in the appointment or other
 24.29 protective order, and, to the extent known, state or contain the following with respect to
 24.30 the respondent and the relief requested:

24.31 (1) the respondent's name, age, principal residence, current street address, and, if
 24.32 different, the address of the dwelling where it is proposed that the respondent will reside if
 24.33 the appointment is made;

25.1 (2) if the petition alleges impairment in the respondent's ability to receive and
25.2 evaluate information, a brief description of the nature and extent of the respondent's
25.3 alleged impairment;

25.4 (3) if the petition alleges that the respondent is missing, detained, or unable to
25.5 return to the United States, a statement of the relevant circumstances, including the time
25.6 and nature of the disappearance or detention and a description of any search or inquiry
25.7 concerning the respondent's whereabouts;

25.8 (4) the name and address of the respondent's:

25.9 (i) spouse, or if the respondent has none, an adult with whom the respondent has
25.10 resided for more than six months before the filing of the petition; and

25.11 (ii) adult children or, if the respondent has none, the respondent's parents and adult
25.12 brothers and sisters or, if the respondent has none, at least one of the adults nearest in
25.13 kinship to the respondent who can be found;

25.14 (5) the name of the administrative head and address of the institution where the
25.15 respondent is a patient, resident, or client of any hospital, nursing home, home care
25.16 agency, or other institution;

25.17 (6) the name and address of any legal representative for the respondent;

25.18 (7) the name and address of any health care agent or proxy appointed pursuant to
25.19 a health care directive as defined in section 145C.01, a living will under chapter 145B,
25.20 or other similar document executed in another state and enforceable under the laws of
25.21 this state;

25.22 (8) a general statement of the respondent's property with an estimate of its value,
25.23 including any insurance or pension, and the source and amount of other anticipated
25.24 income or receipts; and

25.25 (9) the reason why a conservatorship or other protective order is in the best interest
25.26 of the respondent.

25.27 (c) If a conservatorship is requested, the petition must also set forth to the extent
25.28 known:

25.29 (1) the name, address, and telephone number of any proposed conservator and the
25.30 reason why the proposed conservator should be selected;

25.31 (2) the name, address, and telephone number of any person nominated as conservator
25.32 by the respondent if the respondent has attained 14 years of age; and

25.33 (3) the type of conservatorship requested and, if an unlimited conservatorship,
25.34 the reason why limited conservatorship is inappropriate or, if a limited conservatorship,
25.35 the property to be placed under the conservator's control and any limitation on the
25.36 conservator's powers and duties.

26.1 (d) The petition must also set forth the following information regarding the proposed
 26.2 conservator or any employee of the conservator responsible for exercising powers and
 26.3 duties under the conservatorship:

26.4 (1) whether the proposed conservator has ever been removed for cause from serving
 26.5 as a guardian or conservator and, if so, the case number and court location; ~~and~~

26.6 (2) if the proposed conservator is a professional guardian or conservator, a summary
 26.7 of the proposed conservator's educational background and relevant work and other
 26.8 experience;

26.9 (3) whether the proposed conservator has ever applied for or held, at any time, any
 26.10 professional license from an agency listed under section 524.5-118, subdivision 2a, and if
 26.11 so, the name of the licensing agency, and as applicable, the license number and status;
 26.12 whether the license is active or has been denied, conditioned, suspended, revoked, or
 26.13 canceled; and the basis for the denial, condition, suspension, revocation, or cancellation
 26.14 of the license;

26.15 (4) whether the proposed conservator has ever been found civilly liable in an action
 26.16 that involved fraud, misrepresentation, material omission, misappropriation, theft, or
 26.17 conversion, and if so, the case number and court location;

26.18 (5) whether the proposed conservator has ever filed for or received protection under
 26.19 the bankruptcy laws, and if so, the case number and court location;

26.20 (6) whether the proposed conservator has any outstanding civil monetary judgments
 26.21 against the proposed conservator, and if so, the case number, court location, and
 26.22 outstanding amount owed;

26.23 (7) whether an order for protection or harassment restraining order has ever been
 26.24 issued against the proposed conservator, and if so, the case number and court location; and

26.25 (8) whether the proposed conservator has ever been convicted of a crime other than
 26.26 a petty misdemeanor or traffic offense, and if so, the case number and the crime of which
 26.27 the conservator was convicted.

26.28 Sec. 7. Minnesota Statutes 2012, section 524.5-420, is amended to read:

26.29 **524.5-420 REPORTS; APPOINTMENT OF VISITOR; MONITORING;**
 26.30 **COURT ORDERS.**

26.31 (a) A conservator shall report to the court for administration of the estate annually
 26.32 unless the court otherwise directs, upon resignation or removal, upon termination of the
 26.33 conservatorship, and at other times as the court directs. An order, after notice and hearing,
 26.34 allowing an intermediate report of a conservator adjudicates liabilities concerning the

27.1 matters adequately disclosed in the accounting. An order, after notice and hearing, allowing
27.2 a final report adjudicates all previously unsettled liabilities relating to the conservatorship.

27.3 (b) A report must state or contain a listing of the assets of the estate under the
27.4 conservator's control and a listing of the receipts, disbursements, and distributions during
27.5 the reporting period.

27.6 (c) The report must also state:

27.7 (1) an address and telephone number where the conservator can be contacted;

27.8 (2) whether the conservator has ever been removed for cause from serving as a
27.9 guardian or conservator and, if so, the case number and court locations; and

27.10 (3) any changes occurring that would affect the accuracy of information contained in
27.11 the most recent criminal background study of the conservator conducted under section
27.12 524.5-118.

27.13 (d) A conservator shall report to the court in writing within 30 days of the occurrence
27.14 of any of the events listed in this paragraph. The conservator must report any of the
27.15 occurrences in this paragraph and follow the same reporting requirements in this paragraph
27.16 for any employee of the conservator responsible for exercising powers and duties under
27.17 the conservatorship. A copy of the report must be provided to the protected person and to
27.18 interested persons of record with the court. A conservator shall report when:

27.19 (1) the conservator is removed for cause from serving as a guardian or conservator,
27.20 and if so, the case number and court location;

27.21 (2) the conservator has a professional license from an agency listed under section
27.22 524.5-118, subdivision 2a, denied, conditioned, suspended, revoked, or canceled, and
27.23 if so, the licensing agency and license number, and the basis for denial, condition,
27.24 suspension, revocation, or cancellation of the license;

27.25 (3) the conservator is found civilly liable in an action that involves fraud,
27.26 misrepresentation, material omission, misappropriation, theft, or conversion, and if so, the
27.27 case number and court location;

27.28 (4) the conservator files for or receives protection under the bankruptcy laws, and
27.29 if so, the case number and court location;

27.30 (5) a civil monetary judgment is entered against the conservator, and if so, the case
27.31 number, court location, and outstanding amount owed;

27.32 (6) the conservator is convicted of a crime other than a petty misdemeanor or traffic
27.33 offense, and if so, the case number and court location; or

27.34 (7) an order for protection or harassment restraining order is issued against the
27.35 conservator, and if so, the case number and court location.

28.1 ~~(d)~~ (e) A protected person or an interested person of record with the court may
 28.2 submit to the court a written statement disputing account statements regarding the
 28.3 administration of the estate or addressing any disciplinary or legal action that are is
 28.4 contained in the ~~report~~ reports and may petition the court for any order that is in the best
 28.5 interests of the protected person and the estate or for other appropriate relief.

28.6 (e) ~~(f)~~ An interested person may notify the court in writing that the interested person
 28.7 does not wish to receive copies of reports required under this section.

28.8 ~~(f)~~ (g) The court may appoint a visitor to review a report or plan, interview the
 28.9 protected person or conservator, and make any other investigation the court directs. In
 28.10 connection with a report, the court may order a conservator to submit the assets of the
 28.11 estate to an appropriate examination to be made in a manner the court directs.

28.12 ~~(g)~~ (h) The court shall establish a system for monitoring of conservatorships,
 28.13 including the filing and review of conservators' reports and plans. If an annual report is
 28.14 not filed within 60 days of the required date, the court shall issue an order to show cause.

28.15 (i) If a conservator fails to comply with this section, the court may decline to appoint
 28.16 that person as a guardian or conservator, or may remove a person as guardian or conservator.

28.17 ARTICLE 3

28.18 JUDICIARY AND PUBLIC SAFETY

28.19 Section 1. Minnesota Statutes 2012, section 243.51, subdivision 1, is amended to read:

28.20 Subdivision 1. **Contracting with other states and federal government.** The
 28.21 commissioner of corrections is hereby authorized to contract with agencies and bureaus of
 28.22 the United States and with the proper officials of other states or a county of this state for
 28.23 the custody, care, subsistence, education, treatment and training of persons convicted of
 28.24 criminal offenses constituting felonies in the courts of this state, the United States, or other
 28.25 states of the United States. ~~Such~~ The contracts shall provide for reimbursing the state of
 28.26 Minnesota for all costs or other expenses involved, and, to the extent possible, require
 28.27 payment to the Department of Corrections of a per diem amount that is substantially equal
 28.28 to or greater than the per diem for the cost of housing Minnesota inmates at the same
 28.29 facility. This per diem cost shall be based on the assumption that the facility is at or
 28.30 near capacity. Funds received under the contracts shall be deposited in the state treasury
 28.31 and are appropriated to the commissioner of corrections for correctional purposes. Any
 28.32 prisoner transferred to the state of Minnesota pursuant to this subdivision shall be subject
 28.33 to the terms and conditions of the prisoner's original sentence as if the prisoner were
 28.34 serving the same within the confines of the state in which the conviction and sentence was

29.1 had or in the custody of the United States. Nothing herein shall deprive ~~such~~ the inmate of
 29.2 the right to parole or the rights to legal process in the courts of this state.

29.3 Sec. 2. Minnesota Statutes 2012, section 243.51, subdivision 3, is amended to read:

29.4 Subd. 3. **Temporary detention.** The commissioner of corrections is authorized to
 29.5 contract with agencies and bureaus of the United States and with the appropriate officials
 29.6 of any other state or county of this state for the temporary detention of any person in
 29.7 custody pursuant to any process issued under the authority of the United States, other
 29.8 states of the United States, or the district courts of this state. The contract shall provide for
 29.9 reimbursement to the state of Minnesota for all costs and expenses involved, and, to the
 29.10 extent possible, require payment to the Department of Corrections of a per diem amount
 29.11 that is substantially equal to or greater than the per diem for the cost of housing Minnesota
 29.12 inmates at the same facility. This per diem cost shall be based on the assumption that the
 29.13 facility is at or near capacity. Funds received under the contracts shall be deposited in the
 29.14 state treasury and are appropriated to the commissioner of corrections for correctional
 29.15 purposes.

29.16 Sec. 3. **[244.0551] CONDITIONAL RELEASE OF NONVIOLENT**
 29.17 **CONTROLLED SUBSTANCE OFFENDERS; TREATMENT.**

29.18 Subdivision 1. **Conditional release authority.** The commissioner of corrections has
 29.19 the authority to release offenders committed to the commissioner's custody who meet the
 29.20 requirements of this section and of any rules adopted by the commissioner.

29.21 Subd. 2. **Conditional release of certain nonviolent controlled substance**
 29.22 **offenders.** An offender who has been committed to the commissioner's custody may
 29.23 petition the commissioner for conditional release from prison before the offender's
 29.24 scheduled supervised release date or target release date if:

29.25 (1) the offender is serving a sentence for violating section 152.021, subdivision 2 or
 29.26 2a; 152.022, subdivision 2; 152.023, subdivision 2; 152.024, subdivision 2; or 152.025,
 29.27 subdivision 2;

29.28 (2) the offender committed the crime as a result of a controlled substance addiction;

29.29 (3) the offender has served at least 36 months or one-half of the offender's term of
 29.30 imprisonment, whichever is less;

29.31 (4) the offender successfully completed a chemical dependency treatment program
 29.32 of the type described in this section while in prison;

29.33 (5) the offender has not previously been conditionally released under this section; and

30.1 (6) the offender has not within the past ten years been convicted or adjudicated
30.2 delinquent for a violent crime as defined in section 609.1095 other than the current
30.3 conviction for the controlled substance offense.

30.4 Subd. 3. **Offer of chemical dependency treatment.** The commissioner shall offer
30.5 all offenders meeting the criteria described in subdivision 2, clauses (1), (2), (5), and
30.6 (6), the opportunity to begin a suitable chemical dependency treatment program of the
30.7 type described in this section within 160 days after the offender's term of imprisonment
30.8 begins or as soon after 160 days as possible.

30.9 Subd. 4. **Chemical dependency treatment program components.** (a) The
30.10 chemical dependency treatment program described in subdivisions 2 and 3 must:

30.11 (1) contain a highly structured daily schedule for the offender;

30.12 (2) contain individualized educational programs designed to improve the basic
30.13 educational skills of the offender and to provide vocational training, if appropriate;

30.14 (3) contain programs designed to promote the offender's self-worth and the offender's
30.15 acceptance of responsibility for the consequences of the offender's own decisions;

30.16 (4) be licensed by the Department of Human Services and designed to serve the
30.17 inmate population; and

30.18 (5) require that each offender submit to a chemical use assessment and that the
30.19 offender receive the appropriate level of treatment as indicated by the assessment.

30.20 (b) The commissioner shall expel from the chemical dependency treatment program
30.21 any offender who:

30.22 (1) commits a material violation of or repeatedly fails to follow the rules of the
30.23 program;

30.24 (2) commits any criminal offense while in the program; or

30.25 (3) presents any risk to other inmates based on the offender's behavior or attitude.

30.26 Subd. 5. **Additional requirements.** To be eligible for release under this section,
30.27 an offender shall sign a written contract with the commissioner agreeing to comply with
30.28 the requirements of this section and the conditions imposed by the commissioner. In
30.29 addition to other items, the contract must specifically refer to the term of imprisonment
30.30 extension in subdivision 6. In addition, the offender shall agree to submit to random drug
30.31 and alcohol tests and electronic or home monitoring as determined by the commissioner or
30.32 the offender's supervising agent. The commissioner may impose additional requirements
30.33 on the offender that are necessary to carry out the goals of this section.

30.34 Subd. 6. **Extension of term of imprisonment for offenders who fail in treatment.**
30.35 When an offender fails to successfully complete the chemical dependency treatment
30.36 program under this section, the commissioner shall add the time that the offender was

31.1 participating in the program to the offender's term of imprisonment. However, the
31.2 offender's term of imprisonment may not be extended beyond the offender's executed
31.3 sentence.

31.4 Subd. 7. **Release procedures.** The commissioner may deny conditional release to
31.5 an offender under this section if the commissioner determines that the offender's release
31.6 may reasonably pose a danger to the public or an individual. In making this determination,
31.7 the commissioner shall follow the procedures in section 244.05, subdivision 5, and the
31.8 rules adopted by the commissioner under that subdivision. The commissioner shall
31.9 consider whether the offender was involved in criminal gang activity during the offender's
31.10 prison term. The commissioner shall also consider the offender's custody classification
31.11 and level of risk of violence and the availability of appropriate community supervision for
31.12 the offender. Conditional release granted under this section continues until the offender's
31.13 sentence expires, unless release is rescinded under subdivision 8. The commissioner
31.14 may not grant conditional release unless a release plan is in place for the offender that
31.15 addresses, at a minimum, plans for aftercare, community-based chemical dependency
31.16 treatment, gaining employment, and securing housing.

31.17 Subd. 8. **Conditional release.** The conditions of release granted under this
31.18 section are governed by the statutes and rules governing supervised release under this
31.19 chapter, except that release may be rescinded without hearing by the commissioner if the
31.20 commissioner determines that continuation of the conditional release poses a danger to
31.21 the public or to an individual. If the commissioner rescinds an offender's conditional
31.22 release, the offender shall be returned to prison and shall serve the remaining portion of
31.23 the offender's sentence.

31.24 Subd. 9. **Offenders serving other sentences.** An offender who is serving
31.25 both a sentence for an offense described in subdivision 2 and an offense not described
31.26 in subdivision 2 is not eligible for release under this section unless the offender has
31.27 completed the offender's full term of imprisonment for the other offense.

31.28 Subd. 10. **Notice.** Upon receiving an offender's petition for release under
31.29 subdivision 2, the commissioner shall notify the prosecuting authority responsible for the
31.30 offender's conviction and the sentencing court. The commissioner shall give the authority
31.31 and court a reasonable opportunity to comment on the offender's potential release. If
31.32 the authority or court elects to comment, the comments must specify the reasons for
31.33 the authority or court's position.

31.34 **EFFECTIVE DATE.** This section is effective July 1, 2013, and applies to persons
31.35 in prison on or after that date.

32.1 Sec. 4. Minnesota Statutes 2012, section 299A.705, is amended by adding a
32.2 subdivision to read:

32.3 Subd. 4. **Prohibited expenditures.** The commissioner is prohibited from expending
32.4 money from driver and vehicle services accounts created in the special revenue fund for
32.5 any purpose that is not specifically authorized in this section or in the chapters specified
32.6 in this section.

32.7 Sec. 5. Minnesota Statutes 2012, section 299A.73, subdivision 3, is amended to read:

32.8 Subd. 3. **Grant allocation formula.** Up to ~~one~~ five percent of the appropriations
32.9 to the grants-in-aid to the youth intervention program may be used for a grant to
32.10 the Minnesota Youth Intervention Programs Association for expenses in providing
32.11 ~~collaborative~~ collaboration, program development, professional development training
32.12 ~~and,~~ technical assistance to, tracking, and analyzing and reporting outcome data for the
32.13 community-based grantees of the program. The Minnesota Youth Intervention Programs
32.14 Association is not required to meet the match obligation under subdivision 2.

32.15 Sec. 6. Minnesota Statutes 2012, section 357.021, is amended by adding a subdivision
32.16 to read:

32.17 Subd. 2b. **Court technology fund.** (a) In addition to any other filing fee under this
32.18 chapter, the court administrator shall collect a \$2 technology fee on filings made under
32.19 subdivision 2, clauses (1) to (13). The court administrator shall transmit the fee monthly
32.20 to the commissioner of management and budget for deposit in the court technology
32.21 account in the special revenue fund.

32.22 (b) A court technology account is established as a special account in the state
32.23 treasury and funds deposited in the account are appropriated to the Supreme Court for
32.24 distribution of technology funds as provided in paragraph (d). Technology funds may
32.25 be used for the following purposes: acquisition, development, support, maintenance,
32.26 and upgrades to computer systems, equipment and devices, network systems, electronic
32.27 records, filings and payment systems, interactive video conferencing, and online
32.28 services, to be used by the state courts and their justice partners.

32.29 (c) The Judicial Council may establish a board consisting of members from the
32.30 judicial branch, prosecutors, public defenders, corrections, and civil legal services to
32.31 distribute funds collected under paragraph (a). The Judicial Council may adopt policies
32.32 and procedures for the operation of the board, including but not limited to policies
32.33 and procedures governing membership terms, removal of members, and the filling of
32.34 membership vacancies.

33.1 (d) Applications for the expenditure of technology funds shall be accepted from the
33.2 judicial branch, county and city attorney offices, the Board of Public Defense, qualified
33.3 legal services programs as defined under section 480.24, corrections agencies, and
33.4 part-time public defender offices. The applications shall be reviewed by the Judicial
33.5 Council and, if established, the board. In accordance with any recommendations from
33.6 the board, the Judicial Council shall distribute the funds available for this expenditure to
33.7 selected recipients.

33.8 (e) By January 15, 2015, and by January 15, 2017, the Judicial Council shall submit
33.9 a report to the chairs and ranking minority members of the house of representatives and
33.10 senate committees with jurisdiction over judiciary finance providing an accounting on
33.11 the amounts collected and expended in the previous biennium, including a list of fund
33.12 recipients, the amounts awarded to each recipient, and the technology purpose funded.

33.13 (f) This subdivision expires June 30, 2018.

33.14 **EFFECTIVE DATE.** This section is effective July 1, 2013, and applies to filings
33.15 made on or after that date.

33.16 Sec. 7. Minnesota Statutes 2012, section 363A.36, subdivision 1, is amended to read:

33.17 Subdivision 1. **Scope of application.** (a) For all contracts for goods and services in
33.18 excess of \$100,000, no department or agency of the state shall accept any bid or proposal
33.19 for a contract or agreement from any business having more than 40 full-time employees
33.20 within this state on a single working day during the previous 12 months, unless the
33.21 commissioner is in receipt of the business' affirmative action plan for the employment of
33.22 minority persons, women, and qualified disabled individuals. No department or agency of
33.23 the state shall execute any such contract or agreement until the affirmative action plan
33.24 has been approved by the commissioner. Receipt of a certificate of compliance issued by
33.25 the commissioner shall signify that a firm or business has an affirmative action plan that
33.26 has been approved by the commissioner. A certificate shall be valid for a period of ~~two~~
33.27 four years. A municipality as defined in section 466.01, subdivision 1, that receives state
33.28 money for any reason is encouraged to prepare and implement an affirmative action plan
33.29 for the employment of minority persons, women, and the qualified disabled and submit the
33.30 plan to the commissioner.

33.31 (b) This paragraph applies to a contract for goods or services in excess of \$100,000
33.32 to be entered into between a department or agency of the state and a business that is
33.33 not subject to paragraph (a), but that has more than 40 full-time employees on a single
33.34 working day during the previous 12 months in the state where the business has its primary
33.35 place of business. A department or agency of the state may not execute a contract or

34.1 agreement with a business covered by this paragraph unless the business has a certificate
34.2 of compliance issued by the commissioner under paragraph (a) or the business certifies
34.3 that it is in compliance with federal affirmative action requirements.

34.4 (c) This section does not apply to contracts entered into by the State Board of
34.5 Investment for investment options under section 352.965, subdivision 4.

34.6 Sec. 8. Minnesota Statutes 2012, section 363A.36, subdivision 2, is amended to read:

34.7 Subd. 2. **Filing fee; account; appropriation.** The commissioner shall collect
34.8 a ~~\$75~~ \$150 fee for each certificate of compliance issued by the commissioner or the
34.9 commissioner's designated agent. The proceeds of the fee must be deposited in a
34.10 human rights fee special revenue account. Money in the account is appropriated to the
34.11 commissioner to fund the cost of issuing certificates and investigating grievances.

34.12 Sec. 9. Minnesota Statutes 2012, section 480A.02, subdivision 7, is amended to read:

34.13 Subd. 7. **Compensation; travel expenses.** (a) The salary of a judge of the Court of
34.14 Appeals shall be as provided by section 15A.082. Except as provided in paragraph (b),
34.15 travel expenses shall be paid by the state in the same manner and amount as provided for
34.16 judges of the district court in section 484.54.

34.17 (b) For any judge of the Court of Appeals whose permanent place of residence
34.18 is more than 50 miles from the judge's permanent chambers in St. Paul, in addition to
34.19 travel expenses provided in paragraph (a), the judge shall be reimbursed for the following
34.20 expenses during the judge's term of service on the Court of Appeals:

34.21 (1) housing expenses in an amount prescribed by judicial council policy, but not
34.22 less than \$1,000 per month; and

34.23 (2) mileage for travel from the judge's permanent place of residence to and from
34.24 the judge's permanent chambers charged at the current United States Internal Revenue
34.25 Service reimbursement rate.

34.26 Reimbursable expenses under this paragraph shall be paid by the state in the same manner
34.27 as provided for judges of the district court in section 484.54, subdivision 3.

34.28 (c) Paragraph (b) expires June 30, 2019.

34.29 **EFFECTIVE DATE.** This section is effective July 1, 2014.

34.30 Sec. 10. Minnesota Statutes 2012, section 609.3455, is amended by adding a
34.31 subdivision to read:

35.1 Subd. 10. Presumptive executed sentence for repeat sex offenders. Except as
 35.2 provided in subdivision 2, 3, 3a, or 4, if a person is convicted under sections 609.342 to
 35.3 609.345 or 609.3453 within 15 years of a previous sex offense conviction, the court shall
 35.4 commit the defendant to the commissioner of corrections for not less than three years, nor
 35.5 more than the maximum sentence provided by law for the offense for which convicted,
 35.6 notwithstanding sections 242.19, 243.05, 609.11, 609.12, and 609.135. The court may
 35.7 stay the execution of the sentence imposed under this subdivision only if it finds that a
 35.8 professional assessment indicates the offender is accepted by and can respond to treatment
 35.9 at a long-term inpatient program exclusively treating sex offenders and approved by the
 35.10 commissioner of corrections. If the court stays the execution of a sentence, it shall include
 35.11 the following as conditions of probation:

35.12 (1) incarceration in a local jail or workhouse; and
 35.13 (2) a requirement that the offender successfully complete the treatment program and
 35.14 aftercare as directed by the court.

35.15 **EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to crimes
 35.16 committed on or after that date.

35.17 Sec. 11. Laws 2011, First Special Session chapter 1, article 1, section 3, subdivision 3,
 35.18 is amended to read:

35.19 Subd. 3. **Civil Legal Services** 11,016,000 11,016,000

35.20 **(a) Legal Services to Low-Income**
 35.21 **Clients in Family Law Matters.** Of this
 35.22 appropriation, \$877,000 each year is to
 35.23 improve the access of low-income clients to
 35.24 legal representation in family law matters.
 35.25 This appropriation must be distributed
 35.26 under Minnesota Statutes, section 480.242,
 35.27 to the qualified legal services programs
 35.28 described in Minnesota Statutes, section
 35.29 480.242, subdivision 2, paragraph (a). Any
 35.30 unencumbered balance remaining in the first
 35.31 year does not cancel and is available in the
 35.32 second year.

35.33 ~~**(b) Case Priorities.** For legal services~~
 35.34 ~~funded by state funds, priority must be~~

36.1 ~~given to clients with civil matters within the~~
36.2 ~~jurisdiction of the state courts or agencies.~~

36.3 Sec. 12. **JUDICIAL SALARY INCREASE.**

36.4 (a) The salaries of Supreme Court justices, Court of Appeals judges, and district court
36.5 judges are increased by three percent on July 1, 2013, and by three percent on July 1, 2014.

36.6 (b) In addition to the increases specified in paragraph (a), the salaries of Supreme
36.7 Court justices, Court of Appeals judges, and district court judges are increased by one
36.8 percent on July 1, 2013, if legislation to increase pension fund contribution rates by judges
36.9 by one percent has been enacted into law by July 1, 2013. If the salary increases described
36.10 in this paragraph do not take effect, the amount necessary to fund this portion of the salary
36.11 increase is canceled to the general fund from the appropriations in article 1, sections 3 to 5.

36.12 Sec. 13. **INTERAGENCY AGREEMENT.**

36.13 The commissioner of corrections shall execute an interagency agreement with the
36.14 commissioner of human services to pay the medical assistance cost attributable to medical
36.15 assistance eligibility for inmates of public institutions admitted to hospitals on an inpatient
36.16 basis. The amount that must be paid by the Department of Corrections shall include all
36.17 state medical assistance costs, including administrative costs, attributable to inmates under
36.18 state and county jurisdiction admitted to hospitals on an inpatient basis.

36.19 Sec. 14. **JUVENILE JUSTICE SYSTEM REPORT.**

36.20 (a) The following shall appoint representatives to discuss issues specified in
36.21 paragraph (b) with representatives of the National Alliance on Mental Illness (NAMI)
36.22 and others designated by NAMI: the commissioners of human services, corrections,
36.23 and education; a district court judge designated by the Supreme Court; the Minnesota
36.24 County Attorneys Association; the state public defender; the Indian Affairs Council;
36.25 the Minnesota County Probation Officers Association; and the Minnesota Association
36.26 of Community Corrections Act Counties.

36.27 (b) The issues to be discussed are:

36.28 (1) shared statewide outcome goals for children in the juvenile justice system and
36.29 their families, such as academic success, successful transitions to adulthood, and lower
36.30 recidivism rates;

36.31 (2) the continuum of service necessary to ensure quality care that meets the complex
36.32 needs of children in the juvenile justice system and their families;

37.1 (3) strategies for early identification of and response to needs related to juvenile
 37.2 justice outcomes, including in the areas of trauma, mental and physical health, chemical
 37.3 dependency, traumatic brain injury, developmental disabilities, education, family needs,
 37.4 housing, employment, and any other areas identified by the work group;

37.5 (4) changes needed to ensure coordinated delivery of quality services to
 37.6 meet the individual needs of each child in the system, particularly in the areas of
 37.7 information-sharing, service shortages, and cost pressures;

37.8 (5) changes needed to ensure coordination between delinquency and CHIPS cases,
 37.9 schools, the children's mental health system, and any other relevant entities for children
 37.10 involved in multiple systems;

37.11 (6) changes to any rules and statutes that create barriers to achieving the shared
 37.12 outcomes agreed upon by the work group;

37.13 (7) an implementation plan to achieve integrated service delivery across systems and
 37.14 across the public, private, and nonprofit sectors;

37.15 (8) an implementation plan to accomplish the shared outcomes agreed upon by
 37.16 the work group; and

37.17 (9) financing mechanisms that include all possible revenue sources to maximize
 37.18 federal, state, and local funding and promote cost efficiencies and sustainability.

37.19 (c) The National Alliance on Mental Illness shall report to the legislature on
 37.20 results of discussions under this section by February 15, 2014, after consulting with the
 37.21 commissioners of human services, corrections, and education.

37.22 Sec. 15. **REPEALER.**

37.23 Minnesota Statutes 2012, section 243.51, subdivision 5, is repealed.

37.24 **ARTICLE 4**

37.25 **DATA INTEGRATION PROJECT**

37.26 Section 1. Minnesota Statutes 2012, section 241.301, is amended to read:

37.27 **241.301 FINGERPRINTS OF INMATES, PAROLEES, AND PROBATIONERS**
 37.28 **FROM OTHER STATES.**

37.29 The commissioner of corrections shall establish procedures so that whenever this
 37.30 state receives an inmate, parolee, or probationer from another state under sections 241.28
 37.31 to 241.30 or 243.1605, fingerprints and thumbprints of the inmate, parolee, or probationer
 37.32 are obtained and forwarded to the ~~Bureau of Criminal Apprehension.~~ by electronic entry
 37.33 into a Bureau of Criminal Apprehension-managed searchable database within 24 hours

38.1 of receipt. The bureau shall convert the fingerprints and thumbprints into an electronic
38.2 format for entry into the searchable database within three business days of receipt if the
38.3 data is not entered by the commissioner.

38.4 Sec. 2. Minnesota Statutes 2012, section 253B.24, is amended to read:

38.5 **253B.24 TRANSMITTAL OF DATA TO NATIONAL INSTANT CRIMINAL**
38.6 **BACKGROUND CHECK SYSTEM.**

38.7 When a court:

38.8 (1) commits a person under this chapter as being mentally ill, developmentally
38.9 disabled, mentally ill and dangerous, or chemically dependent;

38.10 (2) determines in a criminal case that a person is incompetent to stand trial or not
38.11 guilty by reason of mental illness; or

38.12 (3) restores a person's ability to possess a firearm under section 609.165, subdivision
38.13 1d, or 624.713, subdivision 4,

38.14 the court shall ensure that this information is electronically transmitted as soon as
38.15 practicable within three business days to the National Instant Criminal Background
38.16 Check System.

38.17 Sec. 3. Minnesota Statutes 2012, section 299C.10, subdivision 1, is amended to read:

38.18 Subdivision 1. **Required fingerprinting.** (a) Sheriffs, peace officers, and
38.19 community corrections agencies operating secure juvenile detention facilities shall take
38.20 or cause to be taken immediately finger and thumb prints, photographs, distinctive
38.21 physical mark identification data, information on any known aliases or street names, and
38.22 other identification data requested or required by the superintendent of the bureau, of
38.23 the following:

38.24 (1) persons arrested for, appearing in court on a charge of, or convicted of a felony,
38.25 gross misdemeanor, or targeted misdemeanor;

38.26 (2) juveniles arrested for, appearing in court on a charge of, adjudicated delinquent
38.27 for, or alleged to have committed felonies or gross misdemeanors as distinguished from
38.28 those committed by adult offenders;

38.29 (3) adults and juveniles admitted to jails or detention facilities;

38.30 (4) persons reasonably believed by the arresting officer to be fugitives from justice;

38.31 (5) persons in whose possession, when arrested, are found concealed firearms or
38.32 other dangerous weapons, burglar tools or outfits, high-power explosives, or articles,
38.33 machines, or appliances usable for an unlawful purpose and reasonably believed by the
38.34 arresting officer to be intended for such purposes;

39.1 (6) juveniles referred by a law enforcement agency to a diversion program for a
39.2 felony or gross misdemeanor offense; and

39.3 (7) persons currently involved in the criminal justice process, on probation, on
39.4 parole, or in custody for any offense whom the superintendent of the bureau identifies as
39.5 being the subject of a court disposition record which cannot be linked to an arrest record,
39.6 and whose fingerprints are necessary to reduce the number of suspense files, or to comply
39.7 with the mandates of section 299C.111, relating to the reduction of the number of suspense
39.8 files. This duty to obtain fingerprints for the offenses in suspense at the request of the
39.9 bureau shall include the requirement that fingerprints be taken in post-arrest interviews,
39.10 while making court appearances, while in custody, or while on any form of probation,
39.11 diversion, or supervised release.

39.12 (b) Unless the superintendent of the bureau requires a shorter period, within 24
39.13 hours of taking the fingerprints and data, the fingerprint records and other identification
39.14 data specified under paragraph (a) must be ~~forwarded to the bureau on such forms and in~~
39.15 ~~such~~ electronically entered into a bureau-managed searchable database in a manner as
39.16 may be prescribed by the superintendent.

39.17 (c) Prosecutors, courts, and probation officers and their agents, employees, and
39.18 subordinates shall attempt to ensure that the required identification data is taken on a
39.19 person described in paragraph (a). Law enforcement may take fingerprints of an individual
39.20 who is presently on probation.

39.21 (d) Finger and thumb prints must be obtained no later than:

39.22 (1) release from booking; or

39.23 (2) if not booked prior to acceptance of a plea of guilty or not guilty.

39.24 Prior to acceptance of a plea of guilty or not guilty, an individual's finger and thumb
39.25 prints must be submitted to the Bureau of Criminal Apprehension for the offense. If finger
39.26 and thumb prints have not been successfully received by the bureau, an individual may,
39.27 upon order of the court, be taken into custody for no more than eight hours so that the
39.28 taking of prints can be completed. Upon notice and motion of the prosecuting attorney,
39.29 this time period may be extended upon a showing that additional time in custody is
39.30 essential for the successful taking of prints.

39.31 (e) For purposes of this section, a targeted misdemeanor is a misdemeanor violation
39.32 of section 169A.20 (driving while impaired), 518B.01 (order for protection violation),
39.33 609.224 (fifth-degree assault), 609.2242 (domestic assault), 609.746 (interference with
39.34 privacy), 609.748 (harassment or restraining order violation), 617.23 (indecent exposure),
39.35 or 629.75 (domestic abuse no contact order).

40.1 Sec. 4. Minnesota Statutes 2012, section 299C.10, subdivision 3, is amended to read:

40.2 Subd. 3. **Bureau duty.** The bureau must ~~enter~~ convert into an electronic format for
40.3 entry in the criminal records system ~~finger and thumb prints~~ fingerprints, thumbprints,
40.4 and other identification data within ~~five working days~~ three business days after they are
40.5 received under this section if the fingerprints, thumbprints, and other identification data
40.6 were not electronically entered by a criminal justice agency.

40.7 Sec. 5. Minnesota Statutes 2012, section 299C.11, subdivision 1, is amended to read:

40.8 Subdivision 1. **Identification data other than DNA.** (a) Each sheriff and chief of
40.9 police shall furnish the bureau, upon such form as the superintendent shall prescribe, with
40.10 such finger and thumb prints, photographs, distinctive physical mark identification data,
40.11 information on known aliases and street names, and other identification data as may be
40.12 requested or required by the superintendent of the bureau, which must be taken under the
40.13 provisions of section 299C.10. In addition, sheriffs and chiefs of police shall furnish this
40.14 identification data to the bureau for individuals found to have been convicted of a felony,
40.15 gross misdemeanor, or targeted misdemeanor, within the ten years immediately preceding
40.16 their arrest. When the bureau learns that an individual who is the subject of a background
40.17 check has used, or is using, identifying information, including, but not limited to, name
40.18 and date of birth, other than those listed on the criminal history, the bureau ~~may add~~ shall
40.19 convert into an electronic format, if necessary, and enter into a bureau-managed searchable
40.20 database the new identifying information ~~to the criminal history~~ when supported by
40.21 fingerprints within three business days of learning the information if the information is
40.22 not entered by a law enforcement agency.

40.23 (b) No petition under chapter 609A is required if the person has not been convicted
40.24 of any felony or gross misdemeanor, either within or without the state, within the period
40.25 of ten years immediately preceding the determination of all pending criminal actions or
40.26 proceedings in favor of the arrested person, and either of the following occurred:

40.27 (1) all charges were dismissed prior to a determination of probable cause; or

40.28 (2) the prosecuting authority declined to file any charges and a grand jury did not
40.29 return an indictment.

40.30 Where these conditions are met, the bureau or agency shall, upon demand, return to
40.31 the arrested person finger and thumb prints, photographs, distinctive physical mark
40.32 identification data, information on known aliases and street names, and other identification
40.33 data, and all copies and duplicates of them.

40.34 (c) Except as otherwise provided in paragraph (b), upon the determination of all
40.35 pending criminal actions or proceedings in favor of the arrested person, and the granting

41.1 of the petition of the arrested person under chapter 609A, the bureau shall seal finger and
41.2 thumb prints, photographs, distinctive physical mark identification data, information on
41.3 known aliases and street names, and other identification data, and all copies and duplicates
41.4 of them if the arrested person has not been convicted of any felony or gross misdemeanor,
41.5 either within or without the state, within the period of ten years immediately preceding
41.6 such determination.

41.7 Sec. 6. Minnesota Statutes 2012, section 299C.14, is amended to read:

41.8 **299C.14 INFORMATION ON RELEASED PRISONER.**

41.9 It shall be the duty of the officials having charge of the penal institutions of the state
41.10 or the release of prisoners therefrom to furnish to the bureau, as the superintendent may
41.11 require, finger and thumb prints, photographs, distinctive physical mark identification
41.12 data, other identification data, modus operandi reports, and criminal records of prisoners
41.13 heretofore, now, or hereafter confined in such penal institutions, together with the period
41.14 of their service and the time, terms, and conditions of their discharge. This duty to furnish
41.15 information includes, but is not limited to, requests for fingerprints as the superintendent of
41.16 the bureau deems necessary to maintain and ensure the accuracy of the bureau's criminal
41.17 history files, to reduce the number of suspense files, or to comply with the mandates
41.18 of section 299C.111 relating to the reduction of the number of suspense files where a
41.19 disposition record is received that cannot be linked to an arrest record. The officials shall
41.20 electronically enter the information in a bureau-managed searchable database within 24
41.21 hours of a prisoner's date of release or discharge. The bureau shall convert the information
41.22 into an electronic format and enter it into the searchable database within three business
41.23 days of the date of receipt, if the information is not entered by the officials.

41.24 Sec. 7. Minnesota Statutes 2012, section 299C.17, is amended to read:

41.25 **299C.17 REPORT BY COURT ADMINISTRATOR.**

41.26 The superintendent shall ~~have power to~~ require the court administrator ~~of any~~
41.27 ~~county~~ of every court which sentences a defendant for a felony, gross misdemeanor, or
41.28 targeted misdemeanor to file with the department, at such time as the superintendent may
41.29 designate, electronically transmit within 24 hours of the disposition of the case a report,
41.30 upon such in a form as prescribed by the superintendent may prescribe, furnishing such
41.31 providing information as the required by the superintendent may require with regard to
41.32 the prosecution and disposition of criminal cases. A copy of the report shall be kept on
41.33 file in the office of the court administrator.

42.1 Sec. 8. Minnesota Statutes 2012, section 624.713, subdivision 3, is amended to read:

42.2 Subd. 3. **Notice.** (a) When a person is convicted of, or adjudicated delinquent or
42.3 convicted as an extended jurisdiction juvenile for committing, a crime of violence as
42.4 defined in section 624.712, subdivision 5, the court shall inform the defendant that the
42.5 defendant is prohibited from possessing a pistol or semiautomatic military-style assault
42.6 weapon for the remainder of the person's lifetime, and that it is a felony offense to violate
42.7 this prohibition. The failure of the court to provide this information to a defendant does
42.8 not affect the applicability of the pistol or semiautomatic military-style assault weapon
42.9 possession prohibition or the felony penalty to that defendant.

42.10 (b) When a person, including a person under the jurisdiction of the juvenile court, is
42.11 charged with committing a crime of violence and is placed in a pretrial diversion program
42.12 by the court before disposition, the court shall inform the defendant that: (1) the defendant
42.13 is prohibited from possessing a pistol or semiautomatic military-style assault weapon
42.14 until the person has completed the diversion program and the charge of committing a
42.15 crime of violence has been dismissed; (2) it is a gross misdemeanor offense to violate this
42.16 prohibition; and (3) if the defendant violates this condition of participation in the diversion
42.17 program, the charge of committing a crime of violence may be prosecuted. The failure of
42.18 the court to provide this information to a defendant does not affect the applicability of the
42.19 pistol or semiautomatic military-style assault weapon possession prohibition or the gross
42.20 misdemeanor penalty to that defendant.

42.21 (c) A court shall notify a person subject to subdivision 1, clause (3), of the
42.22 prohibitions described in that clause and those described in United States Code, title 18,
42.23 sections 922(d)(4) and 922(g)(4).

42.24 **EFFECTIVE DATE.** This section is effective August 1, 2013.

42.25 Sec. 9. Minnesota Statutes 2012, section 624.713, is amended by adding a subdivision
42.26 to read:

42.27 Subd. 5. **Provision of firearms background check information.** (a) When a
42.28 court places a person, including a person under the jurisdiction of the juvenile court, who
42.29 is charged with committing a crime of violence into a pretrial diversion program before
42.30 disposition, the court must ensure that information regarding the person's placement in
42.31 that program and the ordered expiration date of that placement is transmitted as soon as
42.32 practicable to the National Instant Criminal Background Check System. When a person
42.33 successfully completes or discontinues the program, the prosecuting attorney must also
42.34 report that fact within 24 hours of receipt to the National Instant Criminal Background
42.35 Check System.

43.1 (b) The court must report the conviction and duration of the firearms disqualification
43.2 imposed as soon as practicable to the National Instant Criminal Background Check
43.3 System when a person is convicted of a gross misdemeanor that disqualifies the person
43.4 from possessing firearms under the following sections:

- 43.5 (1) 518B.01, subdivision 14;
43.6 (2) 609.224, subdivision 3;
43.7 (3) 609.2242, subdivision 3;
43.8 (4) 609.749, subdivision 8;
43.9 (5) 624.713, subdivision 1, clause (11); or
43.10 (6) 629.715, subdivision 2.

43.11 (c) If the court reports a firearms disqualification based on a charge of violating an
43.12 offense listed in paragraph (b), the court must provide notice of the disposition of the charge
43.13 to the National Instant Criminal Background Check System within three business days.

43.14 **EFFECTIVE DATE.** This section is effective August 1, 2013.

43.15 Sec. 10. **PRIOR CIVIL COMMITMENTS AND FELONY CONVICTIONS.**

43.16 (a) By July 1, 2014, a court shall electronically enter into the National Instant
43.17 Criminal Background Check System information on all persons civilly committed during
43.18 the period from January 1, 1994, to September 28, 2010, that has not already been
43.19 entered in the system. The information provided under this paragraph must include civil
43.20 commitment orders and orders restoring firearms eligibility under Minnesota Statutes,
43.21 section 624.713, subdivision 4.

43.22 (b) By September 1, 2013, courts and law enforcement agencies shall electronically
43.23 enter into a Bureau of Criminal Apprehension-managed database information on all
43.24 persons convicted in a Minnesota court of a felony during the years 2008 to 2012 that
43.25 has not already been entered in a searchable database. The bureau shall convert into an
43.26 electronic format and enter into the searchable database, within three business days of
43.27 receipt of the data, all data received from a court or law enforcement agency that is not
43.28 entered by the court or agency into a bureau-managed searchable database.

43.29 (c) The governor or commissioner of public safety may extend the time for entering
43.30 information of prior civil commitments and felony convictions under paragraphs (a) and
43.31 (b) for a period not to exceed 60 days for good cause shown.

43.32 Sec. 11. **CRIMINAL AND JUVENILE JUSTICE INFORMATION POLICY**
43.33 **GROUP.**

44.1 The Criminal and Juvenile Justice Information Policy Group shall report to the chairs
44.2 and ranking minority members of the house of representatives and senate committees
44.3 having jurisdiction over criminal justice policy and funding by January 1, 2014, on the
44.4 search capabilities of the Bureau of Criminal Apprehension-managed databases and
44.5 recommend how the search capabilities of the databases may be improved with, among
44.6 other proposals, an increase in the number of identification data for each person included
44.7 in the databases. The group shall also report on the progress made on reducing the number
44.8 of bureau suspense files and recommendations to facilitate the reduction of these files. The
44.9 group, in consultation with the revisor of statutes, shall review existing law relating to the
44.10 timely transmittal and entry of data and propose legislation for the 2014 legislative session
44.11 that clarifies, conforms, implements, and resolves any conflicts with this act.

APPENDIX
Article locations in S0671-2

ARTICLE 1	APPROPRIATIONS	Page.Ln 1.19
ARTICLE 2	GUARDIANS AND CONSERVATORS	Page.Ln 17.16
ARTICLE 3	JUDICIARY AND PUBLIC SAFETY	Page.Ln 28.17
ARTICLE 4	DATA INTEGRATION PROJECT	Page.Ln 37.24

APPENDIX
Repealed Minnesota Statutes: S0671-2

243.51 UNITED STATES PRISONERS; PRISONERS FROM OTHER STATES.

Subd. 5. **Special revenue fund.** Money received under contracts authorized in subdivisions 1 and 3 shall be deposited in the state treasury in an inmate housing account in the special revenue fund. The money deposited in this account may be expended only as provided by law. The purpose of this fund is for correctional purposes, including housing inmates under this section, and capital improvements.