
T H E M I N N E S O T A
C O U N T Y A T T O R N E Y S
A S S O C I A T I O N

OUTLINE FOR 2019 LEGISLATIVE UPDATE – July 31, 2019

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I. Overview of the 2019 Session

- a. Governor (DFL); House flips to DFL; Senate remains Republican
- b. Divided Government = Divided Priorities
- c. Lots of bills introduced, few passed
- d. Budget needed to pass – agreement reached in final hours
- e. Special Session need to pass the 9 Budget/Omnibus bills
- f. Session ends in a “Draw”

II. MCAA Priorities

- a. Education Funding
- b. Transfer funds into Justice Reinvestment
- c. Probation Reform
- d. Rule 20 Legislation

III. What Passed

- a. Criminal Law
 - i. Difference between House Public Safety and Senate Judiciary
 - ii. Exoneration
 - iii. Harassment and Stalking Crimes
 - iv. DANCO Violation added to Relationship Evidence Statute
 - v. Wage Theft
 - vi. Sexual Offenders
 - 1. Stays of Adjudication in felony CSC & Failure to Register cases - Judge must justify in writing
 - 2. “Current or Recent” position of authority (Recent = 120 days); Also includes those who “assume” that position as well as those who are charged with those duties and responsibilities
 - 3. CSC 1st – 4th degree amended to include the expanded definition of position of authority
 - 4. Certain 1st Degree CSC provisions applicable to victims under 13 do not require proof of penetration (sexual contact will suffice)

5. 3rd and 4th Degree CSC expanded to include peace officers who engage in any type of sexual contact or penetration with a person being restrained who is not free to leave the officer's presence
 6. 5th Degree CSC amended to eliminate the exception for the touching of the clothing covering the immediate area of the buttocks
 7. Enhanced felony penalty for a violation of surreptitious intrusion if the offense (a) involved the use of a recording device; (b) the victim was a minor; (c) the offender was more than 36 months older than the victim; (d) the offender knew or had reason to know of the minor's presence; (e) the offense was committed with sexual intent. [Predatory Registration is required]
 8. Child Pornography Amendments to add enhanced penalties for those crimes if the crime involves a victim under the age of 13; if the offender is a repeat offender; offender who is a registered predatory offender. [Also extends the conditional release term]
 9. Requires Sentencing Guidelines Commission to comprehensively review and consider modifying how the Guidelines and the Grid treat Child Pornography
 10. Number of Changes Pertaining to Predatory Offenders but importantly modifies the criminal penalty section in response to *State v. Mikulak* decision ("ignorance is an excuse") to add knew or reasonably should have known...
 11. Elimination of the Marital Rape Exception
- vii. Vehicle Operations
1. Snowmobile, ATV and motorboat operating privileges revoked when a person fails lawfully administered test to determine if the person was operating under the influence
 2. List of prior offenses that enhance to an offense to 1st degree DWI including convictions from other states for impaired driving related criminal vehicular operation offenses
 3. Exempts motor vehicle from forfeiture for driving under the influence if the driver enters the ignition interlock program [Forfeiture stayed so long as the person is in compliance with the ignition interlock program and specifies future conduct that would result in the forfeiture proceeding being resumed]
 4. Hands free devices
 5. Reckless and Careless Driving
- b. Task Forces/Working Group
- i. Missing and Murdered Indigenous Women Task Force
 - ii. Community Competency Restoration Task Force
 - iii. Commissioner of Public Safety to Convene a working group to review and make recommendations for changes to CSC crimes and report back to Legislature

- c. Other Laws of Interest
 - i. Reestablishment of Parent – Child Relationship
 - ii. Child Support
 - iii. DHS licensing and background study
 - d. Bills that did not pass but are alive during the 2020 Session
 - i. Controlled Substances: Dimethyltryptamine (DMT) treated the same as meth
 - ii. Expansion of Background checks
 - iii. Red Flag bill
 - iv. Probation Reform
 - v. Mandated policy on eyewitness identification
 - vi. Extending certain post-conviction relief deadlines
 - vii. Limiting Cash Bail in misdemeanors
 - viii. Marijuana Thresholds
 - ix. Forfeiture
 - x. Cannabis Task Force
 - xi. Elimination of Statute of Limitations in CSC cases
 - xii. Collateral Consequences bill
 - xiii. Amending Juvenile Life Without Parole
 - xiv. Limitation of Use of Restraints on Juveniles
 - xv. Requiring Family Impact Statement in PreSentence Investigations
 - xvi. Authority of Courts to waive or reduce mandatory surcharge
 - xvii. Changes to the Burglary Statute
 - xviii. Cooperative Divorce
 - xix. Veterans Sentencing
 - xx. Early Release from Prison
 - xxi. Organized Retail Theft
 - xxii. Female Genital Mutilation
 - xxiii. Increased penalties for damage to pipeline
 - xxiv. Closing Juvenile Court and raising age from 10 to 13 at which a juvenile is subject to adjudication as a delinquent (HF 1679)
 - xxv. African American Family Preservation Act
 - xxvi. Child Foster Care Modifications
 - xxvii. Restoration of Voting Rights
 - xxviii. Conservation Officers can enforce DWI laws
 - xxix. Sentencing Guidelines Modifications to apply to crimes prospectively only
- IV. 2020 Legislative Session