

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 3258

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DATE	D-PG	OFFICIAL STATUS
02/17/2020	4787	Introduction and first reading Referred to Judiciary and Public Safety Finance and Policy
02/27/2020	5047	Authors added Dziedzic; Pappas
03/09/2020	5274a	Comm report: To pass as amended
	5333	Second reading
05/13/2020	6873	Chief author stricken, shown as co-author Ingebrigtsen Chief author added Limmer
05/14/2020		Special Order: Amended Third reading Passed

- 1.1 A bill for an act
- 1.2 relating to public safety; modifying definition of peace officer; modifying
- 1.3 corrections provisions; modifying use of criminal justice data communications
- 1.4 network; providing for temporary changes to certain grant programs; providing
- 1.5 criminal penalties; amending Minnesota Statutes 2018, sections 169A.03,
- 1.6 subdivision 18; 241.021, by adding a subdivision; 241.80; 242.192; 299C.46,
- 1.7 subdivision 3, as amended; proposing coding for new law in Minnesota Statutes,
- 1.8 chapter 243; repealing Minnesota Statutes 2018, sections 383A.404; 401.13.
- 1.9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.10 Section 1. Minnesota Statutes 2018, section 169A.03, subdivision 18, is amended to read:
- 1.11 Subd. 18. **Peace officer.** "Peace officer" means:
- 1.12 (1) a State Patrol officer;
- 1.13 (2) a University of Minnesota peace officer;
- 1.14 (3) a police officer of any municipality, including towns having powers under section
- 1.15 368.01, or county; and
- 1.16 (4) ~~for purposes of violations of this chapter in or on an off-road recreational vehicle or~~
- 1.17 ~~motorboat, or for violations of section 97B.065 or 97B.066,~~ a state conservation officer.
- 1.18 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to crimes
- 1.19 committed on or after that date.

2.1 Sec. 2. Minnesota Statutes 2018, section 241.021, is amended by adding a subdivision to
2.2 read:

2.3 Subd. 4d. **Feminine hygiene.** Feminine hygiene products, including at a minimum
2.4 sanitary napkins and tampons, shall be provided at no cost to individuals housed in state
2.5 correctional facilities used for the general confinement of female inmates. The commissioner
2.6 of corrections shall develop a written policy to implement a process whereby a reasonable
2.7 number of feminine hygiene products are available to female inmates.

2.8 Sec. 3. Minnesota Statutes 2018, section 241.80, is amended to read:

2.9 **241.80 AMERICAN INDIAN ~~COUNSELING~~ CULTURAL PROGRAM.**

2.10 Subdivision 1. **Authority.** The commissioner of corrections shall develop a policy to
2.11 provide the ~~counseling~~ cultural programming services listed in subdivision 2 to American
2.12 Indian inmates of all juvenile and adult state correctional facilities and community-based
2.13 correctional programs. The commissioner may, within the limits of available money, contract
2.14 with appropriate American Indian private, nonprofit organizations to provide ~~these counseling~~
2.15 the cultural programming services.

2.16 Subd. 2. **~~Counseling~~ Cultural programming services.** The policy shall include, but
2.17 need not be limited to, providing, within the limits of available money, spiritual and cultural
2.18 ~~counseling~~ programming services having the following purposes:

2.19 (1) the teaching of good work habits and the development of motivation through work;

2.20 (2) the development of cultural pride to improve American Indian self-image;

2.21 (3) the development of an understanding of and an adjustment to the cultural differences
2.22 between American Indians and other ethnic groups;

2.23 (4) the development of attitudes of mutual trust, respect, and understanding among
2.24 American Indian family members;

2.25 (5) the fostering of increased availability of medicine men and American Indian spiritual
2.26 leaders to teach American Indian inmates about American Indian history, cultural sensitivity,
2.27 and religion;

2.28 (6) the involvement of American Indian inmates in those aspects of the correctional
2.29 system that will aid in their rehabilitation; and

2.30 (7) the provision of services to American Indian inmates that will facilitate their reentry
2.31 into the community.

3.1 Sec. 4. Minnesota Statutes 2018, section 242.192, is amended to read:

3.2 **242.192 CHARGES TO COUNTIES.**

3.3 The commissioner shall charge counties or other appropriate jurisdictions 65 percent of
 3.4 the per diem cost of confinement, excluding educational costs and nonbillable service, of
 3.5 juveniles at the Minnesota Correctional Facility-Red Wing and of juvenile females committed
 3.6 to the commissioner of corrections. This charge applies to juveniles committed to the
 3.7 commissioner of corrections and juveniles admitted to the Minnesota Correctional
 3.8 Facility-Red Wing under established admissions criteria. This charge applies to both counties
 3.9 that participate in the Community Corrections Act and those that do not. The commissioner
 3.10 shall determine the per diem cost of confinement based on projected population, pricing
 3.11 incentives, and market conditions, ~~and the requirement that expense and revenue balance~~
 3.12 ~~out over a period of two years.~~ All money received under this section must be deposited in
 3.13 the state treasury and credited to the general fund.

3.14 Sec. 5. **[243.552] UNMANNED AERIAL VEHICLE PROHIBITION.**

3.15 Subdivision 1. **Definition.** For the purposes of this section, an "unmanned aerial vehicle"
 3.16 means an aircraft that is operated without the possibility of direct human intervention from
 3.17 within or on the aircraft.

3.18 Subd. 2. **Crimes.** (a) A person is guilty of a misdemeanor who knowingly flies an
 3.19 unmanned aerial vehicle in the airspace over a state correctional facility or over the grounds
 3.20 belonging to or land controlled by the facility without the written consent of the commissioner
 3.21 of corrections or designee.

3.22 (b) A person is guilty of a gross misdemeanor if the person violates paragraph (a) and
 3.23 uses the vehicle to:

3.24 (1) record images, including but not limited to video and photographs, of the correctional
 3.25 facility or its grounds; or

3.26 (2) introduce or attempt to introduce any items that are not contraband under section
 3.27 243.55.

3.28 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to crimes
 3.29 committed on or after that date.

4.1 Sec. 6. Minnesota Statutes 2018, section 299C.46, subdivision 3, as amended by Laws
4.2 2020, chapter 74, article 2, section 3, is amended to read:

4.3 Subd. 3. **Authorized use, fee.** (a) The criminal justice data communications network
4.4 shall be used exclusively by:

4.5 (1) criminal justice agencies in connection with the performance of duties required by
4.6 law;

4.7 (2) agencies investigating federal security clearances of individuals for assignment or
4.8 retention in federal employment with duties related to national security, as required by
4.9 United States Code, title 5, section 9101;

4.10 (3) other agencies to the extent necessary to provide for protection of the public or
4.11 property in a declared emergency or disaster situation;

4.12 (4) noncriminal justice agencies statutorily mandated, by state or national law, to conduct
4.13 checks into state databases prior to disbursing licenses or providing benefits;

4.14 (5) the public authority responsible for child support enforcement in connection with
4.15 the performance of its duties;

4.16 (6) the public defender, as provided in section 611.272;

4.17 (7) a county attorney or the attorney general, as the county attorney's designee, for the
4.18 purpose of determining whether a petition for the civil commitment of a proposed patient
4.19 as a sexual psychopathic personality or as a sexually dangerous person should be filed, and
4.20 during the pendency of the commitment proceedings;

4.21 (8) an agency of the state or a political subdivision whose access to systems or services
4.22 provided from or through the bureau is specifically authorized by federal law or regulation
4.23 or state statute;

4.24 (9) a court for access to data as authorized by federal law or regulation or state statute
4.25 and related to the disposition of a pending case; and

4.26 (10) a coroner or medical examiner to identify a deceased person as required by section
4.27 390.25.

4.28 (b) The commissioner of public safety shall establish a monthly network access charge
4.29 to be paid by each participating criminal justice agency. The network access charge shall
4.30 be a standard fee established for each terminal, computer, or other equipment directly
4.31 addressable by the data communications network, as follows: January 1, 1984 to December

5.1 31, 1984, \$40 connect fee per month; January 1, 1985 and thereafter, \$50 connect fee per
5.2 month.

5.3 (c) The commissioner of public safety is authorized to arrange for the connection of the
5.4 data communications network with the criminal justice information system of the federal
5.5 government, any state, or country for the secure exchange of information for any of the
5.6 purposes authorized in paragraph (a), clauses (1), (2), (3), (8) and (9).

5.7 (d) Prior to establishing a secure connection, a criminal justice agency that is not part
5.8 of the Minnesota judicial branch must:

5.9 (1) agree to comply with all applicable policies governing access to, submission of or
5.10 use of the data and Minnesota law governing the classification of the data;

5.11 (2) meet the bureau's security requirements;

5.12 (3) agree to pay any required fees; and

5.13 (4) conduct fingerprint-based state and national background checks on its employees
5.14 and contractors as required by the Federal Bureau of Investigation.

5.15 (e) Prior to establishing a secure connection, a criminal justice agency that is part of the
5.16 Minnesota judicial branch must:

5.17 (1) agree to comply with all applicable policies governing access to, submission of or
5.18 use of the data and Minnesota law governing the classification of the data to the extent
5.19 applicable and with the Rules of Public Access to Records of the Judicial Branch promulgated
5.20 by the Minnesota Supreme Court;

5.21 (2) meet the bureau's security requirements;

5.22 (3) agree to pay any required fees; and

5.23 (4) conduct fingerprint-based state and national background checks on its employees
5.24 and contractors as required by the Federal Bureau of Investigation.

5.25 (f) Prior to establishing a secure connection, a noncriminal justice agency must:

5.26 (1) agree to comply with all applicable policies governing access to, submission of or
5.27 use of the data and Minnesota law governing the classification of the data;

5.28 (2) meet the bureau's security requirements;

5.29 (3) agree to pay any required fees; and

5.30 (4) conduct fingerprint-based state and national background checks on its employees
5.31 and contractors.

6.1 (g) Those noncriminal justice agencies that do not have a secure network connection
 6.2 yet receive data either retrieved over the secure network by an authorized criminal justice
 6.3 agency or as a result of a state or federal criminal history records check shall conduct a
 6.4 background check as provided in paragraph (h) ~~of~~ on those individuals who receive and
 6.5 review the data to determine another individual's eligibility for employment, housing, a
 6.6 license, or another legal right dependent on a statutorily mandated background check and
 6.7 on any contractor with access to the results of a federal criminal history records check.

6.8 (h) The background check required by paragraph (f) or (g) is accomplished by submitting
 6.9 a request to the superintendent of the Bureau of Criminal Apprehension that includes a
 6.10 signed, written consent for the Minnesota and national criminal history records check,
 6.11 fingerprints, and the required fee. The superintendent may exchange the fingerprints with
 6.12 the Federal Bureau of Investigation for purposes of obtaining the individual's national
 6.13 criminal history record information.

6.14 The superintendent shall return the results of the national criminal history records check to
 6.15 the noncriminal justice agency to determine if the individual is qualified to have access to
 6.16 state and federal criminal history record information or the secure network. An individual
 6.17 is disqualified when the state and federal criminal history record information show any of
 6.18 the disqualifiers that the individual will apply to the records of others.

6.19 When the individual is to have access to the secure network, the noncriminal justice agency
 6.20 shall review the criminal history of each employee or contractor with the Criminal Justice
 6.21 Information Services systems officer at the bureau, or the officer's designee, to determine
 6.22 if the employee or contractor qualifies for access to the secure network. The Criminal Justice
 6.23 Information Services systems officer or the designee shall make the access determination
 6.24 based on Federal Bureau of Investigation policy and Bureau of Criminal Apprehension
 6.25 policy.

6.26 **Sec. 7. LOCAL MATCH TEMPORARILY SUSPENDED FOR YOUTH**
 6.27 **INTERVENTION PROGRAM GRANTS.**

6.28 (a) The local match requirement in Minnesota Statutes, section 299A.73, subdivision 2,
 6.29 does not apply to the portion of any grants made under that section in calendar year 2020
 6.30 if:

6.31 (1) the Office of Justice Programs awarded the grant on or before March 13, 2020; and

6.32 (2) the nonprofit agency administering the youth intervention program suspended or
 6.33 severely limited its program or activities as a result of the peacetime emergency declared

7.1 on March 13, 2020, in governor's Executive Order 20-01 and any extensions authorized
7.2 under Minnesota Statutes, section 12.31, subdivision 2, or the stay at home order issued on
7.3 March 25, 2020, in governor's Executive Order 20-20 and any modifications to that order.

7.4 (b) By February 1, 2021, the Office of Justice Programs must report to the chairs and
7.5 ranking minority members of the senate and house of representatives committees and
7.6 divisions having jurisdiction over public safety on the number of nonprofit agencies
7.7 administering a youth intervention program that met the local match requirement and the
7.8 number that were unable to do so due to the conditions described in paragraph (a), clause
7.9 (2).

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

7.11 Sec. 8. **REPEALER.**

7.12 Minnesota Statutes 2018, sections 383A.404; and 401.13, are repealed.

383A.404 COMMUNITY CORRECTIONS DEPARTMENT.

Subdivision 1. **Establishment.** There is established, in Ramsey County, a Community Corrections Department in connection with the courts of the Second Judicial District. The department is in the charge of a director who shall be appointed by and serve at the pleasure of a Corrections Management Committee comprised of three judges of the Second Judicial District appointed by the chief judge of the district and three members of the board of county commissioners appointed by the chair of the board. The director shall have full authority and responsibility for the administration, operation, and supervision of all functions and services of the department, and shall carry out that authority and responsibility within the organizational structure and reporting relationship that is in accord with county board and judicial district administrative policies. Salary of the director shall be set by the county board of commissioners upon recommendation of the Corrections Management Committee.

Subd. 2. **Officers, employees.** The director may employ an assistant director, a superintendent, and assistant superintendent for each correctional facility in the county, and three principal assistants or division supervisors, all of whom shall serve at the pleasure of the director in the unclassified service. The director shall define the duties of these employees and may delegate powers, duties and responsibilities to them. Any officer or employee of the department shall exercise delegated powers under the control of and subject to conditions prescribed by the director. The salaries shall be set by the Ramsey County Board of Commissioners.

Subd. 3. **Office room and records.** Ramsey County shall provide the director and department personnel with suitable furnished office rooms, record books, stationery, postage, expenses of investigation and visitation ordered by the court, and the other actual expenses as are required for the proper execution of their duties.

Subd. 4. **Official attendance at court.** The director or a department person designated by the director shall be present in the juvenile court of the judge having chambers in the county at each regular session, and shall be present in the district court and any other court now or hereafter established in the county when so requested by a judge of that court.

Subd. 5. **Duties of department.** The duties of the department are:

(1) To supervise persons placed on probation by any of the judges of any of the courts of Ramsey County, to keep accurate records of this supervision, and to make reports thereon.

(2) To make investigations with regard to a child or person as may be ordered by the court before, during, or after the trial or hearing of the child or person, and shall furnish to the court the information, recommendations, and assistance as may be required.

(3) To inquire into the nature of every juvenile delinquency or criminal matter in any court where authorized to appear and have supervision of the child or person during the continuance or suspension of sentence or order of commitment, and in general, perform the acts with reference thereto as the court may direct. In the execution of official duties, the department personnel shall have all the power of a peace officer.

(4) To perform the duties required of probation officers by law, including but not limited to, chapter 260, and acts amendatory thereof, and the Criminal Code of 1963, and acts amendatory thereof.

(5) To provide for psychiatric, psychological, and medical diagnosis or services for a person when directed or ordered by a court of the county, or when the services are part of the probation and investigation process.

(6) To make collections of support money in divorce and other actions when ordered by a judge of a court of the county and to make collections of money and property when ordered to be paid as restitution or reimbursement and to turn over the money or property to the person or persons entitled thereto as directed by the court.

(7) To make investigations both as to custody and other matters and provide counseling in domestic relation cases as required and to exercise supervision over children and other persons in the cases that the court directs.

(8) To perform other duties for the protection of children and parents as a court of the county directs.

(9) To provide services as marital counseling, taking of wage assignments, financial reports, marriage consent investigations, and other duties as a court of the county directs.

APPENDIX
Repealed Minnesota Statutes: S3258-2

(10) To make all necessary inquiries and prepare petitions for withdrawals from minor trust funds when directed by the judge of the district court.

(11) To perform other acts in relation to the above listed duties and any other services as the courts of the district direct.

Subd. 6. **Annual report.** The director shall report, annually, to the District Court of the Second Judicial District with reference to the conditions and disposition and other pertinent facts relative to the work of the department and shall furnish a copy of the report to the board of county commissioners, the commissioner of human services, and to the commissioner of corrections.

Subd. 7. **Salaries payable out of Ramsey County treasury.** All annual salaries for the Community Corrections Department shall be payable out of the Ramsey County treasury.

401.13 COSTS OF CONFINEMENT; PAYMENT.

Each participating county will be charged a sum equal to the actual per diem cost of confinement, excluding educational costs, of those juveniles committed to the commissioner and confined in a state correctional facility. The commissioner shall annually determine costs making necessary adjustments to reflect the actual costs of confinement. The commissioner of corrections shall bill the counties and deposit the receipts from the counties in the general fund. All charges shall be a charge upon the county of commitment.