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CHAPTER 110--S.F.No. 3258

An act relating to public safety; modifying definition of peace officer; modifying corrections provisions; modifying use of criminal justice data communications network; providing for temporary changes to certain grant programs; providing criminal penalties; amending Minnesota Statutes 2018, sections 169A.03, subdivision 18; 241.021, by adding a subdivision; 241.80; 242.192; 299C.46, subdivision 3, as amended; proposing coding for new law in Minnesota Statutes, chapter 243; repealing Minnesota Statutes 2018, sections 383A.404; 401.13.

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

Section 1. Minnesota Statutes 2018, section 169A.03, subdivision 18, is amended to read:

Subd. 18. **Peace officer.** "Peace officer" means:

(1) a State Patrol officer;

(2) a University of Minnesota peace officer;

(3) a police officer of any municipality, including towns having powers under section 368.01, or county; and

(4) ~~for purposes of violations of this chapter in or on an off-road recreational vehicle or motorboat, or for violations of section 97B.065 or 97B.066,~~ a state conservation officer.

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

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

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

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

241.80 AMERICAN INDIAN ~~COUNSELING~~ CULTURAL PROGRAM.

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

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

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

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

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

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

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

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

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

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

242.192 CHARGES TO COUNTIES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The commissioner of public safety shall establish a monthly network access charge to be paid by each participating criminal justice agency. The network access charge shall be a standard fee established for each terminal, computer, or other equipment directly addressable by the data communications network, as follows: January 1, 1984 to December 31, 1984, $40 connect fee per month; January 1, 1985 and thereafter, $50 connect fee per month.

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

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

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

(2) meet the bureau's security requirements;

(3) agree to pay any required fees; and

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

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

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

(2) meet the bureau's security requirements;

(3) agree to pay any required fees; and

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

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

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

(2) meet the bureau's security requirements;

(3) agree to pay any required fees; and

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

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

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

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

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

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

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

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

(2) the nonprofit agency administering the youth intervention program suspended or severely limited its program or activities as a result of the peacetime emergency declared on March 13, 2020, in governor's Executive Order 20-01 and any extensions authorized under Minnesota Statutes, section 12.31, subdivision 2, or the stay at home order issued on March 25, 2020, in governor's Executive Order 20-20 and any modifications to that order.

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

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

Sec. 8. **REPEALER.**

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

Presented to the governor May 18, 2020

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