

1.1 ..... moves to amend H.F. No. 63 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "ARTICLE 1  
1.4 APPROPRIATIONS

1.5 Section 1. APPROPRIATIONS.

1.6 The sums shown in the columns marked "Appropriations" are appropriated to the agencies  
1.7 and for the purposes specified in this article. The appropriations are from the general fund,  
1.8 or another named fund, and are available for the fiscal years indicated for each purpose.  
1.9 The figures "2022" and "2023" used in this article mean that the appropriations listed under  
1.10 them are available for the fiscal year ending June 30, 2022, or June 30, 2023, respectively.  
1.11 "The first year" is fiscal year 2022. "The second year" is fiscal year 2023. "The biennium"  
1.12 is fiscal years 2022 and 2023. Appropriations for the fiscal year ending June 30, 2021, are  
1.13 effective the day following final enactment.

1.14	<b><u>APPROPRIATIONS</u></b>	
1.15	<b><u>Available for the Year</u></b>	
1.16	<b><u>Ending June 30</u></b>	
1.17	<b><u>2022</u></b>	<b><u>2023</u></b>

1.18 Sec. 2. SUPREME COURT

1.19	<u>Subdivision 1. Total Appropriation</u>	<b><u>\$ 60,487,000</u></b>	<b><u>\$ 61,582,000</u></b>
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1.20 The amounts that may be spent for each  
1.21 purpose are specified in the following  
1.22 subdivisions.

1.23	<u>Subd. 2. Supreme Court Operations</u>	<b><u>43,559,000</u></b>	<b><u>43,384,000</u></b>
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1.24 (a) Contingent Account

24.1 appropriate Department of Corrections  
 24.2 identification cards to individuals released  
 24.3 from prison.

24.4 **(j) Predatory Offender Statutory**  
 24.5 **Framework Working Group**

24.6 \$25,000 the first year is to convene,  
 24.7 administer, and implement the Predatory  
 24.8 Offender Statutory Framework Working  
 24.9 Group.

24.10 **Subd. 4. Organizational, Regulatory, and**  
 24.11 **Administrative Services**

31,625,000

31,530,000

24.12 **(a) Technology**

24.13 \$1,566,000 the first year and \$1,621,000 the  
 24.14 second year are to increase support for  
 24.15 ongoing technology needs.

24.16 **(b) Correctional Facilities Security Audit**  
 24.17 **Group**

24.18 \$42,000 the first year and \$69,000 the second  
 24.19 year are for the correctional facilities security  
 24.20 audit group to prepare security audit standards,  
 24.21 conduct security audits, and prepare required  
 24.22 reports.

24.23 **(c) Oversight**

24.24 \$992,000 the first year and \$492,000 the  
 24.25 second year are to expand and improve  
 24.26 oversight of jails and other state and local  
 24.27 correctional facilities, including the addition  
 24.28 of four full-time corrections detention facilities  
 24.29 inspectors and funds for county sheriffs who  
 24.30 inspect municipal lockups.

24.31 **(d) Jailhouse Witness Data**

25.1 \$20,000 the first year is for costs associated  
 25.2 with collecting and reporting on jailhouse  
 25.3 witness data.

25.4 **Sec. 18. OMBUDSPERSON FOR**  
 25.5 **CORRECTIONS**

**\$ 659,000 \$ 663,000**

25.6 **Sec. 19. DEPARTMENT OF NATURAL**  
 25.7 **RESOURCES**

**\$ 489,000 \$ 387,000**

25.8 \$489,000 the first year and \$387,000 the  
 25.9 second year are to purchase body cameras for  
 25.10 conservation officers employed by the  
 25.11 Department of Natural Resources and to  
 25.12 maintain the necessary hardware, software,  
 25.13 and data. The base appropriation is \$387,000  
 25.14 in fiscal year 2024 and \$387,000 in fiscal year  
 25.15 2025.

25.16 **Sec. 20. CANCELLATION; FISCAL YEAR**  
 25.17 **2021**

25.18 **(a) Alcohol and Gambling Enforcement**

25.19 \$132,000 of the fiscal year 2021 general fund  
 25.20 appropriation under Laws 2019, First Special  
 25.21 Session chapter 5, article 1, section 12,  
 25.22 subdivision 6, is canceled.

25.23 **(b) Office of Justice Programs**

25.24 \$213,000 of the fiscal year 2021 general fund  
 25.25 appropriation under Laws 2019, First Special  
 25.26 Session chapter 5, article 1, section 12,  
 25.27 subdivision 7, is canceled.

25.28 **Sec. 21. TRANSFER; DISASTER ASSISTANCE CONTINGENCY ACCOUNT.**

25.29 (a) If the fiscal year 2021 final closing balance in the general fund exceeds the closing  
 25.30 balance projected at the end of the 2021 first special legislative session by at least  
 25.31 \$30,000,000, the commissioner of management and budget must transfer \$30,000,000 from  
 25.32 the general fund to the disaster assistance contingency account established under Minnesota  
 25.33 Statutes, section 12.221, subdivision 6.

81.1 Sec. 5. Minnesota Statutes 2020, section 13.825, subdivision 9, is amended to read:

81.2 Subd. 9. **Biennial audit.** (a) A law enforcement agency must maintain records showing  
81.3 the date and time portable recording system data were collected and the applicable  
81.4 classification of the data. The law enforcement agency shall arrange for an independent,  
81.5 biennial audit of the data to determine whether data are appropriately classified according  
81.6 to this section, how the data are used, and whether the data are destroyed as required under  
81.7 this section, and to verify compliance with subdivisions 7 and 8. If the governing body with  
81.8 jurisdiction over the budget of the agency determines that the agency is not complying with  
81.9 this section or other applicable law, the governing body may order additional independent  
81.10 audits. Data in the records required under this paragraph are classified as provided in  
81.11 subdivision 2.

81.12 (b) The results of the audit are public, except for data that are otherwise classified under  
81.13 law. The governing body with jurisdiction over the budget of the law enforcement agency  
81.14 shall review the results of the audit. If the governing body determines that there is a pattern  
81.15 of substantial noncompliance with this section, the governing body must order that operation  
81.16 of all portable recording systems be suspended until the governing body has authorized the  
81.17 agency to reinstate their use. An order of suspension under this paragraph may only be made  
81.18 following review of the results of the audit and review of the applicable provisions of this  
81.19 chapter, and after providing the agency and members of the public a reasonable opportunity  
81.20 to respond to the audit's findings in a public meeting.

81.21 (c) A report summarizing the results of each audit must be provided to the governing  
81.22 body with jurisdiction over the budget of the law enforcement agency ~~and~~<sub>2</sub> to the Legislative  
81.23 Commission on Data Practices and Personal Data Privacy, and to the chairs and ranking  
81.24 minority members of the committees of the house of representatives and the senate with  
81.25 jurisdiction over data practices and public safety issues no later than 60 days following  
81.26 completion of the audit.

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

81.28 Sec. 6. Minnesota Statutes 2020, section 13.851, is amended by adding a subdivision to  
81.29 read:

81.30 **Subd. 13. Jailhouse witnesses.** Data collected and maintained by the commissioner of  
81.31 corrections regarding jailhouse witnesses are governed by section 634.045.

102.1 **EFFECTIVE DATE.** Subdivisions 1, 2, and 4 are effective the day following final  
102.2 enactment. Subdivision 3 is effective July 1, 2021.

102.3 Sec. 36. **[634.045] JAILHOUSE WITNESSES.**

102.4 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the  
102.5 meanings given.

102.6 (b) "Benefit" means any plea bargain, bail consideration, reduction or modification of  
102.7 sentence, or any other leniency, immunity, financial payment, reward, or amelioration of  
102.8 current or future conditions of incarceration offered or provided in connection with, or in  
102.9 exchange for, testimony that is offered or provided by a jailhouse witness.

102.10 (c) "Jailhouse witness" means a person who (1) while incarcerated, claims to have  
102.11 obtained information from a defendant in a criminal case or a person suspected to be the  
102.12 perpetrator of an offense, and (2) offers or provides testimony concerning statements made  
102.13 by that defendant or person suspected to be the perpetrator of an offense. It does not mean  
102.14 a codefendant or confidential informant who does not provide testimony against a suspect  
102.15 or defendant.

102.16 (d) "Commissioner" means the commissioner of corrections.

102.17 Subd. 2. **Use of and benefits provided to jailhouse witnesses; data collection.** (a)  
102.18 Each county attorney shall report to the commissioner, in a form determined by the  
102.19 commissioner:

102.20 (1) the name of the jailhouse witness and the district court file number of the case in  
102.21 which that witness testified or planned to testify;

102.22 (2) the substance and use of any testimony of a jailhouse witness against the interest of  
102.23 a suspect or defendant, regardless of whether such testimony is presented at trial; and

102.24 (3) the jailhouse witness's agreement to cooperate with the prosecution and any benefit  
102.25 that the prosecutor has offered or may offer in the future to the jailhouse witness in connection  
102.26 with the testimony.

102.27 (b) The commissioner shall maintain a statewide database containing the information  
102.28 received pursuant to paragraph (a) for 20 years from the date that the jailhouse witness  
102.29 information was entered into that statewide record.

102.30 (c) Data collected and maintained pursuant to this subdivision are classified as confidential  
102.31 data on individuals, as defined in section 13.02, subdivision 3. Only the commissioner may

103.1 access the statewide record but shall provide all information held on specific jailhouse  
103.2 witnesses to a county attorney upon request.

103.3 Subd. 3. Report on jailhouse witnesses. By September 15 of each year, beginning in  
103.4 2022, the commissioner shall publish on its website an annual report of the statewide record  
103.5 of jailhouse witnesses required under subdivision 2. Information in the report must be limited  
103.6 to summary data, as defined in section 13.02, subdivision 19, and must include:

103.7 (1) the total number of jailhouse witnesses tracked in the statewide record; and

103.8 (2) for each county, the number of new reports added pursuant to subdivision 2, paragraph  
103.9 (a), over the previous fiscal year.

103.10 Subd. 4. Disclosure of information regarding jailhouse witness. (a) In addition to the  
103.11 requirements for disclosures under rule 9 of the Rules of Criminal Procedure, and within  
103.12 the timeframes established by that rule, a prosecutor must disclose the following information  
103.13 to the defense about any jailhouse witness:

103.14 (1) the complete criminal history of the jailhouse witness, including any charges that  
103.15 are pending or were reduced or dismissed as part of a plea bargain;

103.16 (2) any cooperation agreement with the jailhouse witness and any deal, promise,  
103.17 inducement, or benefit that the state has made or intends to make in the future to the jailhouse  
103.18 witness;

103.19 (3) whether, at any time, the jailhouse witness recanted any testimony or statement  
103.20 implicating the suspect or defendant in the charged crime and, if so, the time and place of  
103.21 the recantation, the nature of the recantation, and the names of the persons who were present  
103.22 at the recantation;

103.23 (4) whether, at any time, the jailhouse witness made a statement implicating any other  
103.24 person in the charged crime and, if so, the time and place of the statement, the nature of the  
103.25 statement, and the names of the persons who were present at the statement; and

103.26 (5) information concerning other criminal cases in which the jailhouse witness has  
103.27 testified, or offered to testify, against a suspect or defendant with whom the jailhouse witness  
103.28 was imprisoned or confined, including any cooperation agreement, deal, promise, inducement,  
103.29 or benefit that the state has made or intends to make in the future to the jailhouse witness.

103.30 (b) A prosecutor has a continuing duty of disclosure before and during trial. If, after the  
103.31 omnibus hearing held pursuant to rule 11 of the Rules of Criminal Procedure, a prosecutor  
103.32 discovers additional material, information, or witnesses subject to disclosure under this  
103.33 subdivision, the prosecutor must promptly notify the court and defense counsel, or, if the

104.1 defendant is not represented, the defendant, of what was discovered. If the court finds that  
104.2 the jailhouse witness was not known or that materials in paragraph (a) could not be discovered  
104.3 or obtained by the state within that period with the exercise of due diligence, the court may  
104.4 order that disclosure take place within a reasonable period. Upon good cause shown, the  
104.5 court may continue the proceedings.

104.6 (c) If the prosecutor files a written certificate with the trial court that disclosing the  
104.7 information described in paragraph (a) would subject the jailhouse witness or other persons  
104.8 to physical harm or coercion, the court may order that the information must be disclosed to  
104.9 the defendant's counsel but may limit disclosure to the defendant in a way that does not  
104.10 unduly interfere with the defendant's right to prepare and present a defense, including limiting  
104.11 disclosure to nonidentifying information.

104.12 Subd. 5. **Victim notification.** (a) A prosecutor shall make every reasonable effort to  
104.13 notify a victim if the prosecutor has decided to offer or provide any of the following to a  
104.14 jailhouse witness in exchange for, or as the result of, a jailhouse witness offering or providing  
104.15 testimony against a suspect or defendant:

104.16 (1) reduction or dismissal of charges;

104.17 (2) a plea bargain;

104.18 (3) support for a modification of the amount or conditions of bail; or

104.19 (4) support for a motion to reduce or modify a sentence.

104.20 (b) Efforts to notify the victim should include, in order of priority: (1) contacting the  
104.21 victim or a person designated by the victim by telephone; and (2) contacting the victim by  
104.22 mail. If a jailhouse witness is still in custody, the notification attempt shall be made before  
104.23 the jailhouse witness is released from custody.

104.24 (c) Whenever a prosecutor notifies a victim of domestic assault, criminal sexual conduct,  
104.25 or harassment or stalking under this section, the prosecutor shall also inform the victim of  
104.26 the method and benefits of seeking an order for protection under section 518B.01 or a  
104.27 restraining order under section 609.748 and that the victim may seek an order without paying  
104.28 a fee.

104.29 (d) The notification required under this subdivision is in addition to the notification  
104.30 requirements and rights described in sections 611A.03, 611A.0315, 611A.039, and 611A.06.

104.31 **EFFECTIVE DATE.** This section is effective August 1, 2021.