



THE SUPREME COURT OF MINNESOTA
MINNESOTA JUDICIAL CENTER
25 REV. DR. MARTIN LUTHER KING JR. BLVD.
SAINT PAUL, MINNESOTA 55155

CHAMBERS OF
LORIE S. GILDEA
CHIEF JUSTICE

(651) 296-3380

March 19, 2020

The Honorable Melissa Hortman
Speaker of the House
463 State Office Building
St. Paul, MN 55155

The Honorable Kurt Daudt
House of Representatives Minority Leader
267 State Office Building
St. Paul, MN 55155

The Honorable Paul Gazelka
Senate Majority Leader
95 University Avenue W., Room 3-113
St. Paul, MN 55155

The Honorable Susan Kent
Senate Minority Leader
95 University Avenue W., Room 2227
St. Paul, MN 55155

Dear Speaker Hortman, Majority Leader Gazelka, Minority Leader Daudt, and Minority Leader Kent:

The operations of the Minnesota Judicial Branch continue during the current emergency, subject to modifications we have made based on recent guidance from state and national health officials. As modified, court proceedings and hearings are occurring daily in the district and appellate courts of Minnesota. But residents of Minnesota and judicial branch judges and staff face challenges in attempting to meet deadlines established by statute, across civil and criminal matters, due to the impact of the emergency on daily lives. On behalf of the Judicial Branch, I write to ask the Legislature to enact legislation that would toll deadlines as necessary to ensure that rights are protected. The legislation the Judicial Branch requests would toll the expiration of deadlines during the current emergency and for a limited time after the emergency diminishes or abates. This request encompasses two specific areas of tolling.

First, we request that legislation be enacted to address speedy trial demands. Specifically we seek legislation that would exclude the period of the peacetime emergency declared by the Governor of Minnesota on March 13, 2020, in Executive Order No. 20-01, when calculating the deadline for any speedy trial demand that was made before or during the emergency. For example, the legislation could provide: "When calculating the deadline for any speedy trial demand that was made before or during the peacetime emergency declared by the Governor on March 13, 2020, the period of that emergency must be excluded."

Second, we request legislation that would toll statutory deadlines and statutes of limitations across a range of matters that impact the daily lives of Minnesota residents and ongoing court proceedings. Examples of such deadlines include:

- Minn. Stat. § 169A.53, subd. 2(a) (requiring an implied-consent hearing to be requested within 60 days from receiving notice of revocation);
- Minn. Stat. § 169A.63, subd. 8(e) (requiring a judicial determination demand within 60 days after a vehicle is forfeited);
- Minn. Stat. § 260B.415, subd. 1 (requiring an appeal in certain juvenile proceedings to be taken within 30 days of the court's order);
- Minn. Stat. § 268.105, subd. 7 (requiring an appeal from a decision on unemployment compensation to be filed within 30 days);
- Minn. Stat. § 504B.321, subd. 1(d) (requiring an appearance for an eviction proceeding between 7 and 14 days after the summons is issued);
- Minn. Stat. § 504B.371, subd. 2 (setting a 15-day deadline for appeals in eviction actions);
- Minn. Stat. § 504B.375, subd. 3 (setting a 10-day appeal deadline for actual or constructive removal or exclusion of a tenant);
- Minn. Stat. § 518A.75, subd. 2 (requiring a notice of an intended adjustment to maintenance or child support to reflect cost-of-living adjustments, to be made at least 20 days before the May 1 effective date for that adjustment);
- Minn. Stat. § 571.914, subd. 1 (requiring a hearing in a garnishment proceeding within 7-14 days and a decision within 3 days of the hearing); and
- Minn. Stat. § 611A.045, subd. 3(b) (requiring an offender to challenge a restitution order within 30 days of sentencing or receiving notice of the amount requested).

For example, the legislation could provide: "Beginning with the peacetime emergency declared by the Governor of Minnesota on March 13, 2020, in Executive Order No. 20-01, and for 60 days after that emergency declaration ends, deadlines imposed by statutes enacted by the Minnesota Legislature to govern proceedings in the district and appellate courts are tolled, unless a judge determines that individual circumstances relevant to public safety require in a specific case that the deadline in the controlling statute be applied."

The Judicial Branch is grateful for our strong partnership with the Legislature and we appreciate the Legislature's consideration of this request. Please contact me if you have any questions or need any additional information.

Sincerely,



Lorie S. Gildea
Chief Justice

cc: Governor Tim Walz
Senator Warren Limmer
Representative John Lesch