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S.F. No. 4271 – Judiciary and Public Safety Omnibus Policy Bill (1st Engrossment)

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Article 1 – Law Enforcement Provisions

Section 1 provides that, when the Peace Officer Standards and Training Board receives a complaint alleging a violation of statute or rule that the board is empowered to enforce, the board's executive director may order an appropriate law enforcement agency to conduct an inquiry and requires such an agency to submit a written report. Under current law, the executive director must designate a law enforcement agency to investigate the complaint and the investigating agency must submit a written report. **[Committee Amendment, Oumou Verbeten]**

Section 2 provides that the odor of cannabis may not serve as the sole basis to search a motor vehicle or its occupants. **[Committee Amendment, Oumou Verbeten]**

Section 3 requires the BCA to investigate an incident of law enforcement use of force that results in death and deliver the report to the appropriate prosecutor. Requires the prosecutor to release specified information to the public if charges are not brought. **[Committee Amendment, Oumou Verbeten]**

Sections 4 and 5 change the name of the Ensuring Police Excellence and Improving Community Relations Advisory Council. The new name will be the Public Safety Advisory Council. **[SF No. 4962, Latz]**

Section 6 authorizes Anoka County to build a jail and criminal justice center in any city within the county to replace the current jail. Authorizes the county sheriff to keep office in the new location. **[SF No. 3632, Abler]**

Article 2 – Corrections Provisions

Sections 1 and 12 authorize the commissioner of corrections to disclose, upon release of an offender, the offender's city and five-digit zip code to the crime victim. Under current law, the commissioner may only disclose this information to victims of a qualified domestic violence-related offense. [SF No. 4006, Latz]

Section 2 clarifies that the DOC may obtain any data the commissioner deems necessary from any DOC-licensed facility to conduct a review of any emergency or unusual occurrence at the facility. [SF No. 4006, Latz]

Section 3 amends the membership of the state correctional facilities security audit group in the following manner:

- removes a physical plant safety consultant and a private security consultant;
- adds an individual with expertise in security related to infrastructure and operational logistics;
- adds the commissioner of health or a designee; and
- adds the commissioner of administration or a designee.

Establishes that the ombudsperson for corrections (or a designee) must chair the group, requires the group to submit a report whenever it updates security audit standards, and requires the group to meet twice a year and make recommendation within 60 days of a meeting. Provides that the group is not subject to the open meeting law; that Minnesota Statutes, section 15.059 governs the terms, compensation, and removal of members; that members serve without compensation but get expense reimbursement; and that the group is permanent. [SF No. 4960, Latz]

Section 4 amends the membership of the health care peer review committee by removing the director of health services and adding the following people:

- one or more licensed physicians or nurse practitioners from the community;
- the director of psychiatry of a contracted vendor;
- the pharmacist liaison of a contracted vendor's pharmacy vendor;
- the clinical pharmacist of a contracted vendor; and
- other ad hoc members at the discretion of the DOC medical director.

In cases of suicide or unanticipated death, a representative from the Office of Special Investigations shall be appointed the committee. [SF No. 4006, Latz]

Section 5 authorizes a medical director's designee, provided they are a licensed physician, to make health care decisions for inmates who lack decision-making capacity when no other family or designated agents are available. [SF No. 4006, Latz]

Section 6 eliminates the requirement that a correctional officer who uses force must be the person who can articulate the threat with specificity. [SF No. 4006, Latz]

Section 7 provides that for inmates who committed their crime before reaching 18 years of age, who are serving multiple consecutive sentences, who have now served their minimum term of imprisonment, and who are eligible for supervised release, the supervised release board must grant or deny release on all unexpired sentences. Also requires that when the board (for all inmates) denies supervised release, the board must conduct another release hearing within three years and then every

three years following. Authorizes the board to meet in closed session when reviewing a victim's statement, at the request of the victim. [SF Nos. 4006 and 4961, Latz]

Section 8 strikes obsolete language that prohibits offenders with certain medical conditions from participating in the Challenge Incarceration Program (CIP) if that condition is listed by the DOC as a disqualifying condition. [SF No. 4006, Latz]

Section 9 changes the DOC legislative reporting date on probation and supervision data from January 15th of each year to May 1st. Counties report local data to the DOC in April of each year. The change will provide the legislature with the DOC compiled statistics eight months earlier than current practice. The section also deletes obsolete language regarding recommended methods of coordinating the exchange of probation information. [SF No. 4006, Latz]

Section 10 defines "local advisory board" for the purposes of the Community Corrections Act. [SF No. 4006, Latz]

Section 11 authorizes a supervising agent or the commissioner of corrections to provide private or confidential data to a prosecutor for purposes of a petition for sentence adjustment. [SF No. 4006, Latz]

Section 12 (see summary of **Section 1**).

Section 13 authorizes the DOC to send certifications of terms of commitment by either certified mail or by e-filing. Under current law both forms of notification are required. [SF No. 4006, Latz]

Section 14 provides that inmates who had a supervised release hearing before the commissioner of corrections during the period between May 19, 2023 (the date the governor signed the 2023 Judiciary and Public Safety Omnibus Bill into law) and June 30, 2024 (the day before the Supervised Release Board takes over supervised release decision-making from the commissioner of corrections) have the right to a new hearing before the board. Requires the board to attempt to accommodate these requests in a timely manner. [SF No. 4961, Latz]

Article 3 – Criminal Provisions

Sections 1, 5, and 7 add the aggravated first-degree witness tampering crime to the definitions of "crime against a person" in **section 1** (Minnesota Statutes, sections 146A.08 (disciplinary actions against unlicensed complementary and alternative health care practitioners)) and **section 5** (Minnesota Statutes, section 243.167 (predatory offender registration)), and to the definition of "violent crime" in **section 7** (Minnesota Statutes, section 609.1095 (increased sentences for certain dangerous and repeat felony offenders)).

These three statutory definitions all include first-degree witness tampering but not the more serious crime of aggravated first-degree witness tampering. Not including the more serious crime was likely an oversight when the aggravated first-degree witness tampering crime was enacted in 1997. [SF No. 3709, Latz]

Section 2 amends the third-degree controlled substance possession crime relating to possessing specified controlled substances in school, park, or public housing zones, or drug treatment facilities. Currently, the threshold amount to trigger these offenses is "any amount" or "one or more mixtures"

depending on the drug involved. This is changed to “more than a residual amount.” This is effective retroactively from August 1, 2023. [SF No. 3663, Oumou Verbeten]

Section 3 amends the fifth-degree controlled substance possession crime relating to possessing one or more mixtures of schedule I, II, III, or IV controlled substances to require that these substances must be possessed in more than a residual amount to be considered a violation. This is effective retroactively from August 1, 2023. [SF No. 3663, Oumou Verbeten]

Section 4 amends the sentencing subdivision of the fifth-degree controlled substance crime to authorize peace officers to refer persons suspected of violating the law to a local service provider that can offer substance use assistance to the person. The officer is required to make the referral upon request at the time of the initial contact assuming doing so is practicable and there is availability. This is effective retroactively from August 1, 2023. [SF No. 3663, Oumou Verbeten]

Section 5 (see summary of **Section 1**).

Section 6 amends the criminal code’s section that provides for deferred prosecutions for military veterans under certain circumstances. Requires courts when imposing a deferred sentence or when entering an adjudication of guilt to prepare a report containing specified information. These reports must be forwarded to the Sentencing Guidelines Commission and the Commission is required to submit annual reports to the legislature that contains specified summary data relating to these issues. [SF No. 3328, Howe]

Section 7 (see summary of **Section 1**).

Section 8 addresses the issue of the maximum probation period for certain crimes. In 2023, the legislature limited the maximum probationary period for most felony offenses to five years, while providing exceptions for certain particularly serious ones. The exceptions did not address attempts or conspiracies to commit those crimes. This section establishes that the exception to the length of probation that permits extended periods of probation for certain serious offenses also applies to a felony-level attempt or conspiracy to complete one of those crimes. Also makes this applicable to attempts or conspiracies to violate the first-degree murder and first-degree murder of an unborn child crimes. [SF No. 4363, Oumou Verbeten]

Sections 9 to 12 define a “stay” for purposes of Minnesota Statutes, section 609.14 (revocation of stay), to include stays of adjudication, imposition, and execution, as well as deferred prosecutions.

In 2021, an unpublished court of appeals decision (*State v. Solien*) held that a deferred prosecution/stay of imposition under Minnesota Statutes, section 152.018 (deferred sentence/stay of adjudication for certain low-level drug possession crimes involving first time offenders), was not considered a stayed sentence under Minnesota Statutes, section 609.14. Accordingly, those types of dispositions do not fall under the provision of Minnesota Statutes, section 609.14, that allow for probation revocation proceedings to be initiated within six months of the expiration of the stay. This treats these types of stayed sentences differently than other types (stays of imposition or execution). Accordingly, under the decision all pending probation revocation issues have to be resolved before case expiration or the court loses jurisdiction (unlike how the matter is treated for stays of imposition or execution).

Sections 9 to 11 make conforming and clarifying changes related to **section 12**.

Section 12 adds the definition of “stay” described above.

[SF No. 1934, Kreun]

Section 13 corrects an oversight in law relating to victim age-based distinctions for prostitution crimes. In 2021, the legislature modified the age range for various sex-related crimes to distinguish certain penalties based on the victim being either under 14 years or 14 years or older. However, one of the three ten-year felony provisions in the prostitution crime was not changed to reflect this. This section corrects that oversight. **[SF No. 3545, Pappas]**

Section 14 makes it a felony (statutory maximum sentence of 5 years imprisonment and/or \$10,000 fine) to sell calcified human remains or offer calcified human remains for sale. Defines key terms, including “human remains.” Provides exceptions to the crime. **[SF No. 3416, Westlin]**

Article 4 – Public Safety Provisions

Sections 1 to 9 expand references to search warrants in Minnesota’s DWI laws to include those from adjacent states that conform to Minnesota law.

Section 1 defines “search warrant” for the purposes of the DWI laws addressing revocation of a person’s driver’s license based on a chemical test obtained via a search warrant to include search warrants obtained from adjacent states whose search warrant statutes conform to Minnesota’s.

Sections 2 to 9 make conforming changes to references to search warrants in the DWI laws consistent with **section 1**.

[SF No. 4272, Carlson]

Section 10 amends the definition of “victim” in the section of law requiring the commissioner of corrections to notify victims of parole review hearings to make the definition consistent with the victims’ rights statutes. **[Committee Amendment / SF No. 3999, Oumou Verbeten]**

Section 11 defines the terms “conservator,” “guardian,” and “power of attorney” for purposes of the statutes governing predatory offender registration. **[Committee Amendment / SF No. 4852, Westlin]**

Section 12 amends the predatory offender registration law to no longer require registration for a violation of the false imprisonment of someone else’s child crime. Clarifies that disseminating a pornographic work involving a minor is a registrable offense. Makes a technical change relating to a crime (caregiver of a vulnerable adult engaging in sexual activities with the vulnerable adult) that has been recodified. **[SF No. 5026, Rarick]**

Section 13 amends the methods the Bureau of Criminal Apprehension can use to verify that a person required to register as a predatory offender is living at an address in a new state and allows the bureau to determine if the evidence is sufficient to confirm the person’s new residence. **[Committee Amendment / SF No. 4852, Westlin]**

Section 14 authorizes the guardian or conservator for, or power of attorney of, a person required to register as a predatory offender to complete all verification and registration paperwork on behalf of the person. **[Committee Amendment / SF No. 4852, Westlin]**

Section 15 amends the predatory offender registration law to change the standard for restarting the ten-year registration period so that the registration period starts over based on a conviction for a new offense that requires registration instead of any new offense. **[SF No. 5026, Rarick]**

Section 16 permits law enforcement agents and victims to submit written material that is relevant to a predatory offender's risk level to the chair of an end-of-confinement review committee. Requires the commissioner of corrections to provide notice of a predatory offender's risk level assignment to the victim, if requested. **[SF No. 4093, Oumou Verbeten]**

Section 17 amends the definition of "victim" in the section of law related to notification of a victim of a petition to commit a person as mentally ill and dangerous or of the release of such a person to make the definition consistent with the victims' rights statutes. **[Committee Amendment / SF No. 3999, Oumou Verbeten]**

Section 18 amends the definition of "victim" in the section of law requiring notification of a victim of a petition to civilly commit a person for sex offender treatment or of the release of such a person to make the definition consistent with the victims' rights statutes. **[Committee Amendment / SF No. 3999, Oumou Verbeten]**

Section 19 permits a court to extend a continuance in certain juvenile delinquency cases involving sexual assault and similar conduct for successive periods that do not exceed a total of 24 months so that the offender can receive sex offender treatment. Requires the consent of the prosecutor to extend the continuance. A continuance permits a court to exercise jurisdiction over a juvenile without a finding of delinquency. Under current law, a court can issue a single continuance of 180 days. **[SF No. 5026, Rarick]**

Sections 20 and 21 make two technical changes to the statutory requirements for scrap metal dealers and sellers regarding the purchase or acquisition of catalytic converters. Current law contains two conflicting scrap metal dealer record retention periods. Minnesota Statutes, section 325E.21, subdivision 1b, requires a permanent retention of records while subdivision 2 requires records be retained for three years. **Section 20** deletes the permanent retention requirement. **Section 20** also deletes marking requirements for the purchase or acquisition of catalytic converters, which are then replicated in **section 21** under Minnesota Statutes, section 325E.21, subdivision 11, which deals specifically with possession of catalytic converters. **[SF No. 3802, Marty]**

Section 22 classifies data related to a request for reimbursement for a sexual assault examination as private data on individuals. **[Committee Amendment / SF No. 3999, Oumou Verbeten]**

Section 23 eliminates language in section of law addressing notice in the victims' rights chapter that is inconsistent with the definition of "victim" that applies to the statute. Clarifies that the general definition applies to this section. **[Committee Amendment / SF No. 3999, Oumou Verbeten]**

Section 24 requires the commissioner of corrections to make a good faith effort to notify a victim of an end-of-confinement review process and of the victim's right to submit written input to the review committee, both at the initial review, as well as at any subsequent risk assessments reviews. Notice shall only be provided to victims who have submitted a written request to receive notice. Good faith

efforts to notify the victim must occur before the offender's end-of-confinement review hearing. [SF No. 4093, Oumou Verbeten]

Section 25 provides that the sexual assault primary prevention services grants that the commissioner of public safety must award are to be made to statewide organizations who will in turn provide subgrants and support to programs that actually provide the prevention services. [SF No. 3914, Gustafson]

Section 26 removes voluntary gifts and donations from the category of benefits paid or given to a victim that can be considered a collateral source for purposes of receiving payment under the Crime Victims Reimbursement Act. [Committee Amendment / SF No. 3999, Oumou Verbeten]

Section 27 amends the definition of "victim" in the Crime Victim Oversight Act to be consistent with the definition used in other victims' rights statutes. [Committee Amendment / SF No. 3999, Oumou Verbeten]

Section 28 defines "victim" for purposes of the statute addressing the arrest of certain persons suspected of committing an offense involving domestic violence, setting bail for those individuals, and authorizing no contact orders. [Committee Amendment / SF No. 3999, Oumou Verbeten]

Section 29 makes a conforming change related to the amended definition of "victim." [Committee Amendment / SF No. 3999, Oumou Verbeten]

Section 30 defines the term "victim" for purposes of the statute to be consistent with the definition used in other victims' rights statutes and makes conforming changes. [Committee Amendment / SF No. 3999, Oumou Verbeten]

Section 31 defines the term "victim" for purposes of the statute to be consistent with the definition used in other victims' rights statutes and makes conforming changes. [Committee Amendment / SF No. 3999, Oumou Verbeten]

Section 32 defines the term "victim" in the statute requiring notice to crime victims upon the release of certain arrested or detained persons to be consistent with the definition used in other victims' rights statutes. [Committee Amendment / SF No. 3999, Oumou Verbeten]

Section 33 expands the permitted uses for a 2023 grant to the Grand Portage Band of Lake Superior Chippewa relating to life guard services off the north shore of Lake Superior. [SF No. 3692, Hauschild]

Article 5 – Miscellaneous Criminal Justice Provisions

Section 1 expands the definition of "criminal justice agencies" in Minnesota Statutes, chapter 13 (government data practices) to include the Minnesota National Guard. [SF No. 4753, Carlson]

Sections 2 to 4 amend the definitions of "delinquent child" and "juvenile petty offender" in Minnesota Statutes, chapter 260B, and "child in need of protection or services" in Minnesota Statutes, chapter 260C, to provide that a child who has committed a delinquent act or a juvenile petty offense before becoming 13 years old (rather than ten under current law) is considered a child in need of protection or services and not a delinquent child or a juvenile petty offender. These changes are effective August 1, 2026. [SF No. 3694, Pappas]

Section 5 amends the statutory provision that addresses the time limit for filing a post-conviction relief petition. Modifies the current exception to the two-year time limit to file based on newly discovered evidence. Under current law, that evidence, among other things, must establish the petitioner's innocence by clear and convincing evidence. Replaces this with a requirement that the evidence provide facts necessary to sustain one or more legally cognizable claims for relief. Also provides an independent exception to the two-year requirement for situations where the court determines that the petition is not frivolous and is in the interests of justice. **[SF No. 2597, Latz; Committee Amendment, Oumou Verbeten]**

Section 6 extends the time that the county attorney or attorney general has to respond to the filing of a petition for post-conviction relief from 20 to 45 days. **[SF No. 2597, Latz]**

Section 7 expands the Good Samaritan immunity protections for those seeking emergency assistance for someone experiencing a drug-related overdose to include individuals acting in concert with the person who makes the emergency call, if they provide a name and contact information, remain at the scene until assistance arrives and cooperate with authorities.

Under current law, immunity is limited to the first person who seeks assistance for the individual experiencing the overdose. **[SF No. 3866, Morrison]**

Sections 8 and 9 make the following changes to the expungement law:

- excludes reckless driving resulting in great bodily harm or death to another and third-degree burglary (other than trespass) from the automatic expungement process (**section 8**)
- provides a four-year (rather than five-year) waiting period for expungements of certain felonies that have been deemed gross misdemeanors or misdemeanors under law (**section 9**)
- clarifies that certain offering forged check crimes are eligible for expungement (felony offenses deemed to be gross misdemeanors or misdemeanors under law) (**section 9**)

[SF No. 4714, Champion]

Sections 10 to 14 change the name of the State Competency Attainment Board. The new name is the Minnesota Competency Attainment Board. **[SF No. 4201, Latz]**

Section 15 provides that a criminal sexual conduct charge involving a victim who was mentally incapacitated or physically helpless because of being asleep or not conscious may be brought in the county where any element of the crime took place or where the victim is located. **[Committee Amendment / SF No. 4952, Gustafson]**

Section 16 provides that admissions, confessions, or statements made by a person in a custodial setting are presumed to be involuntarily made and inadmissible if the interrogator knowingly communicated false facts about evidence or communicated unauthorized statements regarding leniency. The presumption may be overcome if the state proves by a preponderance of the evidence that the admission, confession, or statement or portion thereof was voluntary, reliable, and not induced by the false facts or unauthorized statements. Provides that the presumption of inadmissibility does not apply to portions of the communication that occurred before the prohibited acts and that an inadmissible communication under this section has no effect on the admissibility of evidence that would have been discovered through independent lawful means or if knowledge of the evidence was acquired through an independent source. **[SF No. 2495, Oumou Verbeten]**

Sections 17 to 22 amend the changes made last year to the aiding and abetting felony murder law to conform the standard for seeking retroactive relief for certain convictions to the standard applicable for initial criminal liability.

In 2023, Minnesota Statutes, section 609.05 (liability for crimes committed by another) was amended to provide that a person could no longer be held criminally liable for second degree felony murder under an accomplice liability theory when the death was caused by another unless the person was a major participant in the underlying felony *and* acted with extreme indifference to human life. In addition to this change, the law authorized persons already convicted of such a crime to petition to have the conviction vacated. However, the standard for retroactive relief did not match the standard for limiting initial criminal liability. For retroactive relief, the standard requires that a person seeking relief establish that the person was not a major participant *and* did not act with extreme indifference to human life. Thus, as drafted, the standard for retroactive relief is narrower than the standard for avoiding initial criminal liability.

Sections 17 to 19 and 21 replace the “and” with “or” relating to being a major participant and acting with extreme indifference to human life in the provisions relating to seeking retroactive relief and receiving a pardon.

Sections 19 and 20 extend deadlines in the retroactive relief law to accommodate persons seeking to take advantage of the new standard provided in **sections 19 and 21**.

Section 22 authorizes persons denied retroactive relief under the current standard and who would be now eligible for relief under **sections 19 to 21** to reapply for relief. Requires the commissioner of corrections to notify persons who may be eligible for relief.

[SF No. 3669, Oumou Verbeten]

Article 6 – Judicial Branch Policy

Section 1 modifies the state law on eminent domain. This section clarifies that the award must be deposited with the court administrator and that if the amount exceeds \$10,000, the award must be deposited in an interest-bearing account within five business days. [SF No. 4271, Latz]

Section 2 clarifies that the court administrator must notify the commissioner of public safety that a judgment related to a claim arising out of ownership, maintenance, or use of a motor vehicle has not been satisfied. [SF No. 4271, Latz]

Section 3 makes a conforming change related to section 2. [SF No. 4271, Latz]

Section 4 modifies the definition of “court examiner” for purposes of the law governing civil commitment. This section requires court examiners to either be licensed in Minnesota or hold authority to practice in Minnesota under an approved interstate compact. [SF No. 4271, Latz]

Section 5 exempts court debts sent to the Department of Revenue for revenue recapture from certain notice and hearing requirements. [SF No. 4271, Latz]

Section 6 modifies the statute governing orders for protection. This section permits service of an order for protection electronically or by mail if the respondent appears remotely at a hearing and is notified at the hearing that an order will be issued. [SF No. 4271, Latz]

Section 7 requires employers to release an employee from their regular work schedule to permit the employee to attend court for prospective jury service. This section prohibits the employer from requiring an employee to work an alternative shift on a day when the juror is required to report for jury service. This section does not prevent a juror from voluntarily working an alternative shift. **[Committee Amendment / SF No. 4271, Latz]**

Section 8 modifies the statute governing harassment restraining orders. This section permits service of a restraining order electronically or by mail if the respondent appears remotely at a hearing and is notified at the hearing that an order will be issued. **[SF No. 4271, Latz]**

Section 9 modifies the definition of “court examiner” for purposes of the law governing competency proceedings. This section requires court examiners to either be licensed in Minnesota or hold authority to practice in Minnesota under an approved interstate compact. **[SF No. 4271, Latz]**

Article 7 – Real Property, Trusts, and Guardianship

Sections 1, 6, and 7 prohibit a homeowners’ association, a community association, or other associations subject to a homeowners’ association document from refusing to permit the owner of a dwelling from having a licensed in-home daycare. This prohibition only applies to certain single-family detached dwellings and multifamily attached dwellings where the owner is the sole owner of the entire building and solely responsible for the entire building. The license holder remains subject to any HOA rules or regulations that are not in conflict with **section 1**. **Sections 6 and 7** require that a common interest community’s (CIC) declaration and bylaws comply with this prohibition and that the CIC association exercise their powers in compliance with this prohibition. **[Committee Amendment / S.F. No. 4499, Mitchell]**

Sections 2 and 3 amend the Minnesota Trust Code by clarifying that a court may hear a case involving a trust based on jurisdiction over the trust itself (“in rem jurisdiction”) or over the parties to the case (“in personam jurisdiction”). These sections clarify that a court’s order issued based on in rem jurisdiction is binding on all interested persons. These sections are effective retroactively from January 1, 2016, which is the date the Minnesota Trust Code became effective. **[SF No. 3579, Kreun]**

Section 4 amends the law governing a transfer on death deed (TODD) as follows:

- Clarifies that a TODD has no effect on title until it is effective, but a TODD does create an insurable interest in favor of the designated grantee beneficiary so that they may insure the property against damage or loss the occurs once the TODD is effective.
- Provides that if a grantee joint tenant dies before the grantor owner and no successor beneficiary is designated for the deceased grantee, the surviving joint tenants are the successors and no interest lapses.
- Validates incorrect or incomplete recording of a TODD or a revocation of the TODD for registered real properties if the TODD or the revocation was recorded before the death of the grantor owner in the office of the county recorder or registrar of titles in a county in which as least part of the real property is location and is memorialized on the certificate of title after death.
- Clarifies that a descendant of the grantee beneficiary only takes the place of a deceased grantee beneficiary when there is not a successor grantee named in the TODD.

- Provides that under certain circumstances when a grantee beneficiary cannot take the property, an affidavit of survivorship is not conclusive and instead, the court must issue an order after a probate proceeding to determine the beneficiaries and shares.
- Clarifies that if there are multiple TODDs, an earlier TODD is effective for lands not included in the subsequent TODD(s).
- Clarifies that the probate court has jurisdiction over claims related to TODDs.

[SF No. 3846, Limmer]

Section 5 requires an insurer providing an insurance policy on real property transferred by a TODD to provide extended coverage to the designated grantee beneficiary for 30 days for the death of the grantor, the expiration date of the insurance policy, or when the designated grantee beneficiary acquires a separate insurance policy, whichever occurs earliest. This section also requires the grantor owner to notify the insurer that the property is subject to a TODD and include the names and contract information of all designated grantee beneficiaries; permits the insurer to require proof that the claimant is a grantee beneficiary under a valid TODD; clarifies that the grantee beneficiary does not have an insurable interest in the real property prior to the death of the grantor owner; and requires TODDs to include a specific warning to the grantor owner and the grantee beneficiary related to temporary extended coverage. [SF No. 3846, Limmer]

Sections 8 and 9 provide that a guardian who fails to satisfy their statutorily required duties must be removed as a guardian. This section provides that the guardian may be held liable for acts or omissions that result in harm to the person subject to guardianship and that constitute reckless or willful misconduct, or gross negligence. [SF No. 3438, Dibble]

Section 10 permits a guardian to petition the court for resignation, if after a good faith effort, the guardian is unable to find a successor guardian. The court may allow the guardian to resign if the resignation would not result in substantial harm to the person subject to guardianship based on clear and convincing evidence. [SF No. 3438, Dibble]

Section 11 provides that **sections 4 and 5** are effective the day following final enactment and apply to insurance policies issued and renewed on or after August 1 of the year of final enactment. This section provides that **sections 4 and 5** do not apply to insurance policies issued or renewed prior to August 1 of TODDs recorded prior to August 1, unless the grantor owner provides a notice to the insurer under section 4, subdivision 3. [SF No. 3846, Limmer]

Article 8 – Other Civil Law Provisions

Sections 1 to 5 permit a person who is not a Minnesota resident to apply for certification as a Safe at Home program participant if the person intends to be a Minnesota resident within 60 days. Nonresidents may be certified for a period of 60 days and the secretary of state must cancel the certification of a program participant who does not reside in Minnesota within 60 days of the certification. These sections also permit mailing to an alternative address if the program participant owns real property through a trust or limited liability company and the participant requests correspondence regarding ownership of the real property to the alternate address. [Committee Amendment / S.F. No. 4737, Oumou Verbeten]

Sections 6 and 7 amend the Open Meeting Law. **Section 1** requires that when a meeting is closed based on the attorney-client privilege, the public body must identify on the record the legal issues or case to be discussed prior to closing the meeting. **Section 2** modifies the conditions under which a

member of a public body must forfeit office. This section provides that if a person has been found to have committed three or more separate, intentional violations, the person shall forfeit the right to serve on the governing body and that the third violation does not have to be unrelated to the previous violations. [SF No. 4132, Mitchell]

Section 8 increases the jurisdictional dollar amount limit for cases that may be heard in conciliation court from \$15,000 to \$20,000. [SF No. 1760, Kreun]

Sections 9 to 19 amend the Domestic Abuse Act which permits a person to petition for an order for protection (OFP). Under current law, a family or household member may petition for an OFP against another family or household member to prevent further abuse. Except for limited circumstances, most minors are not able to petition for an OFP. The OFP process requires notice of the petition, hearing, orders, and any changes to orders to be served on the petitioner and respondent (the parties to the case). These sections require that those same notices be provided to the custodian of the petitioner's minor children. **Section 4** defines a "custodian" as any person other than the petitioner or respondent who is under a legal obligation to provide care and support for the petitioner's minor child or who is providing care and support for the minor child. These sections also require that the OFP petition state the names and addresses of the petitioner's minor children and permit the court to make the addresses of the petitioner's minor children inaccessible to the public. [SF No. 4120, Lang]

Section 20 modifies the collateral source rule, codified in Minnesota Statutes 548.251, which seeks to prevent a plaintiff from "double-recovery." Collateral sources include payments made by a third party related to the plaintiff's injury or disability. Within ten days of a verdict issued in favor of a plaintiff, a party may file a motion requesting the court to determine the effects of collateral sources on the amount of damages awarded. The court must reduce the amount of damages awarded by the amount of collateral sources paid to plaintiff and offset that reduction by any amount paid to secure the right to the collateral source benefit that the plaintiff received. This section extends the period for calculating the offset amount to when the judgment is rendered. [SF No. 3573, Latz]

Sections 21 to 34 and 36 to 38 are model legislation, developed by the Uniform Laws Commission, aimed at preventing "Strategic Lawsuits Against Public Participation" (SLAPPs). Anti-SLAPP laws generally permit defendants to quickly dismiss claims brought against them for exercising their free speech rights. In 2017, the Minnesota Supreme Court, in *Leindecker v. Asian Women United of Minnesota*, 895 N.W.2d 623 (Minn. 2017), held Minnesota's anti-SLAPP statute unconstitutional as applied to claims at law alleging torts. These sections repeal Minnesota's current anti-SLAPP statutes and replace it with the Uniform Public Expression Protection Act (UPEPA), a new anti-SLAPP law. The UPEPA permits a party to file a special motion for expedited relief to dismiss a claim if the cause of action is against a person based on the person's communication in a governmental proceeding; communication on an issue under consideration in a governmental proceeding; or exercise of the right to freedom of speech on a matter of public concern. The UPEPA does not apply to several types of claims, including:

- actions against government units or employees acting in an official capacity;
- actions against a person primarily engaged in selling or leasing goods or services if the action arises out of a communication related to the sale of the goods or services;
- a crime victim's action against a perpetrator;
- actions related to the establishment of property rights;
- certain common law fraud claims;
- claims arising out of an insurance contract or under the insurance code;

- personal injury or wrongful death claims;
- family law actions;
- actions for a restraining order or order for protection;
- claims under the Fair Labor Standards Act and other labor and employment laws;
- certain consumer protection claims; and
- any claim brought under federal law.

[SF No. 3317, Westlin]

Section 35 amends the law permitting a litigant to proceed without payment of court fees and costs, also known as proceeding “in forma pauperis.” This section replaces the term “in forma pauperis” with “court fee waiver.” This section permits an action, defense, or appeal to proceed without payment of court fees and costs and without submission of an affidavit if the party is represented by a civil legal services attorney or a volunteer attorney program based on indigency. **[SF No. 4544, Pappas]**

Article 9 – Contracts for Deed

This article modifies the law governing contracts for deeds and makes several conforming changes. This article defines and prohibits churning; requires investor sellers to make certain disclosures to purchasers prior to the execution of a contract for deed, including disclosure of balloon payments; provides the purchaser with a right to cancel the purchase agreement and receive a refund of payment subject to offsets; permits the purchaser to bring an action against the investor seller; and permits enforcement by the attorney general. **[SF No. 3489, Mohamed]**

Article 10 – Service of Restraining and Protection Orders

Article 10 consolidates references to service of process requirements under the statutes governing orders for protection and harassment restraining orders. This article requires that certain individuals provide information to a sheriff, or other officer, who is attempting to locate a respondent to serve orders or other papers. It requires the sheriff or other officer to make reasonable efforts to locate the respondent. This article also allows service to be made electronically or by mail for certain respondents.

Section 1 makes a conforming change. **[Committee Amendment / SF No. 4413, Gustafson]**

Section 2 permits service of an order for protection electronically or by first class mail if the respondent appears remotely at a hearing and is notified at the hearing that an order will be issued. **[Committee Amendment / SF No. 4413, Gustafson]**

Section 3 makes a conforming change. **[Committee Amendment / SF No. 4413, Gustafson]**

Section 4 consolidates service requirements in the statute governing orders for protection into a single subdivision. This section requires peace officers, probation officers, court services officers, parole officers, and employees of jail or correctional facilities to provide any sheriff or other officer attempting to effectuate service of an order for protection with relevant information regarding where a respondent may be found. This section requires a sheriff or other law enforcement officer attempting to serve a respondent with an order for protection or related document to make reasonable efforts to locate the respondent, and requires the sheriff or other officer serving an order to provide a copy of the served order or notification of service to the respondent’s probation officer. **[Committee Amendment / SF No. 4413, Gustafson]**

Section 5 makes a conforming change. **[Committee Amendment / SF No. 4413, Gustafson]**

Section 6 permits service of a harassment restraining order electronically or by first class mail if the respondent appears remotely at a hearing and is notified at the hearing that an order will be issued. **[Committee Amendment / SF No. 4413, Gustafson]**

Section 7 consolidates service requirements in the statute governing harassment restraining orders into a single subdivision. This section requires peace officers, probation officers, court services officers, parole officers, and employees of jail or correctional facilities to provide any sheriff or other officer attempting to effectuate service of a harassment restraining order with relevant information regarding where a respondent may be found. This section requires a sheriff or other law enforcement officer attempting to serve a respondent with a harassment restraining order or related document to make reasonable efforts to locate the respondent; and requires the sheriff or other officer serving an order to provide a copy of the served order or notification of service to the respondent's probation officer. **[Committee Amendment / SF No. 4413, Gustafson]**

Section 8 provides that orders for dismissal of a temporary restraining order or restraining order may be served personally or by certified mail. **[Committee Amendment / SF No. 4413, Gustafson]**