STATE OF MINNESOTA
COUNTY OF MILLE LACS

DISTRICT COURT
SEVENTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

v.

EMILIO ANDRES TREVINO,

Defendant.

ORDER HOLDING MINN. STAT. § 201.014, SUBD. 2A (2023) UNCONSTITUTIONAL

Court File No. 48-CR-21-1450

The above-captioned matter came on before the Honorable Matthew M. Quinn, Judge of District Court, on OCT. 12, 2023 for a sentencing hearing. Defendant was present ~~(by Zoom)~~ and represented by REBECCA SPENCE, Esq. The State was represented by TIM KILGRIFF, Assistant Mille Lacs County Attorney. The following order and memorandum shall issue to supplement the court's sentencing order.

ORDER

1. Minn. Stat. § 201.014, subd. 2a (2023) is unconstitutional.
2. Defendant, having been convicted of a felony offense, is not eligible to vote until the civil right to vote has been otherwise restored.
3. Defendant is prohibited by the constitution of the State of Minnesota from registering to vote, or voting, or attempting to register to vote, or attempting to vote. To do so is a criminal act which can be investigated, charged, prosecuted, and tried in the normal course. If conviction enters on such an allegation, stayed or executed prison time may be imposed. These rights are suspended until Defendant serves the sentence and completes supervised release, or completes probation, and Defendant's civil rights are restored.

4. Defendant's probationary conditions include this prohibition.

5. This order is effective immediately upon filing of this order.

6. The attached Memorandum of Law is incorporated by reference.

BY THE COURT

Dated: Oct. 12, 2023

Matthew M. Quinn
Judge of District Court

MEMORANDUM OF LAW

A.

The Right to Vote Generally

It is well settled that "the right to vote is considered fundamental under both the U.S. Constitution and the Minnesota Constitution." *Kahn* v. *Griffin,* 701 N.W.2d 815, 830 (Minn. 2005), citing *Harper v. Virginia State Bd. of Elections,* 383 U.S. 663, 670 (1966); *Ullandv. Grawe,* 262 N.W.2d 412,415 (Minn. 1978). "Undoubtedly, the right of suffrage is a fundamental matter in a free and democratic society. Especially since the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights, any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized." *Reynolds* v. *Sims,* 377 U.S. 533, 562 (1964). The importance of protecting the right to vote is embodied in the Voting Rights Act of 1964 and its subsequent modifications. Under that Act, all states shall "provide that the name of a registrant may not be removed from the official list of eligible voters except... as provided by State law, by reason of criminal conviction [...]" 42 U.S.C.A. § 1973gg-6 (2002).

Well-Established Restrictions

Richardson v. Ramirez, 418 U.S. 24 (1974), was a landmark decision by the Supreme Court of the United States in which the Court reviewed the prohibitions on felons voting. The Court held, 6–3, that convicted felons could be barred from voting without violating the Fourteenth Amendment to the Constitution. These felony prohibitions are practiced in a number of states. The Court also reviewed the legislative history of Section 2, and relied as well on the fact that when the Fourteenth Amendment was adopted in 1868, over half of the U.S. states allowed denying the right to vote to "persons convicted of felonies or infamous crimes."

The United States Supreme Court has consistently held that state statutes which forbid felons from voting do not violate the Fourteenth Amendment. A Utah Territorial statute dictated:

> [N]o person under guardianship, non compos mentis, or insane, nor any person convicted of treason, felony, or bribery in this territory, or in any other state or territory in the Union, unless restored to civil rights; nor any person who is a bigamist or polygamist, or who teaches, advises, counsels, or encourages any person or persons to become bigamists or polygamists, or to commit any other crime defined by law, or to enter into what is known as plural or celestial marriage, or who is a member of any order, organization, or association which teaches, advises, counsels, or encourages its members or devotees, or any other persons, to commit the crime of bigamy or polygamy, or any other crime defined by law, either as a rite or ceremony of such order, organization, or association, or otherwise, is permitted to vote at any election, or to hold any position or office of honor, trust, or profit within this territory,

Davis v. Beason, 133 U.S. 333, 346–47, 10 S. Ct. 299, 302, 33 L. Ed. 637 (1890), *abrogated by Romer v. Evans*, 517 U.S. 620, 116 S. Ct. 1620, 134 L. Ed. 2d 855 (1996).[1] The Court in *Davis* found the statute constitutional, as the statute merely "excludes from the privilege of voting, or of holding any office of honor, trust, or profit, those who have been convicted of certain offenses, and those who advocate a practical resistance to the laws of the territory, and justify and approve the commission of crimes forbidden by it." *Davis*, 133 U.S. at 347.

From Minnesota's infancy, the elective franchise was expressly denied to felons. Voting laws of the Territory of Minnesota specifically prohibited from voting "any person convicted of treason, felony, or bribery, unless restored to civil rights." Minn. Rev. Stat. (Terr.) ch. 5, § 2, at 45 (1851). Aside from a pardon, no method of restoring civil rights was recognized by statute until 1907, whereby a felon may have the right to restore after waiting one year, applying to the district court, providing three witnesses in his favor, and proving his good character. 1907 Minn. Laws ch.

[1] The Court in *Romer v. Evans* abrogated the decision in *Davis* to clarify that "[t]o the extent *Davis* held that persons advocating a certain practice may be denied the right to vote, it is no longer good law." *Romer*, 517 U.S. at 634. But "[t]o the extent *Davis* held that a convicted felon may be denied the right to vote, its holding is not implicated by our decision and is unexceptionable." *Id.*

34, § 1, at 40. The right of a felon to regain the franchise following discharge from probation was introduced as part of the criminal code overhaul of 1963. See 1963 Minn. Laws ch. 753, art 1, at 1198.

Minn. Const. art. VII, § 1

Article VII, Section 1 of the Minnesota Constitutions provides the criteria by which a Minnesotan is eligible to vote. Additionally, the provision provides for three categories of Minnesotans who are *not* entitled to vote: (1) persons who do not meet certain age and residency requirements; (2) persons under guardianship, or who are insane or not mentally competent; and (3) persons who have "been convicted of treason or felony, unless restored to civil rights[.]"

Schroeder v. Simon

In February of 2023, the Minnesota Supreme Court issued its opinion in *Schroeder v. Simon*, 985 N.W.2d 529 (Minn. 2023) (hereinafter cited as "*Schroeder*"). The lengthy opinion resolved a series of constitutional challenges related to two convicted felons who argued that Minn. Const. art. VII, § 1, specifically via the phrase "unless restored to civil rights[,]" should be interpreted as restoring the voting rights of felons upon release from incarceration. *Schroeder*, 985 N.W.2d at 536. Appellants argued that Minn. Const. art. VII, § 1 restored convicted felons to civil rights "by virtue of being released or excused from incarceration following a felony." *Schroeder*, 985 N.W.2d at 533. Appellants opined that they were similarly situated to defendants who had been discharged from probation but not afforded the equal protection of the law.

The court held that Minn. Const. art. VII, § 1 provided no such right. *Id.* at 545. The court reasoned that the phrase "unless restored to civil rights" dictates that "an affirmative act of government is required to restore what the government has taken away by its affirmative decision

to prosecute and convict a person of a felony." *Id.* at 538. The court undertook an immense historical analysis of several statutes passed after the 1857 constitutional convention.

> [E]ach of these legislative enactments require an affirmative act of the Governor (or a judge in the case of persons convicted of a felony who are sentenced to pay a fine or serve time in county jail) to restore the person's civil rights upon completion of a sentence and release from incarceration.

Schroeder, 985 N.W.2d at 543. Rejecting one argument of appellants, the court held the fact that at the time of the constitution's ratification, probation as a concept did not yet exist, and all persons convicted of a felony were incarcerated, did not mandate the restoration of a felon's civil rights upon release: "The constitution provides that a person convicted of a felony "shall not be entitled or permitted to vote ... unless restored to civil rights;" it does not say "until restored to civil rights."" *Id.* at 544. Restoration was not a forgone conclusion; the word "unless" intimates a process or decision.

Finally, the court held that

> [Minn. Const. art. VII, § 1] is straightforward. It means that a person convicted of a felony (just like a person younger than 18 years of age or a non-citizen) is excluded from the set of persons who have a right to—who are "entitled to"—vote. Under this provision, a person convicted of a felony could be permanently prohibited from ever being allowed to vote. In fact, such a person is permanently prohibited from voting "unless restored to civil rights."

Id. at 536-37. Accordingly, the "restoration" of civil rights is not automatic under Article VII. It may be automatic if the language said that a felon was ""restored to life in the community" or "restored upon release from prison" as one might reasonably expect if the constitutional convention delegates and the voters who approved the constitution intended restoration to occur upon one of those events." *Id.* at 538. Instead, the "restoration" under Article VII is a contemplative, rather than automatic, function. "A reasonable conclusion to draw from these textual features is that an affirmative act of government is required to restore what the government has taken away by its affirmative decision to prosecute and convict a person of a felony." *Id.* In

pondering on what precisely that "affirmative act" could constitute, the court held that "[f]or instance, that affirmative act could be an absolute pardon that nullifies the felony conviction upon which the constitutional deprivation of the right to vote is based or a legislative act that generally *restores* the right to vote *upon the occurrence of certain events*." *Schroeder*, 985 N.W.2d at 545 (emphasis added).[2] The decision held that Minn. Const. art. VII, § 1 did not provide for the automatic restoration of a felon's civil rights upon completion of a term of incarceration.

Minn. Stat. § 201.014, subd. 2a (2023) - Generally

Following the Minnesota Supreme Court's decision in *Schroeder*, Minnesota Governor Tim Walz signed House File No. 28 into law on March 3, 2023. The law amended Minn. Stat. § 201.014 by adding subdivision 2a, which reads as follows:

> An individual who is ineligible to vote because of a felony conviction has the civil right to vote restored during any period when the individual is not incarcerated for the offense. If the individual is later incarcerated for the offense, the individual's civil right to vote is lost only during that period of incarceration.

Minn. Stat. § 201.014, subd. 2a (2023). The language adopted, in essence, the contention of the appellants in *Schroeder*. The act provided notice requirements on the part of the Minnesota Secretary of State to felons whose rights were "restored" under the added subdivision. Minn. Stat. § 243.204, subds. 1-4. The provisions of the act carried an effective date of July 1, 2023, and applied to "the right to vote at elections conducted on or after that date." H.F. 28, § 9. No appellate decisions have interpreted the new version of Minn. Stat. § 201.014, nor any of the additional amendments relating to the notice requirement.

B.

[2] A large portion of the opinion dismissed the appellants' arguments that requiring completion of probation ran afoul of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. As the prior version of the statute in question was held in *Schroeder* not to violate principles of Equal Protection, and the present amended statute purports to *expand* the right to vote to those felons, an analysis of the equal protection principles is neither illustrative nor relevant.

Minn. Stat. § 201.014, subd. 2a (2023) Violates Minn. Const. art. VII, § 1

In Minnesota, statutes are presumed to be constitutional, and courts' power to declare statutes unconstitutional "should be exercised with extreme caution and only when absolutely necessary." *In re Haggerty*, 448 N.W.2d 363, 364 (Minn. 1989). A statute is constitutional unless proven otherwise beyond a reasonable doubt. *Id.* However, "[i]f the Legislature transgresses its constitutional limits the courts must say so, for they must ascertain and apply the law, and a statute not within constitutional limits is not law." *State v. Fairmont Creamery Co.*, 202 N.W. 714, 719 (Minn. 1925).

The Minnesota Constitution may be interpreted as securing individual rights to a greater extent than the Constitution of the United States. *State v. Harris*, 590 N.W.2d 90, 97 (Minn. 1999) (citing *PruneYard Shopping Center v. Robins*, 447 U.S. 74, 81, 100 S.Ct. 2035, 2040, 64 L.Ed.2d 741 (1980)). However, in interpreting the Minnesota Constitution with respect to the franchise, the Minnesota Supreme Court has held that the Minnesota Constitution affords no greater voting rights or protections than the federal constitution. *Kahn v. Griffin*, 701 N.W.2d 815, 833 (Minn. 2005).

Minn. Stat. § 201.014, subd. 2a provides that all felons have "the civil right to vote restored during any period when the individual is not incarcerated for the offense." For this provision to be found constitutional, the court must find that the statute restores "by some affirmative act of, or mechanism established by, the government[,]" *Schroeder*, 985 N.W.2d at 545, the right of a felon to vote. In considering said "affirmative acts" which may constitute the proper restoration of a felon to civil rights, the court in *Schroeder* stated that the affirmative act could be "an absolute pardon that nullifies the felony conviction upon which the constitutional deprivation of the right to vote is based or a legislative act that generally restores the right to vote upon the occurrence of certain events." *Schroeder*, 985 N.W.2d at 545. The term "generally" could be held to provide the

legislature with more discretion to enable the felon franchise, but the phrase "upon the occurrence of certain events" proves more illustrative.

The court finds that "during any period when the individual is not incarcerated for the offense" is not an event. Rather, it is an amorphous state of being. Consider a defendant convicted of Burglary in the First Degree of an occupied dwelling, a felony, under Minn. Stat. § 609.582, subd. 1(a). With no criminal history, that defendant would receive a stayed sentence of 21 months under the Minnesota Sentencing Guidelines, 4.A. p. 79 (2023). Accordingly, if Minn. Stat. § 201.014, subd. 2a (2023) is to be applied to the defendant, "any period when the individual is not incarcerated for the offense" is every period – the defendant received a stayed sentence. No "event," nor any "affirmative act" of the government contemplated by *Schroeder* has occurred. If anything, "any period when the individual is not incarcerated" is, in fact, the *absence of an event.*

To find subd. 2a constitutional is also to embrace one of its inevitable consequences: The legislature would now be empowered to state the fact that a statute does not violate the Minnesota Constitution within the language of the statute itself. Put another way, the legislature, and not the judiciary, defines the net effect of a statute. The legislature would, in a sense, be free to circumvent provisions of the Minnesota Constitution by way of simply stating that x equals y. Consider the following scenario: Under Article VIV of the Minnesota Constitution, tax revenues imposed by the legislature on the sale of gasoline may only be paid into the highway user tax distribution fund – thus, taxes collected on gasoline may only be used for public highway construction, maintenance, and the like. Minn. Const. art. XIV, § 10. Suppose the legislature identifies a pressing need for law enforcement funding to hire additional state troopers, purchase new squad cars, and to make essential repairs on their workstations. However, the legislature is unable to agree on an increase for said funding. At a special session, a bill for an act is proposed. The proposed bill provides that

"All monies to be appropriated during this special term in support of law enforcement, including monies for new state troopers, squad cars, and workstation repairs, shall now be deemed "Highway Maintenance Expenditures."" Accordingly, the legislature taps into the Trunk Highway Fund and appropriates funds for the state patrol as desired. The grammatical short-circuit would compel the judiciary to simply reason that because the legislature may use gasoline tax revenues on highway maintenance expenditures under Minn. Const. art. XIV, § 6, *and because the legislature has declared that these funds are those funds*, the act is constitutional.

The court in *Schroeder*, aside from its equal protection analysis, focused the bulk of its analysis on the phrase "unless restored to civil rights." For this section, the court finds it opportune to focus its analysis even further: "restore."

When words within a statute are undefined by that statute, as "restore" is undefined by this statute, courts may look to dictionaries to "determine the common and ordinary meanings of these terms." *State v. Thonesavanh*, 904 N.W.2d 432, 436 (Minn. 2017). The word "restore" in its common, ordinary usage, is "[t]o bring back into existence or use," or "[t]o bring back to an original or normal condition." *The American Heritage Dictionary of the English Language* (5th ed. 2011). It means to "give back," to "return," or to "put again in possession of something." *Restore*, Merriam-Webster Dictionary (https://www.merriam-webster.com/dictionary/restore).

These definitions imply that for something to be *restored*, it must first be *lost*. *See Averbeck v. State*, 791 N.W.2d 559, 561 (Minn. Ct. App. 2010) (the preeminent case addressing how the right to possess a firearm is *restored* by a showing of good cause). The statute in question here does not "put again in possession of something," the statute instead ensures the right is *never lost in the first place* – despite the express language of Minn. Const. art. VII, § 1 prohibiting felons

from voting *unless*, and not until, their civil rights have been restored. *See Schroeder*, 985 N.W.2d at 544.

To find that the legislature is empowered by Article VII to define "unless restored to civil rights," in effect, as "the civil right is hereby never lost" in many or most cases that result in a felony conviction,[3] is to adopt the view of the dissent in *Schroeder*: "In fact, felony disenfranchisement is not the constitutional baseline because Article VII does not mandate appellants' disenfranchisement—indeed, Article VII would ostensibly permit the Legislature to restore to civil rights a person convicted of a felony at the moment of conviction." *Schroeder*, 985 N.W.2d at 565 (Minn. 2023) (Hudson, J., dissenting). The inherent glitch in this line of reasoning, as described above, is that that which is never lost cannot be restored. "[I]t is recognized that the legislature has the power to classify subjects for legislation, and the courts will not interfere with such classification *unless it is so manifestly arbitrary as to evince a legislative purpose of evading the constitution*." *Visina v. Freeman*, 89 N.W.2d 635, 651 (Minn. 1958) (emphasis added).

Should this line of reasoning be adopted, incompatible with the precepts of textual interpretation as it is, none of the above hypothetical scenarios could be held unconstitutional. There would be no need for the legislature to stop at Justice Hudson's contemplated "moment of conviction." The legislature could "restore" the civil rights of felons at the moment of a criminal complaint having been filed; at the moment of a suspect's first interaction with law enforcement;

[3] In the 2021 Minnesota Department of Corrections Probation Survey, published April 2022, the 2021 Minnesota felony probation population was 41,246. *Id.* at p.5. The population of those on supervised release and other intensive supervision programs was almost 7,000. *Id.* at 38. (https://mn.gov/doc/assets/2021%20Probation%20Survey_tcm1089-527114.pdf). Roughly 14,000 people are convicted each year of a felony offense. 2021 Sentencing Practices, *Annual Summary of Statistics for Felony Cases Sentenced in 2021*, p.6, published April 3, 2023. (https://mn.gov/sentencing-guidelines/assets/2021MSGCAnnualSummaryStatisticsReport_tcm30-572229.pdf). Of the 14,429 felony cases, 3,104 received a prison sentence while 11,325 did not. 9,259 (81.7% of the 11,325 not sentenced to prison) of those not sentenced to an executed prison sentence received local confinement. *Id.* at p. 18.

or perhaps at the moment of a defendant's birth.[4] If the legislature acts at the behest of the dissent, the above recitation of hypothetical acts of the legislature serves not merely as an undertaking into absurd reduction, but rather, a recitation of entirely permissible acts - should any of them receive a majority vote.

C.

Imperative is the fact that this order and memorandum makes no commentary on the policy implications of permitting felons to vote in Minnesota elections. "A statute is not constitutional or unconstitutional as it is good or bad, or as it is based on good or bad policy or good or bad economics." *State v. Fairmont Creamery Co.*, 202 N.W. 714, 718 (Minn. 1925). There may be policy reasons for providing avenues to convicted felons who have not otherwise completed their sentence to reacquire their franchise. But Minn. Stat. § 201.014, subd. 2a, even in an effort to more broadly secure a right, operates contrary to the Minnesota Constitution. "Congress does not enforce a constitutional right by changing what the right is." *City of Boerne v. Flores*, 521 U.S. 507, 519, 117 S. Ct. 2157, 2164, 138 L. Ed. 2d 624 (1997). In enacting Minn. Stat. § 201.014, subd. 2a, the Minnesota legislature and the Governor have done precisely that – changed the right to vote to include a class of persons expressly excluded from enjoyment of that right.

Pursuing said avenues, at least in the way the legislature has attempted, cannot be undertaken without careful attention to all aspects of the law. Ensuring that convicted felons maintain the franchise, if the majority of Minnesotans consider that to be worthy endeavor, could be done through amending Minn. Const. art. VII, § 1.

> There may be many compelling reasons why society should not permanently prohibit—or perhaps prohibit at all—persons convicted of a felony from voting.

[4] The keen skeptic would object to these hypothetical scenarios on the ground that a person is not a *felon* when criminally charged, when arrested, or when born. But said keen skeptic in so objecting has, perhaps inadvertently, made the court's point: Should a right need not be *lost* before it is *restored*, a prophylactic "restoration" prior to an individual ever even becoming a felon would be entirely permissible.

> But the people of Minnesota made the choice to establish a constitutional baseline that persons convicted of a felony are not entitled or permitted to vote, and the people of Minnesota have not seen fit to amend the constitution to excise the felon voting prohibition.

Schroeder, 985 N.W.2d at 537. To create a statutory scheme that fits the constitution's requirements, in light of *Schroeder*, is neither this court's vocation nor avocation. But as embodied in Minn. Stat. § 201.014, subd. 2a, it is unconstitutional. In the words of the court in *Fairmont Creamery Co.*, 202 N.W. at 719, Minn. Stat. § 201.014, subd. 2a is no law at all.

Accordingly, in light of the fundamental nature of the right to vote, the court concludes that it has a duty to independently evaluate the voting capacity of each felon at the time of their discharge from probation, and on subsequent occasions as needed or requested. While this will almost certainly result in slightly increased judicial time and costs, such administrative burdens are outweighed by the nature of the rights involved. In any event, the process of reviewing the probationary status of defendants who have completed their term of probation and restoring civil rights where appropriate has been the longstanding process of Minnesota's district courts. To protest because of an alleged fiscal note is illusory at best.

To be clear, the court does not hold that the legislature is dispossessed of the authority to determine when and how a felon is restored to civil rights. To so hold would run afoul of the opinion in *Schroeder* itself: "[P]ersons who have committed a felony may not vote, subject to being restored to that right by the Governor through the pardon process *or by a different process approved by the Legislature*." *Schroeder*, 985 N.W.2d at 556 (emphasis added). Should the legislature seek to enfranchise every felon in this State "upon the occurrence of certain events," it is free to do so. *Id.* at 545. But, as described *supra*, Minn. Stat. § 201.014, subd. 2a neither "restores" a right, nor conditions that "restoration" on the occurrence of certain events. This order should not imply a finding of imprudence or poor policy – only unconstitutionality. "The

Legislature is at liberty to ignore logic and perpetrate injustice so long as it does not transgress constitutional limits." *State ex rel. Timo v. Juv. Ct. of Wadena Cnty.*, 246 N.W. 544, 546 (Minn. 1933).

District courts are required to swear an oath to "support the constitution of the United States and of this state and to discharge faithfully the duties of his office to the best of his judgment and ability." Minn. Const. art. V, § 6. This court is by so attesting subservient to those constitutions, and not to an act of the legislature – let alone an unconstitutional act. The act in question, H.F. No. 28, as enacted, Minn. Stat. § 201.014, subd. 2a, et seq., is void *ab initio*. The people of Minnesota in ratifying the state's constitution have adopted the view of the learned Judge Friendly:

> A man who breaks the laws he has authorized his agent to make for his own governance could fairly have been thought to have abandoned the right to participate in further administering the compact. On a less theoretical plane, it can scarcely be deemed unreasonable for a state to decide that perpetrators of serious crimes shall not take part in electing the legislators who make the laws, the executives who enforce these, the prosecutors who must try them for further violations, or the judges who are to consider their cases.
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> *Green v. Bd. of Elections of City of New York*, 380 F.2d 445, 451 (2d Cir. 1967).

Felons in Minnesota are prohibited from voting until restored to civil rights. At present, that restoration occurs with oversight, intent, and affirmative acts: upon a pardon, upon completion of probation, or upon an order of the court.[5]

[5] No part of this court's record contains mention that any negotiation on which the resolution of this matter took place was related to the ineligibility to vote following entry of conviction. Ineligibility to vote is a collateral consequence or sanction that follows a felony conviction in Minnesota. *See Kaiser v. State*, 621 N.W.2d 49, 53 (Minn. Ct. App. 2001), *aff'd*, 641 N.W.2d 900 (Minn. 2002). Collateral consequences are contained in their own chapter, Minn. Stat. Ch. 609B. "Collateral sanction" means a legal penalty, disability, or disadvantage, however denominated, that is imposed on a person automatically when that person is convicted of or found to have committed a crime, even if the sanction is not included in the sentence. Minn. Stat. § 609B.050, subd. 1 (2). Minn. Stat. § 609B.610 declares: An individual convicted of treason or any felony whose civil rights have not been restored is not eligible to vote under section 201.014. Minn. Stat. § 609B.610 also stands as a remnant of the statutory embodiment of the unrestored felon voting prohibition in the immediately preceding version of Minn. Stat. § 201.014. Although a bill for an act (HF3310)

OCT 12, 2023

was introduced in the 93rd session of the Minnesota Legislature, it received little attention and was referred to a committee after its introduction and first reading. The lack of a corresponding amendment to Minn. Stat. § 609B.610 is an apparent oversight by the 2023 legislature.