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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 5216

04/02/2024

Authored by Moller

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

1.1 A bill for an act

1.2 relating to public safety; providing for funding and related policy changes to the

1.3 Department of Public Safety, Department of Corrections, and the Clemency Review

1.4 Commission; appropriating money; amending Minnesota Statutes 2022, sections

1.5 299A.73, subdivision 4; 609.02, by adding a subdivision; Minnesota Statutes 2023

1.6 Supplement, sections 244.41, subdivisions 6, 14, by adding a subdivision; 244.46,

1.7 subdivisions 1, 2; 299A.49, subdivisions 8, 9; 401.10, subdivision 1; 609A.06,

1.8 subdivision 2; 638.09, subdivision 5; Laws 2023, chapter 52, article 2, sections 3,

1.9 subdivision 5; 6, subdivisions 1, 4; article 8, section 20, subdivision 3; Laws 2023,

1.10 chapter 63, article 5, section 5.

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

1.12 **ARTICLE 1**

1.13 **APPROPRIATIONS**

1.14 Section 1. **APPROPRIATIONS.**

1.15 The sums shown in the columns marked "Appropriations" are added to or, if shown in

1.16 parentheses, subtracted from the appropriations in Laws 2023, chapter 52, article 2, to the

1.17 agencies and for the purposes specified in this article. The appropriations are from the

1.18 general fund, or another named fund, and are available for the fiscal years indicated for

1.19 each purpose. The figures "2024" and "2025" used in this article mean that the addition to

1.20 or subtraction from the appropriation listed under them is available for the fiscal year ending

1.21 June 30, 2024, or June 30, 2025, respectively. "The first year" is fiscal year 2024. "The

1.22 second year" is fiscal year 2025. Supplemental appropriations and reductions to

1.23 appropriations for the fiscal year ending June 30, 2024, are effective the day following final

1.24 enactment.

1.25 **APPROPRIATIONS**

1.26 **Available for the Year**

2.1			<u>Ending June 30</u>	
2.2			<u>2024</u>	<u>2025</u>

2.3 **Sec. 2. PUBLIC SAFETY**

2.4	<u>Subdivision 1. Total</u>			
2.5	<u>Appropriation</u>	<u>\$</u>	<u>-0-</u>	<u>\$ 10,000,000</u>

2.6 The amounts that may be spent for each  
2.7 purpose are specified in the following  
2.8 subdivisions.

2.9	<u>Subd. 2. Crime Victim Services</u>		<u>-0-</u>	<u>10,000,000</u>
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2.10 For grants for direct services and advocacy  
2.11 for crime victims. Up to five percent of the  
2.12 appropriation is available for grant  
2.13 administration. This is a onetime  
2.14 appropriation.

2.15 **Sec. 3. CORRECTIONS**

2.16	<u>Subdivision 1. Total</u>			
2.17	<u>Appropriation</u>	<u>\$</u>	<u>5,900,000</u>	<u>\$ 2,000,000</u>

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. Facility Operation</u>		<u>5,900,000</u>	<u>2,000,000</u>
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2.22 For the operation of correctional facilities. The  
2.23 base for this appropriation is \$7,110,000  
2.24 beginning in fiscal year 2026.

2.25	<u>Sec. 4. CLEMENCY REVIEW COMMISSION</u>	<u>\$</u>	<u>-0-</u>	<u>\$ 986,000</u>
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2.26 Of this amount, \$200,000 in the second year  
2.27 is for grants to support outreach and clemency  
2.28 application assistance.

2.29 Sec. 5. Laws 2023, chapter 52, article 2, section 3, subdivision 5, is amended to read:

2.30	<b>Subd. 5. Fire Marshal</b>		17,013,000	17,272,000
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2.31	Appropriations by Fund			
2.32	General	4,184,000		4,190,000
2.33	Special Revenue	12,829,000		13,082,000

3.1 The special revenue fund appropriation is from  
3.2 the fire safety account in the special revenue  
3.3 fund and is for activities under Minnesota  
3.4 Statutes, section 299F.012. The base  
3.5 appropriation for this account is \$13,182,000  
3.6 in fiscal year 2026 and \$13,082,000 in fiscal  
3.7 year 2027.

3.8 **(a) Hazardous Materials and Emergency**  
3.9 **Response Teams**

3.10 \$1,695,000 the first year and \$1,595,000 the  
3.11 second year are from the fire safety account  
3.12 for hazardous materials and emergency  
3.13 response teams. The base for these purposes  
3.14 is \$1,695,000 in the first year of future biennia  
3.15 and \$1,595,000 in the second year of future  
3.16 biennia.

3.17 **(b) Bomb Squad Reimbursements**

3.18 \$250,000 from the fire safety account and  
3.19 \$50,000 from the general fund each year are  
3.20 for reimbursements to local governments for  
3.21 bomb squad services.

3.22 **(c) Nonresponsible Party Reimbursements**

3.23 \$750,000 each year from the fire safety  
3.24 account is for nonresponsible party hazardous  
3.25 material, Urban Search and Rescue, Minnesota  
3.26 Air Rescue Team, and bomb squad incident  
3.27 reimbursements. Money appropriated for this  
3.28 purpose is available for one year.

3.29 **(d) Hometown Heroes Assistance Program**

3.30 \$4,000,000 each year from the general fund  
3.31 is for grants to the Minnesota Firefighter  
3.32 Initiative to fund the hometown heroes

4.1 assistance program established in Minnesota  
4.2 Statutes, section 299A.477.

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

4.4 Sec. 6. Laws 2023, chapter 52, article 2, section 6, subdivision 1, is amended to read:

4.5	Subdivision 1. <b>Total</b>				<b>826,661,000</b>
4.6	<b>Appropriation</b>	<b>\$</b>	<b>12,643,000</b>	<b>\$</b>	<b>797,937,000</b>
				<b>\$</b>	<b><u>825,675,000</u></b>

4.7 The amounts that may be spent for each  
4.8 purpose are specified in the following  
4.9 subdivisions.

4.10 Sec. 7. Laws 2023, chapter 52, article 2, section 6, subdivision 4, is amended to read:

4.11	Subd. 4. <b>Organizational, Regulatory, and</b>				<b>74,287,000</b>
4.12	<b>Administrative Services</b>			<b>73,586,000</b>	<b><u>73,301,000</u></b>

4.13 **(a) Public Safety Data Infrastructure**

4.14 \$22,914,000 the first year and \$22,915,000  
4.15 the second year are for technology  
4.16 modernization and the development of an  
4.17 information-sharing and data-technology  
4.18 infrastructure. The base for this purpose is  
4.19 \$4,097,000 beginning in fiscal year 2026. Any  
4.20 unspent funds from the current biennium do  
4.21 not cancel and are available in the next  
4.22 biennium.

4.23 **(b) Supervised Release Board**

4.24 \$40,000 each year is to establish and operate  
4.25 the supervised release board pursuant to  
4.26 Minnesota Statutes, section 244.049.

4.27 **(c) Recruitment and Retention**

4.28 \$3,200,000 the first year and \$400,000 the  
4.29 second year are for recruitment and retention  
4.30 initiatives. Of this amount, \$2,800,000 the first  
4.31 year is for staff recruitment, professional  
4.32 development, conflict resolution, and staff

5.1 wellness, and to contract with community  
5.2 collaborative partners who specialize in trauma  
5.3 recovery.

5.4 **(d) Clemency Review Commission**

5.5 \$986,000 ~~each year~~ in the first year is for the  
5.6 clemency review commission described in  
5.7 Minnesota Statutes, section 638.09. Of this  
5.8 amount, \$200,000 each year is for grants to  
5.9 support outreach and clemency application  
5.10 assistance. Any unencumbered balance  
5.11 remaining in the first year does not cancel, but  
5.12 must be transferred to the Clemency Review  
5.13 Commission by July 1, 2024. Funds  
5.14 transferred under this paragraph are available  
5.15 until June 30, 2025.

5.16 **(e) Accountability and Transparency**

5.17 \$1,000,000 each year is for accountability and  
5.18 transparency initiatives. The base for this  
5.19 appropriation is \$1,480,000 beginning in fiscal  
5.20 year 2026.

5.21 **(f) Organizational, Regulatory, and**  
5.22 **Administrative Services Base Budget**

5.23 The base for organizational, regulatory, and  
5.24 administrative services is ~~\$55,849,000~~  
5.25 \$54,863,000 in fiscal year 2026 and  
5.26 ~~\$55,649,000~~ \$54,663,000 in fiscal year 2027.

6.1 **ARTICLE 2**

6.2 **PUBLIC SAFETY**

6.3 Section 1. Minnesota Statutes 2023 Supplement, section 299A.49, subdivision 8, is  
6.4 amended to read:

6.5 Subd. 8. **State emergency response asset.** "State emergency response asset" means any  
6.6 team or teams defined under this section and that has entered into a contractual agreement  
6.7 with the State Fire Marshal Division.

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

6.9 Sec. 2. Minnesota Statutes 2023 Supplement, section 299A.49, subdivision 9, is amended  
6.10 to read:

6.11 Subd. 9. **Urban search and rescue team (USAR) (US&R).** "Urban search and rescue  
6.12 ~~team~~" or "USAR" "US&R" means a ~~team trained and equipped to respond to and carry out~~  
6.13 ~~rescue and recovery operations at the scene of a collapsed structure. A USAR team may~~  
6.14 ~~include strategically located fire department assets combined under one joint powers~~  
6.15 ~~agreement~~ multihazard discipline that involves the location, extrication, and initial medical  
6.16 stabilization of victims trapped or missing because of a man-made or natural disaster.

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

6.18 Sec. 3. Minnesota Statutes 2022, section 299A.73, subdivision 4, is amended to read:

6.19 Subd. 4. **Administrative costs.** The commissioner may use up to ~~two~~ ten percent of the  
6.20 biennial appropriation for grants-in-aid to the youth intervention program to pay costs  
6.21 incurred by the department in administering the youth intervention program.

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

6.23 **ARTICLE 3**

6.24 **CORRECTIONS**

6.25 Section 1. Minnesota Statutes 2023 Supplement, section 244.41, is amended by adding a  
6.26 subdivision to read:

6.27 Subd. 3a. **Conditional release.** As used in sections 244.40 to 244.51, "conditional  
6.28 release" has the meaning given in section 609.02, subdivision 18.

7.1 Sec. 2. Minnesota Statutes 2023 Supplement, section 244.41, subdivision 6, is amended  
7.2 to read:

7.3 Subd. 6. **Earned compliance credit.** "Earned compliance credit" means a one-month  
7.4 reduction from the period during active supervision of the supervised release term for every  
7.5 two months that a supervised individual exhibits compliance with the conditions and goals  
7.6 of the individual's supervision plan. Earned compliance credit also applies to a conditional  
7.7 release term.

7.8 Sec. 3. Minnesota Statutes 2023 Supplement, section 244.41, subdivision 14, is amended  
7.9 to read:

7.10 Subd. 14. **Supervision abatement status.** "Supervision abatement status" means an end  
7.11 to active correctional supervision of a supervised individual without effect on the legal  
7.12 expiration date of the individual's executed sentence less any earned incentive release credit  
7.13 or the expiration date of a conditional release term.

7.14 Sec. 4. Minnesota Statutes 2023 Supplement, section 244.46, subdivision 1, is amended  
7.15 to read:

7.16 Subdivision 1. **Adopting policy for earned compliance credit; supervision abatement**  
7.17 **status.** (a) The commissioner must adopt a policy providing for earned compliance credit.

7.18 (b) Except as otherwise provided in the act, once the time served on active supervision  
7.19 plus earned compliance credits equals the total length of the supervised release term, the  
7.20 commissioner must place the individual on supervision abatement status for the remainder  
7.21 of the supervised release term and, if applicable, the conditional release term.

7.22 Sec. 5. Minnesota Statutes 2023 Supplement, section 244.46, subdivision 2, is amended  
7.23 to read:

7.24 Subd. 2. **Violating conditions of release; commissioner action.** If an individual violates  
7.25 the conditions of release while on supervision abatement status, the commissioner may:

7.26 (1) return the individual to active supervision for the remainder of the supervised release  
7.27 or conditional release term, with or without modifying the conditions of release; or

7.28 (2) revoke the individual's supervised release or conditional release in accordance with  
7.29 section 244.05, subdivision 3.

8.1 Sec. 6. Minnesota Statutes 2023 Supplement, section 401.10, subdivision 1, is amended  
8.2 to read:

8.3 Subdivision 1. **Community supervision funding formula.** (a) Beginning July 1, 2023,  
8.4 the community supervision subsidy paid to each county, the commissioner for supervision  
8.5 of non-CCA jurisdictions served by the Department of Corrections, and each applicable  
8.6 Tribal Nation under paragraph (e) equals the sum of:

8.7 (1) a base funding amount equal to \$150,000; and

8.8 (2) a community supervision formula equal to the sum of:

8.9 (i) for each individual with a felony sentence, a felony per diem rate of \$5.62 multiplied  
8.10 by the sum of the county's or Tribal Nation's adult felony population, adult supervised  
8.11 release and parole populations, and juvenile supervised release and parole populations as  
8.12 reported in the most recent probation survey published by the commissioner, multiplied by  
8.13 365; and

8.14 (ii) for each individual sentenced for a gross misdemeanor or misdemeanor or under  
8.15 juvenile probation, the felony per diem rate of \$5.62 multiplied by 0.5 and then multiplied  
8.16 by the sum of the county's or Tribal Nation's gross misdemeanor, misdemeanor, and juvenile  
8.17 populations as reported in the most recent probation survey published by the commissioner,  
8.18 multiplied by 365.

8.19 (b) For a non-CCA jurisdiction under section 244.19, subdivision 1b, paragraph (b) or  
8.20 (c), the base funding amount must be shared equally between the jurisdiction and the  
8.21 commissioner for the provision of felony supervision under section 244.20.

8.22 (c) If in any year the total amount appropriated for the purpose of this section is more  
8.23 than or less than the total of base funding plus community supervision formula funding for  
8.24 all counties and applicable Tribal Nations, the sum of each county's and applicable Tribal  
8.25 Nation's base funding plus community supervision formula funding is adjusted by the ratio  
8.26 of amounts appropriated for this purpose divided by the total of base funding plus community  
8.27 supervision formula funding for all counties and applicable Tribal Nations.

8.28 (d) If in any year the base funding plus the community supervision formula amount  
8.29 based on what was appropriated in fiscal year 2024 is less than the funding paid to the  
8.30 county in fiscal year 2023, the difference is added to the community supervision formula  
8.31 amount for that county. A county is not eligible for additional funding under this paragraph  
8.32 unless the base funding plus community supervision formula results in an increase in funding



9.1 for the county based on what was appropriated in the previous fiscal year. This paragraph  
 9.2 expires June 30, 2029.

9.3 (e) For each Tribal Nation, a funding amount of \$250,000 is allotted annually to purchase  
 9.4 probation services or probation-related services, including contracted services, but a Tribal  
 9.5 Nation that becomes a CCA jurisdiction or a non-CCA jurisdiction under section 244.19,  
 9.6 subdivision 1b, paragraph (b) or (c), is an applicable Tribal Nation under paragraphs (a) to  
 9.7 (c) and:

9.8 (1) has the Tribal Nation's funding amount of \$250,000 transferred to the total community  
 9.9 supervision subsidy amount appropriated for the purposes of this section; and

9.10 (2) is allotted a base funding amount equal to \$150,000 plus an amount as determined  
 9.11 according to the community supervision formula under paragraph (a), clause (2).

9.12 (f) Minnesota Rehabilitation and Reinvestment Act savings under section 244.50,  
 9.13 subdivision (4), clause (2), are appropriated to each CCA jurisdiction and non-CCA  
 9.14 jurisdiction served by the Department of Corrections by dividing the three-year average of  
 9.15 the number of individuals on supervised release and intensive supervised release within the  
 9.16 jurisdiction by the three-year average of the total number of individuals under supervised  
 9.17 release and intensive supervised release statewide, using the numbers reported annually in  
 9.18 the Probation Survey report.

9.19 Sec. 7. Minnesota Statutes 2022, section 609.02, is amended by adding a subdivision to  
 9.20 read:

9.21 Subd. 18. **Conditional release.** "Conditional release" means a court-ordered mandatory  
 9.22 term of community supervision as prescribed by sections 169A.276, subdivision 1, paragraph  
 9.23 (d) (first-degree DWI); 609.3455, subdivisions 6 and 7 (criminal sexual conduct); 243.166,  
 9.24 subdivision 5a (violating predatory offender registration requirements); 609.2231, subdivision  
 9.25 3a, paragraph (d) (assault on secure treatment facility staff); 617.246, subdivision 7 (use of  
 9.26 minors in sexual performances); and 617.247, subdivision 9 (possession of child  
 9.27 pornography). Conditional release is in addition to any applicable supervised release term.

9.28 Sec. 8. Minnesota Statutes 2023 Supplement, section 609A.06, subdivision 2, is amended  
 9.29 to read:

9.30 Subd. 2. **Executive director.** (a) The governor must appoint the initial executive director  
 9.31 of the Cannabis Expungement Board. The executive director must be knowledgeable about  
 9.32 expungement law and criminal justice. The executive director serves at the pleasure of the

10.1 board in the unclassified service as an executive branch employee. Any vacancy shall be  
 10.2 filled by the board.

10.3 ~~(b) The executive director's salary is set in accordance with section 15A.0815, subdivision~~  
 10.4 ~~3.~~

10.5 ~~(e)~~ (b) The executive director may obtain office space and supplies and hire administrative  
 10.6 staff necessary to carry out the board's official functions, including providing administrative  
 10.7 support to the board and attending board meetings. Any additional staff serve in the classified  
 10.8 service.

10.9 ~~(d)~~ (c) At the direction of the board, the executive director may enter into interagency  
 10.10 agreements with the Department of Corrections or any other agency to obtain material and  
 10.11 personnel support necessary to carry out the board's mandates, policies, activities, and  
 10.12 objectives.

10.13 Sec. 9. Minnesota Statutes 2023 Supplement, section 638.09, subdivision 5, is amended  
 10.14 to read:

10.15 Subd. 5. **Executive director.** (a) The board must appoint a commission executive director  
 10.16 knowledgeable about clemency and criminal justice. The executive director serves at the  
 10.17 pleasure of the board in the unclassified service as an executive branch employee.

10.18 ~~(b) The executive director's salary is set in accordance with section 15A.0815, subdivision~~  
 10.19 ~~3.~~

10.20 ~~(e)~~ (b) The executive director may obtain office space and supplies and hire administrative  
 10.21 staff necessary to carry out the commission's official functions, including providing  
 10.22 administrative support to the board and attending board meetings. Any additional staff serve  
 10.23 in the unclassified service at the pleasure of the executive director.

10.24 Sec. 10. Laws 2023, chapter 52, article 8, section 20, subdivision 3, is amended to read:

10.25 Subd. 3. **Department administrative assistance.** Beginning August 1, 2023, through  
 10.26 ~~February 29, 2024~~ June 30, 2024, the Department of Corrections must provide the Clemency  
 10.27 Review Commission with administrative assistance, technical assistance, office space, and  
 10.28 other assistance necessary for the commission to carry out its duties under sections 4 to 20.

10.29 **EFFECTIVE DATE.** This section is effective retroactively from February 28, 2024.

11.1 Sec. 11. Laws 2023, chapter 63, article 5, section 5, is amended to read:

11.2 Sec. 5. **TRANSITION PERIOD.**

11.3 Beginning August 1, 2023, through ~~March 1, 2024~~ August 1, 2024, the Department of  
11.4 Corrections must provide the Cannabis Expungement Board with administrative assistance,  
11.5 technical assistance, office space, and other assistance necessary for the board to carry out  
11.6 its duties under Minnesota Statutes, section 609A.06. The Cannabis Expungement Board  
11.7 shall reimburse the Department of Corrections for the services and space provided.

11.8 **EFFECTIVE DATE.** This section is effective retroactively from February 28, 2024.