

A bill for an act

1.1 relating to public safety; appropriating money for public safety, corrections,
1.2 and other criminal justice agencies; requiring annual appropriation of money in
1.3 Bureau of Criminal Apprehension account to commissioner of public safety;
1.4 repealing the mandatory minimum sentences for predatory offender registration
1.5 offenses and subsequent controlled substances offenses; providing a 90-day cap
1.6 on incarceration for certain first-time supervised release violations; eliminating
1.7 the requirement that judges impose a minimum sentence on felony DWI
1.8 offenders; requesting the Sentencing Guidelines Commission to rerank the
1.9 felony DWI offense; providing for supervised release of offenders; expanding
1.10 the challenge incarceration program; requiring the Sentencing Guidelines
1.11 Commission and the Departments of Corrections and Public Safety to review
1.12 its reports; requiring Department of Corrections to annually report on felony
1.13 DWI offenders; requiring that reports to the legislature by criminal justice
1.14 agencies be submitted electronically; modifying and expanding the conditional
1.15 release program for nonviolent drug offenders; including an advisory board
1.16 for consultation with the commissioner of corrections for the conditional
1.17 release program; repealing the conditional release program's sunset; authorizing
1.18 correctional facilities to forward surcharges from offender wages to court or
1.19 other entity collecting the surcharge; repealing reports on out-of-state juvenile
1.20 placement; implementing the legislative auditor's recommendations relating
1.21 to MINNCOR; requiring the licensure of firefighters; expanding the stay of
1.22 adjudication provision for low-level controlled substance offenders; imposing
1.23 criminal penalties; appropriating money; amending Minnesota Statutes 2008,
1.24 sections 3.195, subdivision 1, by adding a subdivision; 152.021, subdivision 3;
1.25 152.022, subdivision 3; 152.023, subdivision 3; 152.024, subdivision 3; 152.025,
1.26 subdivision 3; 152.18, subdivision 1; 169A.275, subdivisions 3, 4, 5; 169A.276,
1.27 subdivisions 1, 2; 171.29, subdivision 2; 241.27, subdivision 1a, by adding
1.28 subdivisions; 243.166, subdivision 5; 244.055, subdivisions 2, 3, 5, 7, by adding
1.29 subdivisions; 244.17; 244.172, subdivision 1; 299N.02, subdivision 3; 357.021,
1.30 subdivision 6; proposing coding for new law in Minnesota Statutes, chapters
1.31 244; 299N; repealing Minnesota Statutes 2008, sections 152.026; 244.055,
1.32 subdivisions 6, 11; 260B.199, subdivision 2; 260B.201, subdivision 3; 325E.22.

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

ARTICLE 1

APPROPRIATIONS

Section 1. SUMMARY OF APPROPRIATIONS.

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

	<u>2010</u>	<u>2011</u>	<u>Total</u>
<u>General</u>	\$ 505,980,000	\$ 535,988,000	\$ 1,041,968,000
<u>State Government Special Revenue</u>	66,573,000	70,336,000	136,909,000
<u>Environmental Fund</u>	69,000	69,000	138,000
<u>Special Revenue Fund</u>	13,818,000	13,818,000	27,636,000
<u>Trunk Highway</u>	373,000	373,000	746,000
<u>Federal</u>	30,000,000	0	30,000,000
<u>Total</u>	\$ 616,813,000	\$ 620,584,000	\$ 1,237,397,000

Sec. 2. PUBLIC SAFETY APPROPRIATIONS.

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2010" and "2011" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2010, or June 30, 2011, respectively. "The first year" is fiscal year 2010. "The second year" is fiscal year 2011. "The biennium" is fiscal years 2010 and 2011. Appropriations for the fiscal year ending June 30, 2009, are effective the day following final enactment.

APPROPRIATIONS
Available for the Year
Ending June 30
2010 2011

Sec. 3. PUBLIC SAFETY

Subdivision 1. Total Appropriation \$ 155,206,000 \$ 158,969,000

Appropriations by Fund

	<u>2010</u>	<u>2011</u>
<u>General</u>	79,288,000	79,288,000
<u>Special Revenue</u>	8,903,000	8,903,000
<u>State Government Special Revenue</u>	66,573,000	70,336,000
<u>Environmental</u>	69,000	69,000
<u>Trunk Highway</u>	373,000	373,000

3.1 The amounts that may be spent for each
 3.2 purpose are specified in the following
 3.3 subdivisions.

3.4 **Car Fleet.** By January 1, 2010, the
 3.5 commissioner must reduce the department's
 3.6 fleet of cars by 20 percent.

3.7 **Prohibition on Use of Appropriation.** No
 3.8 portion of this appropriation may be used
 3.9 for: (1) computer, telephone, motor vehicle,
 3.10 or technology purchases or upgrades, or for
 3.11 new leases on those items; or (2) out-of-state
 3.12 travel that is not directly connected with and
 3.13 necessary to carry out the core functions
 3.14 of the department. Notwithstanding this
 3.15 paragraph: (i) an existing lease on an item
 3.16 described in clause (1) may be renewed;
 3.17 (ii) an item described in clause (1) may be
 3.18 purchased, upgraded, or leased if doing so
 3.19 will save money over the long term; and
 3.20 (iii) an existing phone or computer may be
 3.21 replaced if it is no longer operational.

3.22 **Changes in Personnel Policies.** The
 3.23 commissioner shall consider discontinuing
 3.24 the practice of entering into agreements with
 3.25 the Office of the Governor to pay personnel
 3.26 costs of policy advisors to the governor.

3.27 **Subd. 2. Emergency Management** 2,413,000 2,413,000

3.28 Appropriations by Fund
 3.29 General 2,344,000 2,344,000
 3.30 Environmental 69,000 69,000

3.31 **Subd. 3. Criminal Apprehension** 41,041,000 41,041,000

3.32 Appropriations by Fund
 3.33 General 40,661,000 40,661,000

S.F. No. 0802, 2nd Engrossment - 86th Legislative Session (2009-2010) [s0802-2]

4.1	<u>State Government</u>		
4.2	<u>Special Revenue</u>	<u>7,000</u>	<u>7,000</u>
4.3	<u>Trunk Highway</u>	<u>373,000</u>	<u>373,000</u>
4.4	<u>Subd. 4. Fire Marshal</u>		<u>8,500,000</u> <u>8,500,000</u>
4.5	<u>This appropriation is from the fire safety</u>		
4.6	<u>account in the special revenue fund.</u>		
4.7	<u>Of this amount, \$5,732,000 each year is for</u>		
4.8	<u>activities under Minnesota Statutes, section</u>		
4.9	<u>299F.012, and \$2,768,000 each year is for</u>		
4.10	<u>transfer to the general fund under Minnesota</u>		
4.11	<u>Statutes, section 297I.06, subdivision 3.</u>		
4.12	<u>Subd. 5. Alcohol and Gambling Enforcement</u>		<u>2,470,000</u> <u>2,470,000</u>
4.13	<u>Appropriations by Fund</u>		
4.14	<u>General</u>	<u>1,567,000</u>	<u>1,567,000</u>
4.15	<u>Special Revenue</u>	<u>903,000</u>	<u>903,000</u>
4.16	<u>This appropriation is from the alcohol</u>		
4.17	<u>enforcement account in the special revenue</u>		
4.18	<u>fund. Of this appropriation, \$750,000 each</u>		
4.19	<u>year shall be transferred to the general fund.</u>		
4.20	<u>The transfer amount for fiscal year 2012 and</u>		
4.21	<u>fiscal year 2013 shall be \$500,000 per year.</u>		
4.22	<u>Subd. 6. Office of Justice Programs</u>		<u>34,812,000</u> <u>34,812,000</u>
4.23	<u>Appropriations by Fund</u>		
4.24	<u>General</u>	<u>34,716,000</u>	<u>34,716,000</u>
4.25	<u>State Government</u>		
4.26	<u>Special Revenue</u>	<u>96,000</u>	<u>96,000</u>
4.27	<u>Administration Costs.</u> <u>Up to 2.5 percent</u>		
4.28	<u>of the grant money appropriated in this</u>		
4.29	<u>subdivision may be used to administer the</u>		
4.30	<u>grant program.</u>		
4.31	<u>Prorated Base Cut.</u> <u>The commissioner shall</u>		
4.32	<u>prorate the base cut to the Office of Justice</u>		
4.33	<u>programs among the various programs and</u>		
4.34	<u>grants funded by the office based on their</u>		
4.35	<u>current portion of the office's base budget.</u>		

5.1 **Federal Stimulus Money.** The Office
5.2 of Justice programs shall give priority to
5.3 awarding grants for federal stimulus money
5.4 to the following activities and programs:

5.5 (1) organizations that provide mentoring
5.6 grants for children of incarcerated parents;

5.7 (2) youth intervention programs, as defined
5.8 under Minnesota Statutes, section 299A.73,
5.9 with an emphasis on those programs that
5.10 provide early intervention youth services to
5.11 children in their communities;

5.12 (3) re-entry programs for offenders,
5.13 including the nonprofit organization selected
5.14 to administer the demonstration project for
5.15 high risk adults under Laws 2007, chapter
5.16 54, article 1, section 19; and

5.17 (4) restorative justice programs.

5.18 For purposes of this subdivision, "federal
5.19 stimulus money" means money provided to
5.20 the state under the American Recovery and
5.21 Reinvestment Act of 2009.

5.22 **Subd. 7. 911 Emergency Communication**
5.23 **Network**

66,470,000

70,233,000

5.24 This appropriation is from the state
5.25 government special revenue fund for 911
5.26 emergency telecommunications services.

5.27 **Public Safety Answering Points.**

5.28 \$13,664,000 each year is to be distributed
5.29 as provided in Minnesota Statutes, section
5.30 403.113, subdivision 2.

5.31 **Medical Resource Communication**

5.32 **Centers.** \$683,000 each year is for grants
5.33 to the Minnesota Emergency Medical
5.34 Services Regulatory Board for the Metro

6.1 East and Metro West Medical Resource
6.2 Communication Centers that were in
6.3 operation before January 1, 2000.

6.4 **ARMER Debt Service.** \$17,557,000 the
6.5 first year and \$23,261,000 the second year
6.6 are to the commissioner of finance to pay
6.7 debt service on revenue bonds issued under
6.8 Minnesota Statutes, section 403.275.

6.9 Any portion of this appropriation not needed
6.10 to pay debt service in a fiscal year may be
6.11 used by the commissioner of public safety to
6.12 pay cash for any of the capital improvements
6.13 for which bond proceeds were appropriated
6.14 by Laws 2005, chapter 136, article 1, section
6.15 9, subdivision 8; or Laws 2007, chapter 54,
6.16 article 1, section 10, subdivision 8.

6.17 **Metropolitan Council Debt Service.**
6.18 \$1,410,000 each year is to the commissioner
6.19 of finance for payment to the Metropolitan
6.20 Council for debt service on bonds issued
6.21 under Minnesota Statutes, section 403.27.

6.22 **ARMER State Backbone Operating Costs.**
6.23 \$5,060,000 each year is to the commissioner
6.24 of transportation for costs of maintaining
6.25 and operating the statewide radio system
6.26 backbone.

6.27 **ARMER Improvements.** \$1,000,000 each
6.28 year is for the Statewide Radio Board for
6.29 costs of design, construction, maintenance
6.30 of, and improvements to those elements
6.31 of the statewide public safety radio and
6.32 communication system that support mutual
6.33 aid communications and emergency medical
6.34 services or provide enhancement of public
6.35 safety communication interoperability.

7.1 **Grants to Local Government.** \$5,000,000
7.2 the first year is for grants to local units of
7.3 government to assist with the transition to
7.4 the ARMER system. This appropriation is
7.5 available until June 30, 2012.

7.6 **Next Generation 911.** \$3,431,000 the first
7.7 year and \$6,490,000 the second year are
7.8 to replace the current system with the Next
7.9 Generation Internet Protocol (IP) based
7.10 network. The base for fiscal year 2012 shall
7.11 be \$2,965,000 and for fiscal year 2013 shall
7.12 be zero.

7.13 **Sec. 4. PEACE OFFICER STANDARDS AND**
7.14 **TRAINING BOARD (POST)** \$ 4,025,000 \$ 4,025,000

7.15 **Excess Amounts Transferred.** This
7.16 appropriation is from the peace officer
7.17 training account in the special revenue fund.
7.18 Any receipts credited to that account in the
7.19 first year in excess of \$4,025,000 must be
7.20 transferred and credited to the general fund.
7.21 Any receipts credited to that account in the
7.22 second year in excess of \$4,025,000 must be
7.23 transferred and credited to the general fund.

7.24 **Peace Officer Training Reimbursements.**
7.25 \$2,856,000 each year is for reimbursements
7.26 to local governments for peace officer
7.27 training costs.

7.28 **Prohibition on Use of Appropriation.** No
7.29 portion of this appropriation may be used
7.30 for: (1) computer, telephone, motor vehicle,
7.31 or technology purchases or upgrades, or for
7.32 new leases on those items; or (2) out-of-state
7.33 travel that is not directly connected with and
7.34 necessary to carry out the core functions of
7.35 the board. Notwithstanding this paragraph:

8.1 (i) an existing lease on an item described
8.2 in clause (1) may be renewed; (ii) an item
8.3 described in clause (1) may be purchased,
8.4 upgraded, or leased if doing so will save
8.5 money over the long term; and (iii) an
8.6 existing phone or computer may be replaced
8.7 if it is no longer operational.

8.8 Sec. 5. **PRIVATE DETECTIVE BOARD** **\$** **123,000** **\$** **123,000**

8.9 **Prohibition on Use of Appropriation.** No
8.10 portion of this appropriation may be used
8.11 for: (1) computer, telephone, motor vehicle,
8.12 or technology purchases or upgrades, or for
8.13 new leases on those items; or (2) out-of-state
8.14 travel that is not directly connected with and
8.15 necessary to carry out the core functions of
8.16 the board. Notwithstanding this paragraph:
8.17 (i) an existing lease on an item described
8.18 in clause (1) may be renewed; (ii) an item
8.19 described in clause (1) may be purchased,
8.20 upgraded, or leased if doing so will save
8.21 money over the long term; and (iii) an
8.22 existing phone or computer may be replaced
8.23 if it is no longer operational.

8.24 Sec. 6. **HUMAN RIGHTS** **\$** **3,334,000** **\$** **3,334,000**

8.25 **Prohibition on Use of Appropriation.** No
8.26 portion of this appropriation may be used
8.27 for: (1) computer, telephone, motor vehicle,
8.28 or technology purchases or upgrades, or for
8.29 new leases on those items; or (2) out-of-state
8.30 travel that is not directly connected with and
8.31 necessary to carry out the core functions
8.32 of the department. Notwithstanding this
8.33 paragraph: (i) an existing lease on an item
8.34 described in clause (1) may be renewed;

10.1 annually assigning a warden to serve as
 10.2 a legislative liaison during the legislative
 10.3 session.

10.4 (d) The commissioner shall consider
 10.5 discontinuing the practice of entering into
 10.6 agreements with the Office of the Governor
 10.7 to pay personnel costs of policy advisors to
 10.8 the governor.

10.9 **Prohibition on Use of Appropriation.** No
 10.10 portion of this appropriation may be used
 10.11 for: (1) computer, telephone, motor vehicle,
 10.12 or technology purchases or upgrades, or for
 10.13 new leases on those items; or (2) out-of-state
 10.14 travel that is not directly connected with and
 10.15 necessary to carry out the core functions
 10.16 of the department. Notwithstanding this
 10.17 paragraph: (i) an existing lease on an item
 10.18 described in clause (1) may be renewed;
 10.19 (ii) an item described in clause (1) may be
 10.20 purchased, upgraded, or leased if doing so
 10.21 will save money over the long term; and
 10.22 (iii) an existing phone or computer may be
 10.23 replaced if it is no longer operational.

10.24 **Reductions to Certain Programming**
 10.25 **Prohibited.** When allocating reductions
 10.26 in services and programming under this
 10.27 appropriation, the commissioner may not
 10.28 make reductions to inmate educational
 10.29 programs, chemical dependency programs,
 10.30 or reentry programs.

10.31 **Subd. 2. Correctional Institutions** 323,747,000 323,755,000

10.32	<u>Appropriations by Fund</u>		
10.33	<u>General</u>	<u>293,167,000</u>	<u>323,175,000</u>
10.34	<u>Special Revenue</u>	<u>580,000</u>	<u>580,000</u>
10.35	<u>Federal</u>	<u>30,000,000</u>	<u>0</u>

11.1 **Federal Stimulus Money.** \$30,000,000
 11.2 the first year is from the fiscal stabilization
 11.3 account in the federal fund. This is a onetime
 11.4 appropriation. The general fund base for this
 11.5 program is \$311,463,000 in fiscal year 2012
 11.6 and \$315,962,000 in fiscal year 2013.

11.7 **Transfer.** Notwithstanding Minnesota
 11.8 Statutes, section 241.27, the commissioner of
 11.9 finance shall transfer \$1,000,000 each year in
 11.10 fiscal year 2010 and fiscal year 2011 from the
 11.11 Minnesota Correctional Industries revolving
 11.12 fund to the general fund.

11.13 **Subd. 3. Community Services** 107,984,000 107,984,000

	<u>Appropriations by Fund</u>		
11.14			
11.15	<u>General</u>	<u>107,884,000</u>	<u>107,884,000</u>
11.16	<u>Special Revenue</u>	<u>100,000</u>	<u>100,000</u>

11.17 **Short-Term Offenders.** \$1,607,000 each
 11.18 year is for the costs associated with the
 11.19 housing and care of short-term offenders.
 11.20 The commissioner may use up to 20 percent
 11.21 of the total amount of the appropriation
 11.22 for inpatient medical care for short-term
 11.23 offenders. The amount remaining at the end
 11.24 of the fiscal year not expended for inpatient
 11.25 medical care must be added to and distributed
 11.26 with the housing money. The housing money
 11.27 must be distributed proportionately based on
 11.28 the total number of days short-term offenders
 11.29 are placed locally, not to exceed \$55 per day.
 11.30 The commissioner of corrections is exempt
 11.31 from the state contracting process for the
 11.32 purposes of paying short-term offender
 11.33 costs relating to Minnesota Statutes, section
 11.34 609.105.

12.1 **Prorated Base Cut.** The commissioner
 12.2 shall prorate the general fund base reduction
 12.3 of \$14,320,000 to community services
 12.4 among the Community Corrections Act
 12.5 subsidy, county probation reimbursements,
 12.6 and Department of Corrections supervision
 12.7 services based on their current portion of the
 12.8 division's base budget.

12.9 **Subd. 4. Operations Support** 21,819,000 21,819,000

	<u>Appropriations by Fund</u>			
12.10	<u>General</u>	<u>21,609,000</u>	<u>21,609,000</u>	
12.11	<u>Special Revenue</u>	<u>210,000</u>	<u>210,000</u>	
12.12				

12.13 **Sec. 8. SENTENCING GUIDELINES** \$ 575,000 \$ 575,000

12.14 **Prohibition on Use of Appropriation.** No
 12.15 portion of this appropriation may be used
 12.16 for: (1) computer, telephone, motor vehicle,
 12.17 or technology purchases or upgrades, or for
 12.18 new leases on those items; or (2) out-of-state
 12.19 travel that is not directly connected with and
 12.20 necessary to carry out the core functions
 12.21 of the commission. Notwithstanding this
 12.22 paragraph, an existing lease on an item
 12.23 described in clause (1) may be renewed.

12.24 Sec. 9. Minnesota Statutes 2008, section 171.29, subdivision 2, is amended to read:

12.25 **Subd. 2. Reinstatement fees and surcharges allocated and appropriated.** (a)
 12.26 An individual whose driver's license has been revoked as provided in subdivision 1,
 12.27 except under section 169A.52, 169A.54, or 609.21, must pay a \$30 fee before the driver's
 12.28 license is reinstated.

12.29 (b) A person whose driver's license has been revoked as provided in subdivision 1
 12.30 under section 169A.52, 169A.54, or 609.21, must pay a \$250 fee plus a \$430 surcharge
 12.31 before the driver's license is reinstated, except as provided in paragraph (f). The \$250
 12.32 fee is to be credited as follows:

12.33 (1) Twenty percent must be credited to the driver services operating account in the
 12.34 special revenue fund as specified in section 299A.705.

13.1 (2) Sixty-seven percent must be credited to the general fund.

13.2 (3) Eight percent must be credited to a separate account to be known as the Bureau of
13.3 Criminal Apprehension account. Money in this account ~~may be~~ is annually appropriated
13.4 to the commissioner of public safety and the appropriated amount must be apportioned
13.5 80 percent for laboratory costs and 20 percent for carrying out the provisions of section
13.6 299C.065.

13.7 (4) Five percent must be credited to a separate account to be known as the vehicle
13.8 forfeiture account, which is created in the special revenue fund. The money in the account
13.9 is annually appropriated to the commissioner for costs of handling vehicle forfeitures.

13.10 (c) The revenue from \$50 of the surcharge must be credited to a separate account
13.11 to be known as the traumatic brain injury and spinal cord injury account. The revenue
13.12 from \$50 of the surcharge on a reinstatement under paragraph (f) is credited from the
13.13 first installment payment to the traumatic brain injury and spinal cord injury account.
13.14 The money in the account is annually appropriated to the commissioner of health to be
13.15 used as follows: 83 percent for contracts with a qualified community-based organization
13.16 to provide information, resources, and support to assist persons with traumatic brain
13.17 injury and their families to access services, and 17 percent to maintain the traumatic
13.18 brain injury and spinal cord injury registry created in section 144.662. For the purposes
13.19 of this paragraph, a "qualified community-based organization" is a private, not-for-profit
13.20 organization of consumers of traumatic brain injury services and their family members.
13.21 The organization must be registered with the United States Internal Revenue Service under
13.22 section 501(c)(3) as a tax-exempt organization and must have as its purposes:

13.23 (1) the promotion of public, family, survivor, and professional awareness of the
13.24 incidence and consequences of traumatic brain injury;

13.25 (2) the provision of a network of support for persons with traumatic brain injury,
13.26 their families, and friends;

13.27 (3) the development and support of programs and services to prevent traumatic
13.28 brain injury;

13.29 (4) the establishment of education programs for persons with traumatic brain injury;
13.30 and

13.31 (5) the empowerment of persons with traumatic brain injury through participation
13.32 in its governance.

13.33 A patient's name, identifying information, or identifiable medical data must not be
13.34 disclosed to the organization without the informed voluntary written consent of the patient
13.35 or patient's guardian or, if the patient is a minor, of the parent or guardian of the patient.

14.1 (d) The remainder of the surcharge must be credited to a separate account to be
14.2 known as the remote electronic alcohol-monitoring program account. The commissioner
14.3 shall transfer the balance of this account to the commissioner of finance on a monthly
14.4 basis for deposit in the general fund.

14.5 (e) When these fees are collected by a licensing agent, appointed under section
14.6 171.061, a handling charge is imposed in the amount specified under section 171.061,
14.7 subdivision 4. The reinstatement fees and surcharge must be deposited in an approved
14.8 depository as directed under section 171.061, subdivision 4.

14.9 (f) A person whose driver's license has been revoked as provided in subdivision
14.10 1 under section 169A.52 or 169A.54 and who the court certifies as being financially
14.11 eligible for a public defender under section 611.17, may choose to pay 50 percent and
14.12 an additional \$25 of the total amount of the surcharge and 50 percent of the fee required
14.13 under paragraph (b) to reinstate the person's driver's license, provided the person meets all
14.14 other requirements of reinstatement. If a person chooses to pay 50 percent of the total and
14.15 an additional \$25, the driver's license must expire after two years. The person must pay an
14.16 additional 50 percent less \$25 of the total to extend the license for an additional two years,
14.17 provided the person is otherwise still eligible for the license. After this final payment of
14.18 the surcharge and fee, the license may be renewed on a standard schedule, as provided
14.19 under section 171.27. A handling charge may be imposed for each installment payment.
14.20 Revenue from the handling charge is credited to the driver services operating account in
14.21 the special revenue fund and is appropriated to the commissioner.

14.22 (g) Any person making installment payments under paragraph (f), whose driver's
14.23 license subsequently expires, or is canceled, revoked, or suspended before payment of
14.24 100 percent of the surcharge and fee, must pay the outstanding balance due for the initial
14.25 reinstatement before the driver's license is subsequently reinstated. Upon payment of
14.26 the outstanding balance due for the initial reinstatement, the person may pay any new
14.27 surcharge and fee imposed under paragraph (b) in installment payments as provided
14.28 under paragraph (f).

14.29 **ARTICLE 2**

14.30 **REPEAL OF CERTAIN MANDATORY SENTENCING PROVISIONS**

14.31 Section 1. Minnesota Statutes 2008, section 152.021, subdivision 3, is amended to read:

14.32 Subd. 3. **Penalty.** (a) A person convicted under subdivisions 1 to 2a, paragraph (a),
14.33 may be sentenced to imprisonment for not more than 30 years or to payment of a fine of
14.34 not more than \$1,000,000, or both.

15.1 ~~(b) If the conviction is a subsequent controlled substance conviction, a person~~
15.2 ~~convicted under subdivisions 1 to 2a, paragraph (a), shall be committed to the~~
15.3 ~~commissioner of corrections for not less than four years nor more than 40 years and, in~~
15.4 ~~addition, may be sentenced to payment of a fine of not more than \$1,000,000.~~

15.5 (e) In a prosecution under subdivision 1 involving sales by the same person in two or
15.6 more counties within a 90-day period, the person may be prosecuted for all of the sales in
15.7 any county in which one of the sales occurred.

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

15.9 Sec. 2. Minnesota Statutes 2008, section 152.022, subdivision 3, is amended to read:

15.10 Subd. 3. **Penalty.** (a) A person convicted under subdivision 1 or 2 may be sentenced
15.11 to imprisonment for not more than 25 years or to payment of a fine of not more than
15.12 \$500,000, or both.

15.13 ~~(b) If the conviction is a subsequent controlled substance conviction, a person~~
15.14 ~~convicted under subdivision 1 or 2 shall be committed to the commissioner of corrections~~
15.15 ~~for not less than three years nor more than 40 years and, in addition, may be sentenced to~~
15.16 ~~payment of a fine of not more than \$500,000.~~

15.17 (e) In a prosecution under subdivision 1 involving sales by the same person in two or
15.18 more counties within a 90-day period, the person may be prosecuted for all of the sales in
15.19 any county in which one of the sales occurred.

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

15.21 Sec. 3. Minnesota Statutes 2008, section 152.023, subdivision 3, is amended to read:

15.22 Subd. 3. **Penalty.** (a) A person convicted under subdivision 1 or 2 may be sentenced
15.23 to imprisonment for not more than 20 years or to payment of a fine of not more than
15.24 \$250,000, or both.

15.25 ~~(b) If the conviction is a subsequent controlled substance conviction, a person~~
15.26 ~~convicted under subdivision 1 or 2 shall be committed to the commissioner of corrections~~
15.27 ~~for not less than two years nor more than 30 years and, in addition, may be sentenced to~~
15.28 ~~payment of a fine of not more than \$250,000.~~

15.29 (e) In a prosecution under subdivision 1 or 2 involving sales or acts of possession
15.30 by the same person in two or more counties within a 90-day period, the person may be
15.31 prosecuted in any county in which one of the sales or acts of possession occurred.

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

S.F. No. 0802, 2nd Engrossment - 86th Legislative Session (2009-2010) [s0802-2]

16.1 Sec. 4. Minnesota Statutes 2008, section 152.024, subdivision 3, is amended to read:

16.2 Subd. 3. **Penalty.** ~~(a)~~ A person convicted under subdivision 1 or 2 may be sentenced
16.3 to imprisonment for not more than 15 years or to payment of a fine of not more than
16.4 \$100,000, or both.

16.5 ~~(b) If the conviction is a subsequent controlled substance conviction, a person~~
16.6 ~~convicted under subdivision 1 or 2 shall be committed to the commissioner of corrections~~
16.7 ~~or to a local correctional authority for not less than one year nor more than 30 years and,~~
16.8 ~~in addition, may be sentenced to payment of a fine of not more than \$100,000.~~

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

16.10 Sec. 5. Minnesota Statutes 2008, section 152.025, subdivision 3, is amended to read:

16.11 Subd. 3. **Penalty.** ~~(a)~~ A person convicted under subdivision 1 or 2 may be sentenced
16.12 to imprisonment for not more than five years or to payment of a fine of not more than
16.13 \$10,000, or both.

16.14 ~~(b) If the conviction is a subsequent controlled substance conviction, a person~~
16.15 ~~convicted under subdivision 1 or 2 shall be committed to the commissioner of corrections~~
16.16 ~~or to a local correctional authority for not less than six months nor more than ten years~~
16.17 ~~and, in addition, may be sentenced to payment of a fine of not more than \$20,000.~~

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

16.19 Sec. 6. Minnesota Statutes 2008, section 152.18, subdivision 1, is amended to read:

16.20 Subdivision 1. **Deferring prosecution for certain first time drug offenders.** If
16.21 any person who has not previously participated in or completed a diversion program
16.22 authorized under section 401.065 or who has not previously been placed on probation
16.23 without a judgment of guilty and thereafter been discharged from probation under
16.24 this section is found guilty of a violation of section 152.024, subdivision 2, 152.025,
16.25 subdivision 2, or 152.027, subdivision 2, 3, or 4, for possession of a controlled substance,
16.26 after trial or upon a plea of guilty, and the court determines that the violation does not
16.27 qualify as a subsequent controlled substance conviction under section 152.01, subdivision
16.28 16a, the court ~~may~~ shall, without entering a judgment of guilty and with the consent of
16.29 the person, either (1) defer further proceedings and place the person on probation upon
16.30 such reasonable conditions as it may require and for a period, not to exceed the maximum
16.31 sentence provided for the violation. ~~The court~~ or (2) enter a written finding that states
16.32 substantial and compelling reasons why a deferral is inappropriate. For any other person
16.33 who is found guilty of a violation of section 152.024, subdivision 2; 152.025, subdivision

17.1 2; or 152.027, subdivision 2, 3, or 4, for possession of a controlled substance, after trial
17.2 or upon a plea of guilty, and the court determines that the violation does not qualify as a
17.3 subsequent controlled substance conviction under section 152.01, subdivision 16a, the
17.4 court may, without entering a judgment of guilty and with the consent of the person, defer
17.5 further proceedings and place the person on probation upon such reasonable conditions
17.6 as it may require and for a period not to exceed the maximum sentence provided for the
17.7 violation. If the court grants a deferral, it may give the person the opportunity to attend
17.8 and participate in an appropriate program of education regarding the nature and effects of
17.9 alcohol and drug abuse as a stipulation of probation. Upon violation of a condition of the
17.10 probation, the court may enter an adjudication of guilt and proceed as otherwise provided.
17.11 The court may, in its discretion, dismiss the proceedings against the person and discharge
17.12 the person from probation before the expiration of the maximum period prescribed for the
17.13 person's probation. If during the period of probation the person does not violate any of the
17.14 conditions of the probation, then upon expiration of the period the court shall discharge the
17.15 person and dismiss the proceedings against that person. Discharge and dismissal under this
17.16 subdivision shall be without court adjudication of guilt, but a not public record of it shall
17.17 be retained by the Bureau of Criminal Apprehension for the purpose of use by the courts
17.18 in determining the merits of subsequent proceedings against the person. The not public
17.19 record may also be opened only upon court order for purposes of a criminal investigation,
17.20 prosecution, or sentencing. Upon request by law enforcement, prosecution, or corrections
17.21 authorities, the bureau shall notify the requesting party of the existence of the not public
17.22 record and the right to seek a court order to open it pursuant to this section. The court shall
17.23 forward a record of any discharge and dismissal under this subdivision to the bureau which
17.24 shall make and maintain the not public record of it as provided under this subdivision. The
17.25 discharge or dismissal shall not be deemed a conviction for purposes of disqualifications
17.26 or disabilities imposed by law upon conviction of a crime or for any other purpose.

17.27 For purposes of this subdivision, "not public" has the meaning given in section
17.28 13.02, subdivision 8a.

17.29 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to crimes
17.30 committed on or after that date.

17.31 Sec. 7. Minnesota Statutes 2008, section 169A.275, subdivision 3, is amended to read:

17.32 Subd. 3. **Fourth offense.** (a) Unless the court commits the person to the custody of
17.33 the commissioner of corrections ~~as provided in section 169A.276 (mandatory penalties;~~
17.34 ~~felony violations)~~, the court shall sentence a person who is convicted of a violation of

18.1 section 169A.20 (driving while impaired) within ten years of the first of three qualified
18.2 prior impaired driving incidents to either:

18.3 (1) a minimum of 180 days of incarceration, at least 30 days of which must be served
18.4 consecutively in a local correctional facility;

18.5 (2) a program of intensive supervision of the type described in section 169A.74
18.6 (pilot programs of intensive probation for repeat DWI offenders) that requires the person
18.7 to consecutively serve at least six days in a local correctional facility; or

18.8 (3) a program of staggered sentencing involving a minimum of 180 days of
18.9 incarceration, at least 30 days of which must be served consecutively in a local
18.10 correctional facility.

18.11 (b) The court may order that the person serve not more than 150 days of the
18.12 minimum penalty under paragraph (a), clause (1), on home detention or in an intensive
18.13 probation program described in section 169A.74. Notwithstanding section 609.135, the
18.14 penalties in this subdivision must be imposed and executed.

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

18.16 Sec. 8. Minnesota Statutes 2008, section 169A.275, subdivision 4, is amended to read:

18.17 Subd. 4. **Fifth offense or more.** (a) Unless the court commits the person to the
18.18 custody of the commissioner of corrections ~~as provided in section 169A.276 (mandatory~~
18.19 ~~penalties; felony violations)~~, the court shall sentence a person who is convicted of a
18.20 violation of section 169A.20 (driving while impaired) within ten years of the first of four
18.21 or more qualified prior impaired driving incidents to either:

18.22 (1) a minimum of one year of incarceration, at least 60 days of which must be served
18.23 consecutively in a local correctional facility;

18.24 (2) a program of intensive supervision of the type described in section 169A.74
18.25 (pilot programs of intensive probation for repeat DWI offenders) that requires the person
18.26 to consecutively serve at least six days in a local correctional facility; or

18.27 (3) a program of staggered sentencing involving a minimum of one year of
18.28 incarceration, at least 60 days of which must be served consecutively in a local
18.29 correctional facility.

18.30 (b) The court may order that the person serve the remainder of the minimum penalty
18.31 under paragraph (a), clause (1), on intensive probation using an electronic monitoring
18.32 system or, if such a system is unavailable, on home detention. Notwithstanding section
18.33 609.135, the penalties in this subdivision must be imposed and executed.

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

19.1 Sec. 9. Minnesota Statutes 2008, section 169A.275, subdivision 5, is amended to read:

19.2 Subd. 5. **Level of care recommended in chemical use assessment.** Unless the
19.3 court commits the person to the custody of the commissioner of corrections ~~as provided in~~
19.4 ~~section 169A.276 (mandatory penalties; felony violations)~~, in addition to other penalties
19.5 required under this section, the court shall order a person to submit to the level of care
19.6 recommended in the chemical use assessment conducted under section 169A.70 (alcohol
19.7 safety program; chemical use assessments) if the person is convicted of violating section
19.8 169A.20 (driving while impaired) while having an alcohol concentration of 0.20 or more
19.9 as measured at the time, or within two hours of the time, of the offense or if the violation
19.10 occurs within ten years of one or more qualified prior impaired driving incidents.

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

19.12 Sec. 10. Minnesota Statutes 2008, section 169A.276, subdivision 1, is amended to read:

19.13 Subdivision 1. **Mandatory ~~prison sentence~~ conditional release period.** ~~(a) The~~
19.14 ~~court shall sentence a person who is convicted of a violation of section 169A.20 (driving~~
19.15 ~~while impaired) under the circumstances described in section 169A.24 (first-degree~~
19.16 ~~driving while impaired) to imprisonment for not less than three years. In addition, the~~
19.17 ~~court may order the person to pay a fine of not more than \$14,000.~~

19.18 ~~(b) The court may stay execution of this mandatory sentence as provided in~~
19.19 ~~subdivision 2 (stay of mandatory sentence), but may not stay imposition or adjudication of~~
19.20 ~~the sentence or impose a sentence that has a duration of less than three years.~~

19.21 ~~(c) An offender committed to the custody of the commissioner of corrections~~
19.22 ~~under this subdivision is not eligible for release as provided in section 241.26, 244.065,~~
19.23 ~~244.12, or 244.17, unless the offender has successfully completed a chemical dependency~~
19.24 ~~treatment program while in prison.~~

19.25 ~~(d)~~ (a) Notwithstanding the statutory maximum sentence provided in section
19.26 169A.24 (first-degree driving while impaired), when the court commits a person to the
19.27 custody of the commissioner of corrections ~~under this subdivision~~, it shall provide that
19.28 after the person has been released from prison the commissioner shall place the person
19.29 on conditional release for five years. The commissioner shall impose any conditions of
19.30 release that the commissioner deems appropriate including, but not limited to, successful
19.31 completion of an intensive probation program as described in section 169A.74 (pilot
19.32 programs of intensive probation for repeat DWI offenders). If the person fails to comply
19.33 with any condition of release, the commissioner may revoke the person's conditional
19.34 release and order the person to serve all or part of the remaining portion of the conditional
19.35 release term in prison. The commissioner may not dismiss the person from supervision

20.1 before the conditional release term expires. Except as otherwise provided in this section,
20.2 conditional release is governed by provisions relating to supervised release. The failure
20.3 of a court to direct the commissioner of corrections to place the person on conditional
20.4 release, as required in this paragraph, does not affect the applicability of the conditional
20.5 release provisions to the person.

20.6 ~~(e)~~ (b) The commissioner shall require persons placed on supervised or conditional
20.7 release under this subdivision to pay as much of the costs of the supervision as possible.
20.8 The commissioner shall develop appropriate standards for this.

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

20.10 Sec. 11. Minnesota Statutes 2008, section 169A.276, subdivision 2, is amended to read:

20.11 Subd. 2. **Stay of mandatory sentence.** The provisions of sections 169A.275
20.12 (mandatory penalties; nonfelony violations), subdivision 3 or 4, and subdivision 5, and
20.13 169A.283 (stay of execution of sentence), apply if the court stays execution of ~~the~~ a felony
20.14 DWI offender's sentence ~~under subdivision 1 (mandatory prison sentence)~~. In addition,
20.15 the provisions of section 169A.277 (long-term monitoring) may apply.

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

20.17 Sec. 12. Minnesota Statutes 2008, section 243.166, subdivision 5, is amended to read:

20.18 Subd. 5. **Criminal penalty.** ~~(a)~~ A person required to register under this section who
20.19 knowingly violates any of its provisions or intentionally provides false information to a
20.20 corrections agent, law enforcement authority, or the bureau is guilty of a felony and may
20.21 be sentenced to imprisonment for not more than five years or to payment of a fine of
20.22 not more than \$10,000, or both.

20.23 ~~(b) Except as provided in paragraph (c), a person convicted of violating paragraph~~
20.24 ~~(a) shall be committed to the custody of the commissioner of corrections for not less than~~
20.25 ~~a year and a day, nor more than five years.~~

20.26 ~~(c) A person convicted of violating paragraph (a), who has previously been convicted~~
20.27 ~~of or adjudicated delinquent for violating this section or a similar statute of another state~~
20.28 ~~or the United States, shall be committed to the custody of the commissioner of corrections~~
20.29 ~~for not less than two years, nor more than five years.~~

20.30 ~~(d) Prior to the time of sentencing, the prosecutor may file a motion to have the~~
20.31 ~~person sentenced without regard to the mandatory minimum sentence established by this~~
20.32 ~~subdivision. The motion must be accompanied by a statement on the record of the reasons~~
20.33 ~~for it. When presented with the motion, or on its own motion, the court may sentence the~~

21.1 ~~person without regard to the mandatory minimum sentence if the court finds substantial~~
21.2 ~~and compelling reasons to do so. Sentencing a person in the manner described in this~~
21.3 ~~paragraph is a departure from the Sentencing Guidelines.~~

21.4 ~~(e) A person convicted and sentenced as required by this subdivision is not~~
21.5 ~~eligible for probation, parole, discharge, work release, conditional release, or supervised~~
21.6 ~~release, until that person has served the full term of imprisonment as provided by law,~~
21.7 ~~notwithstanding the provisions of sections 241.26, 242.19, 243.05, 244.04, 609.12, and~~
21.8 ~~609.135.~~

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

21.10 Sec. 13. **[244.30] CAP ON INCARCERATION FOR FIRST-TIME SUPERVISED**
21.11 **RELEASE VIOLATIONS; EXCEPTION FOR SEX OFFENDERS.**

21.12 (a) If the commissioner revokes the supervised release of a person whose release
21.13 on the current offense has not previously been revoked, the commissioner may order the
21.14 person to be incarcerated for no more than 90 days or until the expiration of the person's
21.15 sentence, whichever is less.

21.16 (b) This section does not apply to offenders on supervised release for a violation of
21.17 section 609.342, 609.343, 609.344, 609.345, 609.3451, or 609.3453.

21.18 (c) The commissioner may order a person described in this section to be incarcerated
21.19 for more than 90 days if the commissioner determines that substantial and compelling
21.20 reasons exist to believe that the longer incarceration period is necessary to protect the
21.21 public.

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

21.23 Sec. 14. **RERANKING OF FELONY DWI.**

21.24 The Minnesota Sentencing Guidelines Commission shall consider reranking
21.25 violations of Minnesota Statutes, section 169A.24 (felony DWI) at severity level V or VI.

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

21.27 Sec. 15. **REPEALER.**

21.28 Minnesota Statutes 2008, section 152.026, is repealed.

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

21.30 **ARTICLE 3**

21.31 **CHANGES TO CHALLENGE INCARCERATION AND CONDITIONAL**

22.1 **RELEASE FOR NONVIOLENT OFFENDER PROGRAMS; MINNCOR;**
22.2 **FIREFIGHTER LICENSING; REPORTING CHANGES**

22.3 Section 1. Minnesota Statutes 2008, section 3.195, subdivision 1, is amended to read:

22.4 Subdivision 1. **Distribution of reports.** (a) Except as provided in subdivision
22.5 4, a report to the legislature required of a department or agency shall be made, unless
22.6 otherwise specifically required by law, by filing one copy with the secretary of the senate,
22.7 one copy with the chief clerk of the house of representatives, and six copies with the
22.8 Legislative Reference Library. The same distribution procedure shall be followed for
22.9 other reports and publications unless otherwise requested by a legislator or the Legislative
22.10 Reference Library.

22.11 (b) A public entity as defined in section 16B.122, shall not distribute a report
22.12 or publication to a member or employee of the legislature, except the secretary of the
22.13 senate, the chief clerk of the house of representatives, and the Legislative Reference
22.14 Library, unless the entity has determined that the member or employee wants the reports
22.15 or publications published by that entity or the member or employee has requested the
22.16 report or publication. This prohibition applies to both mandatory and voluntary reports
22.17 and publications. A report or publication may be summarized in an executive summary
22.18 and distributed as the entity chooses. Distribution of a report to legislative committee
22.19 or commission members during a committee or commission hearing is not prohibited
22.20 by this section.

22.21 (c) A report or publication produced by a public entity may not be sent to both the
22.22 home address and the office address of a representative or senator unless mailing to both
22.23 addresses is requested by the representative or senator.

22.24 (d) Reports, publications, periodicals, and summaries under this subdivision must
22.25 be printed in a manner consistent with section 16B.122.

22.26 Sec. 2. Minnesota Statutes 2008, section 3.195, is amended by adding a subdivision to
22.27 read:

22.28 Subd. 4. **Reports of criminal justice agencies; electronic versions only.** (a) As
22.29 used in this subdivision, "criminal justice agency" means the Departments of Corrections,
22.30 Public Safety, and Human Rights; the Boards of Public Defense, Peace Officer Standards
22.31 and Training, Private Detective and Protective Agent Services, and Judicial Standards; the
22.32 Sentencing Guidelines and Uniform Laws Commissions; and the courts.

22.33 (b) A criminal justice agency that submits a report to the legislature under this
22.34 section shall do so by submitting an electronic version rather than a printed one.
22.35 Notwithstanding subdivision 1, paragraph (a), and section 15.18, the agency need submit

23.1 only one electronic copy to the Legislative Reference Library, the State Library, and the
23.2 Minnesota Historical Society. In addition, the agency shall submit one printed copy to
23.3 the Legislative Reference Library.

23.4 Sec. 3. Minnesota Statutes 2008, section 241.27, subdivision 1a, is amended to read:

23.5 Subd. 1a. **Marketing plan.** The commissioner of corrections, in consultation with
23.6 the commissioner of employment and economic development, shall develop, implement,
23.7 and maintain a formal marketing plan to attract private sector businesses and industries
23.8 and state and local government agencies to employ inmate services through MINNCOR
23.9 industries. The plan shall be reviewed and updated annually by the commissioner of
23.10 corrections.

23.11 Sec. 4. Minnesota Statutes 2008, section 241.27, is amended by adding a subdivision
23.12 to read:

23.13 Subd. 6. **Reports and financial statements.** MINNCOR shall include its full costs
23.14 for inmate wages and the money it receives from the department for inmate confinement
23.15 costs in its annual financial statements and reports. In addition, MINNCOR shall disclose
23.16 in its annual report how the money it receives from the department for inmate confinement
23.17 costs affects its profitability.

23.18 Sec. 5. Minnesota Statutes 2008, section 241.27, is amended by adding a subdivision
23.19 to read:

23.20 Subd. 7. **Interactions with private businesses.** (a) MINNCOR shall use revenue
23.21 contracts, not purchase orders, whenever it allows private businesses to use inmate labor.

23.22 (b) MINNCOR shall develop a uniform method to report sales and expenditure data
23.23 related to individual labor arrangements with private businesses. MINNCOR shall review
23.24 the data annually to assess how the arrangements, both individually and collectively, affect
23.25 MINNCOR's achieving its goals of high inmate participation in industry and profitability.

23.26 Sec. 6. Minnesota Statutes 2008, section 241.27, is amended by adding a subdivision
23.27 to read:

23.28 Subd. 8. **Contracts; work on projects before and after.** MINNCOR may not
23.29 begin work on a project until a contract has been signed and may not continue work
23.30 on a project after a contract has expired.

23.31 Sec. 7. Minnesota Statutes 2008, section 244.055, subdivision 2, is amended to read:

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

24.5 (1) the offender is serving a sentence for violating section 152.021, subdivision 2
24.6 or 2a; ~~152.022, subdivision 2;~~ 152.023; 152.024; or 152.025, or serving a sentence for a
24.7 nonviolent nondrug offense;

24.8 (2) the offender committed the crime as a result of a controlled substance addiction;
24.9 ~~and not primarily for profit;~~

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

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

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

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

24.18 Sec. 8. Minnesota Statutes 2008, section 244.055, subdivision 3, is amended to read:

24.19 Subd. 3. **Offer of chemical dependency treatment.** The commissioner shall offer
24.20 all offenders meeting the criteria described in subdivision 2, clauses (1), (2), (5), and (6),
24.21 the opportunity to begin a suitable chemical dependency treatment program of the type
24.22 described in this section within 160 days after the offender's term of imprisonment begins
24.23 or as soon after 160 days as possible. In making the determination under subdivision
24.24 2, clause (2), that the offender has a controlled substance addiction, the commissioner
24.25 shall consider the chemical dependency assessment completed at intake. In making
24.26 a determination that an offender is suitable for early release under this section, the
24.27 commissioner shall consider validated risk assessment tools such as the Level of Service
24.28 Inventory-Revised (LSI-R).

24.29 Sec. 9. Minnesota Statutes 2008, section 244.055, subdivision 5, is amended to read:

24.30 Subd. 5. **Additional requirements.** To be eligible for release under this section,
24.31 an offender shall sign a written contract with the commissioner agreeing to comply with
24.32 the requirements of this section and the conditions imposed by the commissioner. ~~In~~
24.33 ~~addition to other items, the contract must specifically refer to the term of imprisonment~~
24.34 ~~extension in subdivision 6.~~ In addition, the offender shall agree to submit to random drug

25.1 and alcohol tests and electronic or home monitoring as determined by the commissioner or
25.2 the offender's supervising agent. The commissioner may impose additional requirements
25.3 on the offender that are necessary to carry out the goals of this section.

25.4 Sec. 10. Minnesota Statutes 2008, section 244.055, subdivision 7, is amended to read:

25.5 Subd. 7. **Release procedures.** After consulting with the panel of judges created
25.6 under subdivision 7a, the commissioner may deny conditional release to an offender under
25.7 this section if the commissioner determines that the offender's release may reasonably pose
25.8 a danger to the public or an individual. In making this determination, the commissioner
25.9 shall follow the procedures contained in section 244.05, subdivision 5, and the rules
25.10 adopted by the commissioner under that subdivision. The commissioner shall consider
25.11 whether the offender was involved in criminal gang activity during the offender's prison
25.12 term. The commissioner shall also consider the offender's custody classification and
25.13 level of risk of violence and the availability of appropriate community supervision for
25.14 the offender. Conditional release granted under this section continues until the offender's
25.15 sentence expires, unless release is rescinded under subdivision 8. The commissioner
25.16 may not grant conditional release unless a release plan is in place for the offender that
25.17 addresses, at a minimum, plans for aftercare, community-based chemical dependency
25.18 treatment, gaining employment, and securing housing.

25.19 Sec. 11. Minnesota Statutes 2008, section 244.055, is amended by adding a subdivision
25.20 to read:

25.21 Subd. 7a. **Panel of judges.** The Chief Justice of the Supreme Court shall appoint
25.22 three retired judges to advise the commissioner of corrections on eligibility decisions
25.23 made under this section. The Chief Justice shall determine the pay and expenses to be
25.24 received by the panel. These costs must be paid by the commissioner of corrections.

25.25 Sec. 12. Minnesota Statutes 2008, section 244.055, is amended by adding a subdivision
25.26 to read:

25.27 Subd. 10a. **Savings used for drug treatment.** The commissioner shall use any
25.28 savings realized from the early release of offenders under this section for chemical
25.29 dependency treatment programs in state correctional facilities.

25.30 Sec. 13. **[244.085] FELONY DWI REPORT.**

25.31 By January 15 of each year, the commissioner shall report to the chairs and
25.32 ranking minority members of the house of representatives and senate committees

26.1 having jurisdiction over criminal justice policy and funding on the implementation and
26.2 effects of the felony level driving while impaired offense. The report must include the
26.3 following information on felony level driving while impaired offenses involving offenders
26.4 committed to the commissioner's custody:

26.5 (1) the number of persons committed;

26.6 (2) the county of conviction;

26.7 (3) the offenders' ages and gender;

26.8 (4) the offenders' prior impaired driving histories and prior criminal histories;

26.9 (5) the number of offenders:

26.10 (i) given an executed prison sentence upon conviction and the length of the sentence;

26.11 (ii) given an executed prison sentence upon revocation of probation, the reasons
26.12 for revocation, and the length of sentence;

26.13 (iii) who successfully complete treatment in prison;

26.14 (iv) placed on intensive supervision following release from incarceration;

26.15 (v) placed in the challenge incarceration program, the number of offenders released
26.16 from prison under this program, and the number of these offenders who violate their
26.17 release conditions and the consequences imposed; and

26.18 (vi) who violate supervised release and the consequences imposed;

26.19 (6) per diem costs, including treatment costs, for offenders incarcerated under the
26.20 felony sentence provisions; and

26.21 (7) any other information the commissioner deems relevant to estimating future
26.22 costs.

26.23 Sec. 14. Minnesota Statutes 2008, section 244.17, is amended to read:

26.24 **244.17 CHALLENGE INCARCERATION PROGRAM.**

26.25 Subdivision 1. **Generally.** The commissioner ~~may~~ shall select offenders who
26.26 meet the eligibility requirements of subdivisions 2 and 3 to participate in a challenge
26.27 incarceration program described in sections 244.171 and 244.172 for all or part of the
26.28 offender's sentence if the offender agrees to participate in the program and signs a written
26.29 contract with the commissioner agreeing to comply with the program's requirements.

26.30 Subd. 2. **Eligibility.** (a) Unless a person is ineligible under subdivision 3, the
26.31 commissioner must ~~limit~~ offer a bed in the challenge incarceration program to the
26.32 following persons:

26.33 (1) offenders who are committed to the commissioner's custody following revocation
26.34 of a stayed sentence; and

27.1 (2) offenders who are committed to the commissioner's custody, who have 48
27.2 months or less in or remaining in their term of imprisonment, and who did not receive a
27.3 dispositional departure under the Sentencing Guidelines.

27.4 (b) If there is insufficient space for an eligible person, the commissioner shall place
27.5 the person's name on a waiting list and offer the person the chance to participate when
27.6 space becomes available.

27.7 Subd. 3. **Offenders not eligible.** (a) The following offenders are not eligible to be
27.8 placed in the challenge incarceration program:

27.9 (1) offenders who are committed to the commissioner's custody following a
27.10 conviction for murder, manslaughter, criminal sexual conduct, assault, kidnapping,
27.11 robbery, arson, or any other offense involving death or intentional personal injury; ~~and~~

27.12 (2) offenders who were convicted within the preceding ten years of an offense
27.13 described in clause (1) and were committed to the custody of the commissioner;

27.14 (3) offenders who have been convicted or adjudicated delinquent within the past five
27.15 years for a violation of section 609.485;

27.16 (4) offenders who are committed to the commissioner's custody for an offense that
27.17 requires registration under section 243.166;

27.18 (5) offenders who are the subject of a current arrest warrant or detainer;

27.19 (6) offenders who have fewer than 180 days remaining until their supervised release
27.20 date;

27.21 (7) offenders who have had disciplinary confinement time added to their sentence or
27.22 who have been placed in segregation, unless 90 days have elapsed from the imposition of
27.23 the additional disciplinary confinement time or the last day of segregation;

27.24 (8) offenders who have received a suspended formal disciplinary sanction, unless the
27.25 suspension has expired;

27.26 (9) offenders whose governing sentence is for an offense from another state or the
27.27 United States; and

27.28 (10) offenders who have a medical condition included on the list of ineligible
27.29 conditions described in paragraph (b).

27.30 (b) The commissioner of corrections shall develop a list of medical conditions that
27.31 will disqualify an offender from participating in the challenge incarceration program.
27.32 The commissioner shall submit the list and any changes to it to the chairs and ranking
27.33 minority members of the senate and house committees having jurisdiction over criminal
27.34 justice policy and funding.

27.35 Sec. 15. Minnesota Statutes 2008, section 244.172, subdivision 1, is amended to read:

28.1 Subdivision 1. **Phase I.** Phase I of the program lasts at least six months. The
28.2 offender must be confined ~~in a state correctional facility designated by the commissioner~~
28.3 at the Minnesota Correctional Facility - Willow River/Moose Lake or the Minnesota
28.4 Correctional Facility - Togo and must successfully participate in all intensive treatment,
28.5 education and work programs required by the commissioner. The offender must also
28.6 submit on demand to random drug and alcohol testing at time intervals set by the
28.7 commissioner. Throughout phase I, the commissioner must severely restrict the offender's
28.8 telephone and visitor privileges.

28.9 Sec. 16. Minnesota Statutes 2008, section 299N.02, subdivision 3, is amended to read:

28.10 Subd. 3. **Powers and duties.** (a) The board shall:

28.11 (1) review fire service training needs and make recommendations on training to
28.12 Minnesota fire service organizations;

28.13 (2) establish standards for educational programs for the fire service and develop
28.14 procedures for continuing oversight of the programs; ~~and~~

28.15 (3) establish qualifications for fire service training instructors in programs
28.16 established under clause (2); and

28.17 (4) license full-time firefighters and volunteer firefighters under this chapter.

28.18 (b) The board may:

28.19 (1) hire or contract for technical or professional services according to section 15.061;

28.20 (2) pay expenses necessary to carry out its duties;

28.21 (3) apply for, receive, and accept grants, gifts, devises, and endowments that any
28.22 entity may make to the board for the purposes of this chapter and may use any money
28.23 given to it consistent with the terms and conditions under which the money was received
28.24 and for the purposes stated;

28.25 (4) make recommendations to the legislature to improve the quality of firefighter
28.26 training;

28.27 (5) collect and provide data, subject to section 13.03;

28.28 (6) conduct studies and surveys and make reports; and

28.29 (7) conduct other activities necessary to carry out its duties.

28.30 Sec. 17. **[299N.03] DEFINITIONS.**

28.31 Subdivision 1. **Scope.** The terms used in sections 299N.04 and 299N.05 have the
28.32 meanings given them in this section.

28.33 Subd. 2. **Board.** "Board" means the Board of Firefighter Training and Education
28.34 established under section 299N.02.

29.1 Subd. 3. **Chief firefighting officer.** "Chief firefighting officer" means the highest
29.2 ranking employee or appointed official of a fire department.

29.3 Subd. 4. **Fire department.** "Fire department" has the meaning given it in section
29.4 299F.092, subdivision 6. For purposes of sections 299N.04 and 299N.05, fire department
29.5 also includes a division of a state agency, regularly charged with the responsibility of
29.6 providing fire protection to the state or a local government, to include a private, nonprofit
29.7 fire department directly serving a local government, but does not include an industrial
29.8 fire brigade.

29.9 Subd. 5. **Licensed firefighter.** "Licensed firefighter" means a full-time firefighter,
29.10 to include a fire department employee, member, supervisor, or appointed official, who is
29.11 licensed by the board and who is charged with the prevention or suppression of fires within
29.12 the boundaries of the state. Licensed firefighter may also include a volunteer firefighter.

29.13 Subd. 6. **Full-time firefighter.** A "full-time firefighter" means a person who is
29.14 employed and charged with the prevention or suppression of fires within the boundaries of
29.15 the state on a full-time, salaried basis. Full-time firefighter does not include a volunteer,
29.16 part-time or paid, on-call firefighter.

29.17 Subd. 7. **Volunteer firefighter.** A "volunteer firefighter" means a person who is
29.18 charged with the prevention or suppression of fires within the boundaries of the state on
29.19 a volunteer, part-time, or paid, on-call basis. Volunteer firefighter does not include a
29.20 full-time firefighter.

29.21 Sec. 18. **[299N.04] FIREFIGHTER CERTIFICATION.**

29.22 Subdivision 1. **Certification examination; requirements.** (a) The board must
29.23 appoint an organization that is accredited by the International Fire Service Accreditation
29.24 Congress to prepare and administer firefighter certification examinations. Firefighter
29.25 certification examinations shall be designed to ensure competency in at least the following
29.26 areas:

29.27 (1) fire prevention;

29.28 (2) fire suppression; and

29.29 (3) hazardous materials operations.

29.30 (b) To receive a certificate, an individual must demonstrate competency in fire
29.31 prevention and fire suppression.

29.32 (c) Nothing in this section shall be construed to prohibit any requirement imposed
29.33 by a local fire department for more comprehensive training.

30.1 Subd. 2. **Eligibility for certification examination.** Except as provided in
30.2 subdivision 3, any person may take the firefighter certification examination who has
30.3 successfully completed the following:

30.4 (1)(i) a firefighter course from a postsecondary educational institution, an accredited
30.5 institution of higher learning, or another entity that teaches a course that has been approved
30.6 by the board; or (ii) an apprenticeship or cadet program maintained by a fire department
30.7 employing the person that has been approved by the board; and

30.8 (2) a skills-oriented basic training course.

30.9 Subd. 3. **Certain baccalaureate or associate degree holders eligible to take**
30.10 **certification examination.** A person with a baccalaureate degree, or with an associate
30.11 degree in applied fire science technology, from an accredited college or university who
30.12 has successfully completed the skills-oriented basic training course under subdivision 2,
30.13 clause (2), is eligible to take the firefighter certification examination notwithstanding the
30.14 requirements of subdivision 2, clause (1).

30.15 Sec. 19. **[299N.05] LICENSE REQUIRED.**

30.16 Subdivision 1. **Licensure requirement.** A full-time firefighter employed on or after
30.17 July 1, 2011, by a fire department is not eligible for permanent employment without
30.18 being licensed as a firefighter by the board.

30.19 Subd. 2. **Optional licensing.** A volunteer firefighter may receive or apply for
30.20 licensure under this section and section 299N.04 under the same terms as full-time
30.21 firefighters.

30.22 Subd. 3. **Prior appointment.** A full-time firefighter or a volunteer firefighter who
30.23 has received a permanent appointment with a fire department prior to July 1, 2011, shall
30.24 be licensed by the board at the request of the firefighter upon providing the board with a
30.25 statement signed by the chief firefighting officer of the fire department that employs the
30.26 full-time or volunteer firefighter.

30.27 Subd. 4. **Newly employed firefighters.** Any full-time firefighter employed by a fire
30.28 department on or after July 1, 2011, must obtain a license from the board. To obtain a
30.29 license, an individual not covered by subdivision 3 must provide the board with a statement
30.30 signed by the chief firefighting officer of the fire department that employs the full-time
30.31 firefighter that the individual has met the certification requirements of section 299N.04.

30.32 Subd. 5. **Issuance of license.** The board shall license any individual who meets
30.33 the requirements of subdivision 3 or 4. A license is valid for three years from the date of
30.34 issuance, and the fee for the license is \$75.

31.1 Subd. 6. License renewal. A license shall be renewed so long as the firefighter and
31.2 the chief firefighting officer provide evidence to the board that the licensed firefighter has
31.3 had at least 72 hours of firefighting training in the previous three-year period. The fee for
31.4 renewing a firefighter license is \$75, and the license is valid for an additional three years.

31.5 Subd. 7. Duties of chief firefighting officer. It shall be the duty of every chief
31.6 firefighting officer to ensure that all full-time firefighters have a license from the board
31.7 beginning July 1, 2011. Each full-time firefighter, volunteer firefighter, and chief
31.8 firefighting officer may apply for licensure after January 1, 2011.

31.9 Subd. 8. Revocation; suspension; denial. The board may revoke, suspend, or
31.10 deny a license issued or applied for under this section to a firefighter or applicant if the
31.11 firefighter or applicant has been convicted of a felony recognized by the board as a crime
31.12 that would disqualify the licensee from participating in the profession of firefighting.

31.13 Subd. 9. Petty misdemeanor; discharge. A person who is employed as a full-time
31.14 firefighter and is not licensed under this section is guilty of a petty misdemeanor and must
31.15 be immediately discharged from employment.

31.16 Subd. 10. Fees. Fees collected under this section must be deposited in the state
31.17 treasury and credited to a special account and are appropriated to the board to pay costs
31.18 incurred under sections 299N.04 to 299N.05.

31.19 Sec. 20. Minnesota Statutes 2008, section 357.021, subdivision 6, is amended to read:

31.20 Subd. 6. **Surcharges on criminal and traffic offenders.** (a) Except as provided
31.21 in this paragraph, the court shall impose and the court administrator shall collect a \$75
31.22 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or
31.23 petty misdemeanor offense, other than a violation of a law or ordinance relating to vehicle
31.24 parking, for which there shall be a \$4 surcharge. In the Second Judicial District, the
31.25 court shall impose, and the court administrator shall collect, an additional \$1 surcharge
31.26 on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty
31.27 misdemeanor offense, including a violation of a law or ordinance relating to vehicle
31.28 parking, if the Ramsey County Board of Commissioners authorizes the \$1 surcharge. The
31.29 surcharge shall be imposed whether or not the person is sentenced to imprisonment or the
31.30 sentence is stayed. The surcharge shall not be imposed when a person is convicted of a
31.31 petty misdemeanor for which no fine is imposed.

31.32 (b) If the court fails to impose a surcharge as required by this subdivision, the court
31.33 administrator shall show the imposition of the surcharge, collect the surcharge, and
31.34 correct the record.

32.1 (c) The court may not waive payment of the surcharge required under this
32.2 subdivision. Upon a showing of indigency or undue hardship upon the convicted person
32.3 or the convicted person's immediate family, the sentencing court may authorize payment
32.4 of the surcharge in installments.

32.5 (d) The court administrator or other entity collecting a surcharge shall forward it
32.6 to the commissioner of finance.

32.7 (e) If the convicted person is sentenced to imprisonment and has not paid the
32.8 surcharge before the term of imprisonment begins, the chief executive officer of the
32.9 correctional facility in which the convicted person is incarcerated shall collect the
32.10 surcharge from any earnings the inmate accrues from work performed in the facility
32.11 or while on conditional release. The chief executive officer shall forward the amount
32.12 collected to the ~~commissioner of finance~~ court administrator or other entity collecting the
32.13 surcharge imposed by the court.

32.14 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to
32.15 surcharges collected by the chief executive officer of a correctional facility on or after
32.16 that date.

32.17 Sec. 21. **REVIEW OF REPORTS.**

32.18 The Sentencing Guidelines Commission and the Departments of Corrections
32.19 and Public Safety shall each review its reports for consolidation and may consider
32.20 consolidating any reports with other reports to achieve administrative convenience or
32.21 fiscal savings or to reduce the burden of reporting requirements.

32.22 Sec. 22. **REPORT ON MINNCOR MARKETING PLAN.**

32.23 By September 15, 2009, the commissioner of corrections shall report to the chairs
32.24 and ranking minority members of the senate and house committees and divisions having
32.25 jurisdiction over criminal justice policy and funding on the marketing plan required in
32.26 Minnesota Statutes, section 241.27, subdivision 1a.

32.27 Sec. 23. **REPEALER.**

32.28 Minnesota Statutes 2008, sections 244.055, subdivisions 6 and 11; 260B.199,
32.29 subdivision 2; 260B.201, subdivision 3; and 325E.22, are repealed.

APPENDIX
Article locations in s0802-2

ARTICLE 1	APPROPRIATIONS	Page.Ln 2.1
ARTICLE 2	REPEAL OF CERTAIN MANDATORY SENTENCING PROVISIONS	Page.Ln 14.29
ARTICLE 3	CHANGES TO CHALLENGE INCARCERATION AND CONDITIONALRELEASE FOR NONVIOLENT OFFENDER PROGRAMS; MINNCOR;FIREFIGHTER LICENSING; REPORTING CHANGES	Page.Ln 21.30

152.026 MANDATORY SENTENCES.

A defendant convicted and sentenced to a mandatory sentence under sections 152.021 to 152.025 and 152.0262 is not eligible for probation, parole, discharge, or supervised release until that person has served the full term of imprisonment as provided by law, notwithstanding sections 242.19, 243.05, 609.12, and 609.135. "Term of imprisonment" has the meaning given in section 244.01, subdivision 8.

244.055 CONDITIONAL RELEASE OF NONVIOLENT CONTROLLED SUBSTANCE OFFENDERS; TREATMENT.

Subd. 6. **Extension of term of imprisonment for offenders who fail in treatment.** When an offender fails to successfully complete the chemical dependency treatment program under this section, the commissioner shall add the time that the offender was participating in the program to the offender's term of imprisonment. However, the offender's term of imprisonment may not be extended beyond the offender's executed sentence.

Subd. 11. **Sunset.** This section expires July 1, 2009.

260B.199 PLACEMENT OF JUVENILE OFFENDERS AT MINNESOTA CORRECTIONAL FACILITY-RED WING.

Subd. 2. **Report required.** (a) A court that places a child in an out-of-state facility shall report the following information to the Sentencing Guidelines Commission:

- (1) the out-of-state facility the child was placed at and the reasons for this placement;
- (2) the in-state facilities at which placement was considered;
- (3) the reasons for not choosing an in-state facility;
- (4) the reasons why the child did not meet the established admissions criteria for the Minnesota Correctional Facility-Red Wing, if applicable; and
- (5) if the child met the admissions criteria, the reasons why the safety of the child or the safety of the community could not be met at the Minnesota Correctional Facility-Red Wing.

(b) By February 15 of each year, the commission shall forward a summary of the reports received from courts under this subdivision for the preceding year to the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over criminal justice policy and funding.

260B.201 MANDATORY COMMITMENT TO COMMISSIONER OF CORRECTIONS.

Subd. 3. **Report required.** A court ordering an alternative placement under subdivision 2, paragraph (c), shall report to the Sentencing Guidelines Commission on the placement ordered and the reasons for not committing the child to the custody of the commissioner of corrections. If the alternative placement is to an out-of-state facility, the report must include specific information that the safety of the child or the safety of the community can best be met by placement in an out-of-state facility or that the out-of-state facility is located closer to the child's home. By February 15 of each year, the commission shall summarize the reports received from courts under this paragraph for the preceding year and forward this summary to the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over criminal justice policy and funding.

325E.22 PENALTY.

Any person violating the provisions of section 325E.21 shall be guilty of a gross misdemeanor.