

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE **S.F. No. 958**

(SENATE AUTHORS: LIMMER)

DATE	D-PG	OFFICIAL STATUS
03/21/2011	605	Introduction and first reading Referred to Judiciary and Public Safety
03/25/2011	711a 712	Comm report: To pass as amended and re-refer to Finance Rule 12.10: report of votes in committee
03/28/2011	777	Comm report: To pass
03/29/2011	1023 1034	Second reading Special Order
04/04/2011	1047 1151	Third reading Passed Returned from House with amendment
04/11/2011	1152	Senate not concur, conference committee of 5 requested
04/14/2011	1268	Senate conferees Limmer; Hall; Newman; Jungbauer; Ortman
05/17/2011	1274 2175c	House conferees Cornish; Kelly; Smith; Vogel; Woodard Conference committee report, delete everything Senate adopted CC report and repassed bill
05/18/2011	2201 2729	Third reading House adopted SCC report and repassed bill Presentment date 05/21/11
	3581 3600	Governor's action Veto Chapter 37 05/24/11 Veto message laid on table See SF1 (First Special Session)

A bill for an act

relating to public safety; modifying certain provisions relating to public safety, human rights, courts and sentencing, sexually exploited youth, and prostitution crimes; requesting studies; requesting reports; providing for penalties; appropriating money for public safety, corrections, human rights, courts, civil legal services, Guardian Ad Litem Board, Uniform Laws Commission, Board on Judicial Standards, and sentencing guidelines; amending Minnesota Statutes 2010, sections 169.797, subdivision 4; 243.212; 260B.007, subdivisions 6, 16; 260C.007, subdivisions 6, 11, by adding a subdivision; 260C.331, subdivision 3; 297I.06, subdivision 3; 357.021, subdivision 6; 363A.06, subdivision 1; 363A.36, subdivision 1; 563.01, subdivision 3; 609.105, subdivision 1, by adding subdivisions; 609.321, subdivisions 4, 8, 9; 609.324, subdivisions 2, 3, by adding subdivisions; 609.3241; 626.558, subdivision 2a; 626.8458, subdivision 5; 641.15, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 2010, section 363A.36, subdivision 5.

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

ARTICLE 1

APPROPRIATIONS

Section 1. **SUMMARY OF APPROPRIATIONS.**

The amounts shown in this section summarize direct appropriations, by fund, made in this article.

	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>Total</u>
<u>General</u> \$	<u>2,081,000</u> \$	<u>889,732,000</u> \$	<u>888,819,000</u> \$	<u>1,780,632,000</u>
<u>State</u>				
<u>Government</u>				
<u>Special</u>				
<u>Revenue</u>		<u>72,651,000</u>	<u>70,036,000</u>	<u>142,687,000</u>
<u>Environmental</u>		<u>69,000</u>	<u>69,000</u>	<u>138,000</u>
<u>Special</u>				
<u>Revenue</u>		<u>18,292,000</u>	<u>18,292,000</u>	<u>36,584,000</u>

2.1	<u>Trunk</u>				
2.2	<u>Highway</u>		<u>1,941,000</u>	<u>1,941,000</u>	<u>3,882,000</u>
2.3	<u>Total</u>	<u>\$ 2,081,000</u>	<u>\$ 982,685,000</u>	<u>\$ 979,157,000</u>	<u>\$ 1,963,923,000</u>

2.4 Sec. 2. **APPROPRIATIONS.**

2.5 The sums shown in the columns marked "Appropriations" are appropriated to the
 2.6 agencies and for the purposes specified in this article. The appropriations are from the
 2.7 general fund, or another named fund, and are available for the fiscal years indicated
 2.8 for each purpose. The figures "2012" and "2013" used in this article mean that the
 2.9 appropriations listed under them are available for the fiscal year ending June 30, 2012, or
 2.10 June 30, 2013, respectively. "The first year" is fiscal year 2012. "The second year" is fiscal
 2.11 year 2013. "The biennium" is fiscal years 2012 and 2013. Appropriations for the fiscal
 2.12 year ending June 30, 2011, are effective the day following final enactment.

2.13			<u>APPROPRIATIONS</u>	
2.14			<u>Available for the Year</u>	
2.15			<u>Ending June 30</u>	
2.16		<u>2011</u>	<u>2012</u>	<u>2013</u>

2.17 Sec. 3. **SUPREME COURT**

2.18 Subdivision 1. **Total Appropriation** **\$ 40,274,000** **\$ 40,575,000**

2.19 The amounts that may be spent for each
 2.20 purpose are specified in the following
 2.21 subdivisions.

2.22 Subd. 2. **Supreme Court Operations** **30,458,000** **30,759,000**

2.23 (a) **Contingent Account.** \$5,000 each year
 2.24 is for a contingent account for expenses
 2.25 necessary for the normal operation of the
 2.26 court for which no other reimbursement is
 2.27 provided.

2.28 (b) **Employee Health Care.** The chief justice
 2.29 of the Supreme Court is requested to study
 2.30 and report to the chairs and ranking minority
 2.31 members of the house of representatives and
 2.32 senate committees with jurisdiction over
 2.33 judiciary finance by January 15, 2012, on
 2.34 the advantages and disadvantages of having

3.1 judicial branch officials and employees
3.2 leave the state employee group insurance
3.3 program and form their own group benefit
3.4 plan, including the option of shifting to a
3.5 plan based on high-deductible health savings
3.6 accounts.

3.7 **(c) Judicial and Referee Vacancies.**

3.8 The Supreme Court shall not certify a
3.9 judicial or referee vacancy under Minnesota
3.10 Statutes, section 2.722, until it has examined
3.11 alternative options, such as temporarily
3.12 suspending certification of the vacant
3.13 position or assigning a retired judge to
3.14 temporarily fill the position.

3.15 **Subd. 3. Civil Legal Services** 9,816,000 9,816,000

3.16 **(a) Legal Services to Low-Income**

3.17 **Clients in Family Law Matters.** Of this
3.18 appropriation, \$877,000 each year is to
3.19 improve the access of low-income clients to
3.20 legal representation in family law matters.

3.21 This appropriation must be distributed
3.22 under Minnesota Statutes, section 480.242,
3.23 to the qualified legal services programs
3.24 described in Minnesota Statutes, section
3.25 480.242, subdivision 2, paragraph (a). Any
3.26 unencumbered balance remaining in the first
3.27 year does not cancel and is available in the
3.28 second year.

3.29 **(b) Limits on Services.** No portion of the
3.30 funds appropriated may be used to represent
3.31 or serve clients: (1) in federal civil or
3.32 criminal matters outside the jurisdiction of
3.33 the state courts or agencies; (2) in suing a
3.34 state or federal entity; and (3) in advocating

4.1 at the legislature for or against current or
 4.2 proposed policy and law.

4.3 Sec. 4. **COURT OF APPEALS** \$ 10,106,000 \$ 10,228,000

4.4 Sec. 5. **TRIAL COURTS** \$ 233,511,000 \$ 236,828,000

4.5 Sec. 6. **GUARDIAN AD LITEM BOARD** \$ 11,617,000 \$ 11,617,000

4.6 **Case priority.** The board shall assign
 4.7 guardians to clients who are entitled by
 4.8 statute to representation prior to clients for
 4.9 whom the courts request guardians but who
 4.10 are not entitled to a guardian under statute.

4.11 Sec. 7. **TAX COURT** \$ 825,000 \$ 825,000

4.12 \$38,000 in fiscal year 2011 is appropriated
 4.13 from the general fund to the tax court.

4.14 **Operating schedule.** At least one tax court
 4.15 judge shall hold hearings and meetings or
 4.16 otherwise conduct regular business on all
 4.17 days that executive branch agencies are open
 4.18 for business.

4.19 Sec. 8. **UNIFORM LAWS COMMISSION** \$ 49,000 \$ 49,000

4.20 Sec. 9. **BOARD ON JUDICIAL STANDARDS** \$ 456,000 \$ 456,000

4.21 \$125,000 each year is for special
 4.22 investigative and hearing costs for major
 4.23 disciplinary actions undertaken by the
 4.24 board. This appropriation does not cancel.
 4.25 Any encumbered and unspent balances
 4.26 remain available for these expenditures in
 4.27 subsequent fiscal years.

4.28 Sec. 10. **BOARD OF PUBLIC DEFENSE** \$ 65,476,000 \$ 65,476,000

4.29 Sec. 11. **PUBLIC SAFETY**

6.1 revenue fund. These amounts must be used
 6.2 to fund the hazardous materials and chemical
 6.3 assessment teams.

6.4 **Subd. 3. Criminal**
 6.5 **Apprehension** 41,987,000 41,987,000

	<u>Appropriations by Fund</u>	
6.6 <u>General</u>	<u>40,039,000</u>	<u>40,039,000</u>
6.7 <u>State Government</u>		
6.8 <u>Special Revenue</u>	<u>7,000</u>	<u>7,000</u>
6.9 <u>Trunk Highway</u>	<u>1,941,000</u>	<u>1,941,000</u>

6.11 **DWI Lab Analysis; Trunk Highway Fund.**
 6.12 Notwithstanding Minnesota Statutes, section
 6.13 161.20, subdivision 3, \$1,941,000 each year
 6.14 is appropriated from the trunk highway fund
 6.15 for laboratory analysis related to driving
 6.16 while impaired cases.

6.17 **Subd. 4. Fire Marshal** 12,375,000 12,375,000

6.18 This appropriation is from the fire safety
 6.19 account in the special revenue fund and is for
 6.20 activities under Minnesota Statutes, section
 6.21 299F.012.

6.22 Of this amount, \$5,757,000 each year is for
 6.23 activities under Minnesota Statutes, section
 6.24 299F.012, and \$6,618,000 each year is for
 6.25 transfer to the general fund under Minnesota
 6.26 Statutes, section 297I.06, subdivision 3.

6.27 **Subd. 5. Alcohol and**
 6.28 **Gambling Enforcement** 2,236,000 2,236,000

	<u>Appropriations by Fund</u>	
6.29 <u>General</u>	<u>1,583,000</u>	<u>1,583,000</u>
6.30 <u>Special Revenue</u>	<u>653,000</u>	<u>653,000</u>

6.32 This appropriation is from the alcohol
 6.33 enforcement account in the special revenue
 6.34 fund. Of this appropriation, \$500,000 each
 6.35 year shall be transferred to the general fund.

7.1 The transfer amount for fiscal year 2014 and
 7.2 fiscal year 2015 shall be \$500,000 per year.

7.3 Subd. 6. Office of Justice

7.4 Programs 28,389,000 28,389,000

7.5 Appropriations by Fund

7.6 General 28,293,000 28,293,000

7.7 State Government

7.8 Special Revenue 96,000 96,000

7.9 (a) Youth Intervention Grants. The
 7.10 commissioner may not reduce grants to youth
 7.11 intervention programs.

7.12 (b) Administration Costs. Up to 2.5 percent
 7.13 of the grant money appropriated in this
 7.14 subdivision may be used to administer the
 7.15 grant program.

7.16 Subd. 7. Emergency

7.17 Communication Networks 72,548,000 69,933,000

7.18 This appropriation is from the state
 7.19 government special revenue fund for 911
 7.20 emergency telecommunications services.

7.21 (a) Public Safety Answering Points.
 7.22 \$13,664,000 each year is to be distributed
 7.23 as provided in Minnesota Statutes, section
 7.24 403.113, subdivision 2.

7.25 (b) Medical Resource Communication
 7.26 Centers. \$683,000 each year is for grants
 7.27 to the Minnesota Emergency Medical
 7.28 Services Regulatory Board for the Metro
 7.29 East and Metro West Medical Resource
 7.30 Communication Centers that were in
 7.31 operation before January 1, 2000.

7.32 (c) ARMER Debt Service. \$23,261,000
 7.33 each year is to the commissioner of
 7.34 management and budget to pay debt service

8.1 on revenue bonds issued under Minnesota
8.2 Statutes, section 403.275.

8.3 Any portion of this appropriation not needed
8.4 to pay debt service in a fiscal year may be
8.5 used by the commissioner of public safety to
8.6 pay cash for any of the capital improvements
8.7 for which bond proceeds were appropriated
8.8 by Laws 2005, chapter 136, article 1, section
8.9 9, subdivision 8, or Laws 2007, chapter 54,
8.10 article 1, section 10, subdivision 8.

8.11 **(d) Metropolitan Council Debt Service.**
8.12 \$1,410,000 each year is to the commissioner
8.13 of management and budget for payment to
8.14 the Metropolitan Council for debt service
8.15 on bonds issued under Minnesota Statutes,
8.16 section 403.27.

8.17 **(e) ARMER State Backbone Operating**
8.18 **Costs.** \$8,300,000 the first year and
8.19 \$8,650,000 the second year are to the
8.20 commissioner of transportation for costs
8.21 of maintaining and operating the statewide
8.22 radio system backbone.

8.23 **(f) ARMER Improvements.** \$1,000,000
8.24 each year is for the Statewide Radio Board
8.25 for costs of design, construction, maintenance
8.26 of, and improvements to those elements
8.27 of the statewide public safety radio and
8.28 communication system that support mutual
8.29 aid communications and emergency medical
8.30 services or provide enhancement of public
8.31 safety communication interoperability.

8.32 **(g) Transfer.** \$2,600,000 each year is
8.33 transferred to the general fund. This is a
8.34 onetime transfer.

10.1	<u>Subd. 2. Correctional</u>		
10.2	<u>Institutions</u>	<u>326,191,000</u>	<u>321,538,000</u>

10.3		<u>Appropriations by Fund</u>	
10.4	<u>General</u>	<u>325,611,000</u>	<u>320,958,000</u>
10.5	<u>Special Revenue</u>	<u>580,000</u>	<u>580,000</u>

10.6 The general fund base for this program shall
 10.7 be \$325,653,000 in fiscal year 2014 and
 10.8 \$328,433,000 in fiscal year 2015.

10.9 (a) **Position Reductions.** The commissioner
 10.10 of corrections may not eliminate line officer
 10.11 positions.

10.12 (b) **Correctional Study.** In implementing
 10.13 this appropriation the commissioner of
 10.14 corrections shall consider studying the
 10.15 following topics:

10.16 (1) adoption of an earned credit program for
 10.17 inmates in the state correctional facilities
 10.18 similar to the programs in 36 other states;

10.19 (2) the federal immigration and customs
 10.20 enforcement rapid REPAT program and the
 10.21 potential for the state to participate in the
 10.22 program;

10.23 (3) expanding the use of medical and other
 10.24 forms of early release;

10.25 (4) the feasibility of closing a wing or an
 10.26 entire state facility or leasing vacant prison
 10.27 space to house inmates from other states;

10.28 (5) reducing inmate medical costs; and

10.29 (6) reforming the department's role in the
 10.30 juvenile justice system including closing
 10.31 juvenile facilities.

10.32	<u>Subd. 3. Community</u>		
10.33	<u>Services</u>	<u>108,006,000</u>	<u>108,006,000</u>

11.1	<u>Appropriations by Fund</u>		
11.2	<u>General</u>	<u>107,906,000</u>	<u>107,906,000</u>
11.3	<u>Special Revenue</u>	<u>100,000</u>	<u>100,000</u>
11.4	<u>Probation Revocation Reform. In</u>		
11.5	<u>implementing this appropriation the</u>		
11.6	<u>commissioner of corrections, in consultation</u>		
11.7	<u>with staff of the Sentencing Guidelines</u>		
11.8	<u>Commission and representatives from</u>		
11.9	<u>community corrections agencies, shall</u>		
11.10	<u>consider developing performance incentives</u>		
11.11	<u>for counties to reduce the number of</u>		
11.12	<u>probation revocations. The commissioner</u>		
11.13	<u>is encouraged to review policies in states</u>		
11.14	<u>that have implemented performance</u>		
11.15	<u>incentive programs. In implementing</u>		
11.16	<u>this appropriation the commissioner shall</u>		
11.17	<u>consider examining:</u>		
11.18	<u>(1) the revocation rate differences between</u>		
11.19	<u>counties;</u>		
11.20	<u>(2) granting earned compliance credits for</u>		
11.21	<u>offenders on probation;</u>		
11.22	<u>(3) recent innovations in probation services,</u>		
11.23	<u>such as the HOPE program and the</u>		
11.24	<u>Georgia model, to determine the feasibility</u>		
11.25	<u>of implementing similar programs in</u>		
11.26	<u>Minnesota;</u>		
11.27	<u>(4) limiting prison time for first time</u>		
11.28	<u>probation revocations; and</u>		
11.29	<u>(5) the impact of adopting one, unified</u>		
11.30	<u>probation and supervised release delivery</u>		
11.31	<u>system in the state.</u>		
11.32	<u>Subd. 4. Operations</u>		
11.33	<u>Support</u>	<u>20,468,000</u>	<u>20,468,000</u>

12.1	<u>Appropriations by Fund</u>		
12.2	<u>General</u>	<u>20,258,000</u>	<u>20,258,000</u>
12.3	<u>Special Revenue</u>	<u>210,000</u>	<u>210,000</u>

12.4 **Subd. 5. Transfers**

12.5 (a) MINNCOR. Notwithstanding Minnesota
 12.6 Statutes, section 241.27, the commissioner
 12.7 of management and budget shall transfer
 12.8 \$600,000 the first year and \$600,000 the
 12.9 second year from the Minnesota correctional
 12.10 industries revolving fund to the general fund.
 12.11 These are onetime transfers.

12.12 **(b) Various Special Revenue Accounts.**
 12.13 Notwithstanding any law to the contrary,
 12.14 the commissioner of management and
 12.15 budget shall transfer \$400,000 the first year
 12.16 and \$400,000 the second year from the
 12.17 Department of Corrections' special revenue
 12.18 accounts to the general fund. These are
 12.19 onetime transfers. The commissioner of
 12.20 corrections shall adjust expenditures to stay
 12.21 within the remaining revenues.

12.22 Sec. 16. **SENTENCING GUIDELINES** \$ **586,000** \$ **586,000**

12.23 Sec. 17. **PROHIBITION ON USE OF APPROPRIATIONS**

12.24 No portion of the appropriations in sections 3 to 10 and 16 may be used for the
 12.25 purchase of motor vehicles or out-of-state travel that is not directly connected with and
 12.26 necessary to carry out the core functions of the organizations funded in this article.

12.27 Sec. 18. **CAPPING MILEAGE REIMBURSEMENT.**

12.28 For entities funded by an appropriation in sections 3 to 10 and 16, no official or
 12.29 employee may be reimbursed for mileage expenses at a rate that exceeds 51 cents per mile.

ARTICLE 2

PUBLIC SAFETY, CORRECTIONS, AND HUMAN RIGHTS POLICY

Section 1. Minnesota Statutes 2010, section 243.212, is amended to read:

243.212 CO-PAYMENTS FOR HEALTH SERVICES.

Any inmate of an adult correctional facility under the control of the commissioner of corrections shall incur co-payment obligations for health care services provided. The co-payment shall be at least \$5 per visit to a health care provider. The co-payment will be paid from the inmate account of earnings and other funds, as provided in section 243.23, subdivision 3. The funds paid under this subdivision are appropriated to the commissioner of corrections for the delivery of health care services to inmates.

Sec. 2. Minnesota Statutes 2010, section 297I.06, subdivision 3, is amended to read:

Subd. 3. **Fire safety account, annual transfers, allocation.** A special account, to be known as the fire safety account, is created in the state treasury. The account consists of the proceeds under subdivisions 1 and 2. ~~\$468,000 in fiscal year 2008, \$4,268,000 in fiscal year 2009, \$9,268,000~~ \$6,618,000 in fiscal year ~~2010~~ 2012, ~~\$5,968,000~~ \$6,618,000 in fiscal year ~~2011~~ 2013, and \$2,368,000 in each year thereafter is transferred from the fire safety account in the special revenue fund to the general fund to offset the loss of revenue caused by the repeal of the one-half of one percent tax on fire insurance premiums.

Sec. 3. Minnesota Statutes 2010, section 363A.06, subdivision 1, is amended to read:

Subdivision 1. **Formulation of policies.** (a) The commissioner shall formulate policies to effectuate the purposes of this chapter and shall do the following:

(1) exercise leadership under the direction of the governor in the development of human rights policies and programs, and make recommendations to the governor and the legislature for their consideration and implementation;

~~(2) establish and maintain a principal office in St. Paul, and any other necessary branch offices at any location within the state;~~

~~(3)~~ meet and function at any place within the state;

~~(4)~~ (3) employ attorneys, clerks, and other employees and agents as the commissioner may deem necessary and prescribe their duties;

~~(5)~~ (4) to the extent permitted by federal law and regulation, utilize the records of the Department of Employment and Economic Development of the state when necessary to effectuate the purposes of this chapter;

- 14.1 ~~(6)~~ (5) obtain upon request and utilize the services of all state governmental
14.2 departments and agencies;
- 14.3 ~~(7)~~ (6) adopt suitable rules for effectuating the purposes of this chapter;
- 14.4 ~~(8)~~ (7) issue complaints, receive and investigate charges alleging unfair
14.5 discriminatory practices, and determine whether or not probable cause exists for hearing;
- 14.6 ~~(9)~~ (8) subpoena witnesses, administer oaths, take testimony, and require the
14.7 production for examination of any books or papers relative to any matter under
14.8 investigation or in question as the commissioner deems appropriate to carry out the
14.9 purposes of this chapter;
- 14.10 ~~(10)~~ (9) attempt, by means of ~~education~~, conference, conciliation, and persuasion to
14.11 eliminate unfair discriminatory practices as being contrary to the public policy of the state;
- 14.12 ~~(11) develop and conduct programs of formal and informal education designed to
14.13 eliminate discrimination and intergroup conflict by use of educational techniques and
14.14 programs the commissioner deems necessary;~~
- 14.15 ~~(12)~~ (10) make a written report of the activities of the commissioner to the governor
14.16 each year;
- 14.17 ~~(13)~~ (11) accept gifts, bequests, grants, or other payments public and private to help
14.18 finance the activities of the department;
- 14.19 ~~(14)~~ (12) create such local and statewide advisory committees as will in the
14.20 commissioner's judgment aid in effectuating the purposes of the Department of Human
14.21 Rights;
- 14.22 ~~(15) develop such programs as will aid in determining the compliance throughout
14.23 the state with the provisions of this chapter, and in the furtherance of such duties, conduct
14.24 research and study discriminatory practices based upon race, color, creed, religion,
14.25 national origin, sex, age, disability, marital status, status with regard to public assistance,
14.26 familial status, sexual orientation, or other factors and develop accurate data on the nature
14.27 and extent of discrimination and other matters as they may affect housing, employment,
14.28 public accommodations, schools, and other areas of public life;~~
- 14.29 ~~(16)~~ (13) develop and disseminate technical assistance to persons subject to the
14.30 provisions of this chapter, and to agencies and officers of governmental and private
14.31 agencies;
- 14.32 ~~(17)~~ (14) provide staff services to such advisory committees as may be created in
14.33 aid of the functions of the Department of Human Rights;
- 14.34 ~~(18)~~ (15) make grants in aid to the extent that appropriations are made available for
14.35 that purpose in aid of carrying out duties and responsibilities; and

15.1 ~~(19)~~ (16) cooperate and consult with the commissioner of labor and industry
15.2 regarding the investigation of violations of, and resolution of complaints regarding section
15.3 363A.08, subdivision 7. The commissioner may use nonstate funds to develop and
15.4 conduct programs of formal and informal education designed to eliminate discrimination
15.5 and further compliance with this chapter.

15.6 In performing these duties, the commissioner shall give priority to those duties in
15.7 clauses (7), (8), and (9), ~~and (10)~~ and to the duties in section 363A.36.

15.8 (b) All gifts, bequests, grants, or other payments, public and private, accepted under
15.9 paragraph (a), clause ~~(13)~~ (11), must be deposited in the state treasury and credited to a
15.10 special account. Money in the account is appropriated to the commissioner of human
15.11 rights to help finance activities of the department.

15.12 Sec. 4. Minnesota Statutes 2010, section 363A.36, subdivision 1, is amended to read:

15.13 Subdivision 1. **Scope of application.** (a) For all contracts for goods and services in
15.14 excess of ~~\$100,000~~ \$250,000, no department or agency of the state shall accept any bid or
15.15 proposal for a contract or agreement from any business having more than ~~40~~ 50 full-time
15.16 employees within this state on a single working day during the previous 12 months, unless
15.17 the commissioner is in receipt of the business' affirmative action plan for the employment
15.18 of minority persons, women, and qualified disabled individuals. No department or agency
15.19 of the state shall execute any such contract or agreement until the affirmative action plan
15.20 has been approved by the commissioner. Receipt of a certificate of compliance issued by
15.21 the commissioner shall signify that a firm or business has an affirmative action plan that
15.22 has been approved by the commissioner. A certificate shall be valid for a period of ~~two~~
15.23 five years. A municipality as defined in section 466.01, subdivision 1, that receives state
15.24 money for any reason is encouraged to prepare and implement an affirmative action plan
15.25 for the employment of minority persons, women, and the qualified disabled and submit the
15.26 plan to the commissioner.

15.27 (b) This paragraph applies to a contract for goods or services in excess of ~~\$100,000~~
15.28 \$250,000 to be entered into between a department or agency of the state and a business
15.29 that is not subject to paragraph (a), but that has more than ~~40~~ 50 full-time employees on
15.30 a single working day during the previous 12 months in the state where the business has
15.31 its primary place of business. A department or agency of the state may not execute a
15.32 contract or agreement with a business covered by this paragraph unless the business has a
15.33 certificate of compliance issued by the commissioner under paragraph (a) or the business
15.34 certifies that it is in compliance with federal affirmative action requirements.

16.1 (c) This section does not apply to contracts entered into by the State Board of
16.2 Investment for investment options under section 352.965, subdivision 4.

16.3 Sec. 5. Minnesota Statutes 2010, section 609.105, subdivision 1, is amended to read:

16.4 Subdivision 1. **Sentence to more than one year 60 days or less.** In a felony
16.5 sentence to imprisonment for more than one year shall commit, when the remaining term
16.6 of imprisonment is for 60 days or less, the defendant shall be committed to the custody of
16.7 the commissioner of corrections and must serve the remaining term of imprisonment at a
16.8 workhouse, work farm, county jail, or other place authorized by law.

16.9 Sec. 6. Minnesota Statutes 2010, section 609.105, is amended by adding a subdivision
16.10 to read:

16.11 Subd. 1c. **Sentence to more than 60 days.** A felony sentence to imprisonment
16.12 when the warrant of commitment has a remaining term of imprisonment for more than 60
16.13 days shall commit the defendant to the custody of the commissioner of corrections.

16.14 Sec. 7. Minnesota Statutes 2010, section 609.105, is amended by adding a subdivision
16.15 to read:

16.16 Subd. 4. **Definitions.** (a) For the purposes of this section, the terms in this
16.17 subdivision have the meanings given them.

16.18 (b) "Remaining term of imprisonment" as applied to inmates whose crimes were
16.19 committed before August 1, 1993, is the period of time for which an inmate is committed
16.20 to the custody of the commissioner of corrections minus earned good time and jail credit,
16.21 if any.

16.22 (c) "Remaining term of imprisonment" as applied to inmates whose crimes were
16.23 committed on or after August 1, 1993, is the period of time equal to two-thirds of the
16.24 inmate's executed sentence, minus jail credit, if any.

16.25 Sec. 8. Minnesota Statutes 2010, section 626.8458, subdivision 5, is amended to read:

16.26 Subd. 5. **In-service training in police pursuits required.** The chief law
16.27 enforcement officer of every state and local law enforcement agency shall provide
16.28 in-service training in emergency vehicle operations and in the conduct of police pursuits
16.29 to every peace officer and part-time peace officer employed by the agency who the
16.30 chief law enforcement officer determines may be involved in a police pursuit given the
16.31 officer's responsibilities. The training shall comply with learning objectives developed

17.1 and approved by the board and shall consist of at least eight hours of classroom and
17.2 skills-based training every ~~four~~ five years.

17.3 Sec. 9. Minnesota Statutes 2010, section 641.15, subdivision 2, is amended to read:

17.4 Subd. 2. **Medical aid.** Except as provided in section 466.101, the county board
17.5 shall pay the costs of medical services provided to prisoners pursuant to this section.

17.6 The amount paid by the ~~Anoka~~ county board for a medical service shall not exceed the
17.7 maximum allowed medical assistance payment rate for the service, as determined by
17.8 the commissioner of human services. ~~For all other counties,~~ In the absence of a health
17.9 or medical insurance or health plan that has a contractual obligation with the provider or
17.10 the prisoner, medical providers shall charge no higher than the rate negotiated between
17.11 the county and the provider. In the absence of an agreement between the county and the
17.12 provider, the provider may not charge ~~no more than the discounted rate the provider~~
17.13 ~~has negotiated with the nongovernmental third-party payer that provided the most~~
17.14 ~~revenue to the provider during the previous calendar year~~ an amount that exceeds the
17.15 maximum allowed medical assistance payment rate for the service, as determined by
17.16 the commissioner of human services. The county is entitled to reimbursement from the
17.17 prisoner for payment of medical bills to the extent that the prisoner to whom the medical
17.18 aid was provided has the ability to pay the bills. The prisoner shall, at a minimum, incur
17.19 co-payment obligations for health care services provided by a county correctional facility.
17.20 The county board shall determine the co-payment amount. Notwithstanding any law to the
17.21 contrary, the co-payment shall be deducted from any of the prisoner's funds held by the
17.22 county, to the extent possible. If there is a disagreement between the county and a prisoner
17.23 concerning the prisoner's ability to pay, the court with jurisdiction over the defendant shall
17.24 determine the extent, if any, of the prisoner's ability to pay for the medical services. If
17.25 a prisoner is covered by health or medical insurance or other health plan when medical
17.26 services are provided, the medical provider shall bill that health or medical insurance or
17.27 other plan. If the county providing the medical services for a prisoner that has coverage
17.28 under health or medical insurance or other plan, that county has a right of subrogation to
17.29 be reimbursed by the insurance carrier for all sums spent by it for medical services to the
17.30 prisoner that are covered by the policy of insurance or health plan, in accordance with the
17.31 benefits, limitations, exclusions, provider restrictions, and other provisions of the policy or
17.32 health plan. The county may maintain an action to enforce this subrogation right. The
17.33 county does not have a right of subrogation against the medical assistance program or the
17.34 general assistance medical care program.

18.1 Sec. 10. **FEDERAL SECURE COMMUNITIES INITIATIVE; DATA**
18.2 **PRACTICES.**

18.3 The state shall participate in the United States Department of Homeland Security's
18.4 secure communities initiative. The commissioner of public safety shall enter into an
18.5 agreement on behalf of the state with the United States Department of Homeland Security
18.6 to implement this section. This agreement shall be legally binding on the state. Data on
18.7 individuals collected, created, received, maintained, or disseminated by the commissioner
18.8 of public safety for purposes of participation in the initiative are criminal history data
18.9 under Minnesota Statutes, section 13.87.

18.10 Sec. 11. **ACQUISITION OF EASEMENT; MINNESOTA CORRECTIONAL**
18.11 **FACILITY IN FARIBAULT.**

18.12 Notwithstanding Minnesota Statutes, section 16B.31, subdivision 5, the
18.13 commissioner of administration may acquire an easement for utility and access purposes to
18.14 serve the Minnesota correctional facility in the city of Faribault by any of the acquisition
18.15 methods permitted by that subdivision even in the absence of a specific appropriation to
18.16 the commissioner to acquire the easement.

18.17 Sec. 12. **REPEALER.**

18.18 Minnesota Statutes 2010, section 363A.36, subdivision 5, is repealed.

18.19 **ARTICLE 3**

18.20 **COURTS AND SENTENCING**

18.21 Section 1. Minnesota Statutes 2010, section 169.797, subdivision 4, is amended to read:

18.22 Subd. 4. **Penalty.** (a) A person who violates this section is guilty of a misdemeanor.
18.23 A person is guilty of a gross misdemeanor who violates this section within ten years
18.24 of the first of two prior convictions under this section, section 169.791, or a statute or
18.25 ordinance in conformity with one of those sections. The operator of a vehicle who violates
18.26 subdivision 3 and who causes or contributes to causing a vehicle accident that results in
18.27 the death of any person or in substantial bodily harm to any person, as defined in section
18.28 609.02, subdivision 7a, is guilty of a gross misdemeanor. The same prosecuting authority
18.29 who is responsible for prosecuting misdemeanor violations of this section is responsible
18.30 for prosecuting gross misdemeanor violations of this section. In addition to any sentence
18.31 of imprisonment that the court may impose on a person convicted of violating this section,
18.32 the court shall impose a fine of not less than \$200 nor more than the maximum amount

19.1 authorized by law. The court may allow community service in lieu of any fine imposed if
19.2 the defendant is indigent.

19.3 (b) A driver who is the owner of the vehicle may, no later than the date and time
19.4 specified in the citation for the driver's first court appearance, produce proof of insurance
19.5 stating that security had been provided for the vehicle that was being operated at the time
19.6 of demand to the court administrator. The required proof of insurance may be sent by mail
19.7 by the driver as long as it is received no later than the date and time specified in the
19.8 citation for the driver's first court appearance. If a citation is issued, no person shall be
19.9 convicted of violating this section if the court administrator receives the required proof of
19.10 insurance no later than the date and time specified in the citation for the driver's first court
19.11 appearance. If the charge is made other than by citation, no person shall be convicted of
19.12 violating this section if the person presents the required proof of insurance at the person's
19.13 first court appearance after the charge is made.

19.14 (c) If the driver is not the owner of the vehicle, the driver shall, no later than the
19.15 date and time specified in the citation for the driver's first court appearance, provide the
19.16 district court administrator with proof of insurance or the name and address of the owner.
19.17 Upon receipt of the name and address of the owner, the district court administrator shall
19.18 communicate the information to the law enforcement agency.

19.19 (d) If the driver is not the owner of the vehicle, the officer may send or provide a
19.20 notice to the owner of the vehicle requiring the owner to produce proof of insurance for
19.21 the vehicle that was being operated at the time of the demand. Notice by mail is presumed
19.22 to be received five days after mailing and shall be sent to the owner's current address or the
19.23 address listed on the owner's driver's license. Within ten days after receipt of the notice,
19.24 the owner shall produce the required proof of insurance to the place stated in the notice
19.25 received by the owner. The required proof of insurance may be sent by mail by the owner
19.26 as long as it is received within ten days. Any owner who fails to produce proof of insurance
19.27 within ten days of an officer's request under this subdivision is guilty of a misdemeanor.
19.28 The peace officer may mail the citation to the owner's current address or address stated
19.29 on the owner's driver's license. It is an affirmative defense to a charge against the owner
19.30 that the driver used the owner's vehicle without consent, if insurance would not have been
19.31 required in the absence of the unauthorized use by the driver. It is not a defense that a
19.32 person failed to notify the Department of Public Safety of a change of name or address as
19.33 required under section 171.11. The citation may be sent after the ten-day period.

19.34 ~~(b)~~ (e) The court may impose consecutive sentences for offenses arising out of a
19.35 single course of conduct as permitted in section 609.035, subdivision 2.

20.1 ~~(e)~~ (f) In addition to the criminal penalty, the driver's license of an operator convicted
20.2 under this section shall be revoked for not more than 12 months. If the operator is also an
20.3 owner of the vehicle, the registration of the vehicle shall also be revoked for not more
20.4 than 12 months. Before reinstatement of a driver's license or registration, the operator
20.5 shall file with the commissioner of public safety the written certificate of an insurance
20.6 carrier authorized to do business in this state stating that security has been provided by the
20.7 operator as required by section 65B.48.

20.8 ~~(d)~~ (g) The commissioner shall include a notice of the penalties contained in this
20.9 section on all forms for registration of vehicles required to maintain a plan of reparation
20.10 security.

20.11 Sec. 2. Minnesota Statutes 2010, section 260C.331, subdivision 3, is amended to read:

20.12 Subd. 3. **Court expenses.** The following expenses are a charge upon the county
20.13 in which proceedings are held upon certification of the judge of juvenile court or upon
20.14 such other authorization provided by law:

20.15 (1) the fees and mileage of witnesses, and the expenses and mileage of officers
20.16 serving notices and subpoenas ordered by the court, as prescribed by law;

20.17 (2) the expense of transporting a child to a place designated by a child-placing agency
20.18 for the care of the child if the court transfers legal custody to a child-placing agency;

20.19 (3) the expense of transporting a minor to a place designated by the court;

20.20 (4) reasonable compensation for an attorney appointed by the court to serve as
20.21 counsel.

20.22 The State Guardian Ad Litem Board shall pay for guardian ad litem expenses
20.23 and reasonable compensation for an attorney to serve as counsel for a guardian ad
20.24 litem, if necessary. In no event may the court order that guardian ad litem expenses or
20.25 compensation for an attorney serving as counsel for a guardian ad litem be charged to
20.26 a county.

20.27 Sec. 3. Minnesota Statutes 2010, section 357.021, subdivision 6, is amended to read:

20.28 Subd. 6. **Surcharges on criminal and traffic offenders.** (a) Except as provided
20.29 in this paragraph, the court shall impose and the court administrator shall collect a \$75
20.30 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or
20.31 petty misdemeanor offense, other than a violation of a law or ordinance relating to vehicle
20.32 parking, for which there shall be a \$12 surcharge. When a defendant is convicted of more
20.33 than one offense in a case, the surcharge shall be imposed only once in that case. In the
20.34 Second Judicial District, the court shall impose, and the court administrator shall collect,

S.F. No. 958, 2nd Engrossment - 87th Legislative Session (2011-2012) [S0958-2]

21.1 an additional \$1 surcharge on every person convicted of any felony, gross misdemeanor,
21.2 misdemeanor, or petty misdemeanor offense, including a violation of a law or ordinance
21.3 relating to vehicle parking, if the Ramsey County Board of Commissioners authorizes the
21.4 \$1 surcharge. The surcharge shall be imposed whether or not the person is sentenced to
21.5 imprisonment or the sentence is stayed. The surcharge shall not be imposed when a person
21.6 is convicted of a petty misdemeanor for which no fine is imposed.

21.7 (b) If the court fails to impose a surcharge as required by this subdivision, the court
21.8 administrator shall show the imposition of the surcharge, collect the surcharge, and
21.9 correct the record.

21.10 (c) The court may not waive payment of the surcharge required under this
21.11 subdivision. Upon a showing of indigency or undue hardship upon the convicted person
21.12 or the convicted person's immediate family, the sentencing court may authorize payment
21.13 of the surcharge in installments.

21.14 (d) The court administrator or other entity collecting a surcharge shall forward it to
21.15 the commissioner of management and budget.

21.16 (e) If the convicted person is sentenced to imprisonment and has not paid the
21.17 surcharge before the term of imprisonment begins, the chief executive officer of the
21.18 correctional facility in which the convicted person is incarcerated shall collect the
21.19 surcharge from any earnings the inmate accrues from work performed in the facility
21.20 or while on conditional release. The chief executive officer shall forward the amount
21.21 collected to the court administrator or other entity collecting the surcharge imposed by
21.22 the court.

21.23 (f) A person who ~~successfully completes a diversion or similar program~~ enters
21.24 a diversion program, continuance without prosecution, continuance for dismissal, or
21.25 stay of adjudication for a violation of chapter 169 must pay the surcharge described in
21.26 this subdivision. A surcharge imposed under this paragraph shall be imposed only once
21.27 per case.

21.28 (g) The surcharge does not apply to administrative citations issued pursuant to
21.29 section 169.999.

21.30 Sec. 4. Minnesota Statutes 2010, section 563.01, subdivision 3, is amended to read:

21.31 Subd. 3. **Authorization of forma pauperis.** (a) Any court of the state of Minnesota
21.32 or any political subdivision thereof may authorize the commencement or defense of any
21.33 civil action, or appeal therein, without prepayment of fees, costs and security for costs by
21.34 a natural person who makes affidavit stating (a) the nature of the action, defense or appeal,

22.1 (b) a belief that affiant is entitled to redress, and (c) that affiant is financially unable to
22.2 pay the fees, costs and security for costs.

22.3 (b) Upon a finding by the court that the action is not of a frivolous nature, the court
22.4 shall allow the person to proceed in forma pauperis if the affidavit is substantially in the
22.5 language required by this subdivision and is not found by the court to be untrue. Persons
22.6 meeting the requirements of this subdivision include, but are not limited to, a person who
22.7 is receiving public assistance, who is represented by an attorney on behalf of a civil legal
22.8 services program or a volunteer attorney program based on indigency, or who has an
22.9 annual income not greater than 125 percent of the poverty line established under United
22.10 States Code, title 42, section 9902(2), except as otherwise provided by section 563.02.

22.11 (c) If, at or following commencement of the action, the party is or becomes able to
22.12 pay all or a portion of the fees, costs, and security for costs, the court may order payment
22.13 of a fee of \$75 or reimbursement or partial payment of all or a portion of the fees, costs,
22.14 and security for costs, to be paid as directed by the court.

22.15 The court administrator shall transmit any fees or payments to the commissioner of
22.16 management and budget for deposit in the state treasury and credit to the general fund.

22.17 ARTICLE 4

22.18 SEXUALLY EXPLOITED YOUTH

22.19 Section 1. Minnesota Statutes 2010, section 260B.007, subdivision 6, is amended to
22.20 read:

22.21 Subd. 6. **Delinquent child.** (a) Except as otherwise provided in ~~paragraph~~
22.22 paragraphs (b) and (c), "delinquent child" means a child:

22.23 (1) who has violated any state or local law, except as provided in section 260B.225,
22.24 subdivision 1, and except for juvenile offenders as described in subdivisions 16 to 18;

22.25 (2) who has violated a federal law or a law of another state and whose case has been
22.26 referred to the juvenile court if the violation would be an act of delinquency if committed
22.27 in this state or a crime or offense if committed by an adult;

22.28 (3) who has escaped from confinement to a state juvenile correctional facility after
22.29 being committed to the custody of the commissioner of corrections; or

22.30 (4) who has escaped from confinement to a local juvenile correctional facility after
22.31 being committed to the facility by the court.

22.32 (b) The term delinquent child does not include a child alleged to have committed
22.33 murder in the first degree after becoming 16 years of age, but the term delinquent child
22.34 does include a child alleged to have committed attempted murder in the first degree.

23.1 (c) The term delinquent child does not include a child under the age of 16 years
23.2 alleged to have engaged in conduct which would, if committed by an adult, violate any
23.3 federal, state, or local law relating to being hired, offering to be hired, or agreeing to be
23.4 hired by another individual to engage in sexual penetration or sexual conduct.

23.5 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to
23.6 offenses committed on or after that date.

23.7 Sec. 2. Minnesota Statutes 2010, section 260B.007, subdivision 16, is amended to read:

23.8 Subd. 16. **Juvenile petty offender; juvenile petty offense.** (a) "Juvenile petty
23.9 offense" includes a juvenile alcohol offense, a juvenile controlled substance offense,
23.10 a violation of section 609.685, or a violation of a local ordinance, which by its terms
23.11 prohibits conduct by a child under the age of 18 years which would be lawful conduct if
23.12 committed by an adult.

23.13 (b) Except as otherwise provided in paragraph (c), "juvenile petty offense" also
23.14 includes an offense that would be a misdemeanor if committed by an adult.

23.15 (c) "Juvenile petty offense" does not include any of the following:

23.16 (1) a misdemeanor-level violation of section 518B.01, 588.20, 609.224, 609.2242,
23.17 609.324, 609.5632, 609.576, 609.66, 609.746, 609.748, 609.79, or 617.23;

23.18 (2) a major traffic offense or an adult court traffic offense, as described in section
23.19 260B.225;

23.20 (3) a misdemeanor-level offense committed by a child whom the juvenile court
23.21 previously has found to have committed a misdemeanor, gross misdemeanor, or felony
23.22 offense; or

23.23 (4) a misdemeanor-level offense committed by a child whom the juvenile court
23.24 has found to have committed a misdemeanor-level juvenile petty offense on two or
23.25 more prior occasions, unless the county attorney designates the child on the petition
23.26 as a juvenile petty offender notwithstanding this prior record. As used in this clause,
23.27 "misdemeanor-level juvenile petty offense" includes a misdemeanor-level offense that
23.28 would have been a juvenile petty offense if it had been committed on or after July 1, 1995.

23.29 (d) A child who commits a juvenile petty offense is a "juvenile petty offender." The
23.30 term juvenile petty offender does not include a child under the age of 16 years alleged
23.31 to have violated any law relating to being hired, offering to be hired, or agreeing to be
23.32 hired by another individual to engage in sexual penetration or sexual conduct which, if
23.33 committed by an adult, would be a misdemeanor.

24.1 EFFECTIVE DATE. This section is effective August 1, 2014, and applies to
24.2 offenses committed on or after that date.

24.3 Sec. 3. Minnesota Statutes 2010, section 260C.007, subdivision 6, is amended to read:

24.4 Subd. 6. **Child in need of protection or services.** "Child in need of protection or
24.5 services" means a child who is in need of protection or services because the child:

24.6 (1) is abandoned or without parent, guardian, or custodian;

24.7 (2)(i) has been a victim of physical or sexual abuse as defined in section 626.556,
24.8 subdivision 2, (ii) resides with or has resided with a victim of child abuse as defined in
24.9 subdivision 5 or domestic child abuse as defined in subdivision 13, (iii) resides with or
24.10 would reside with a perpetrator of domestic child abuse as defined in subdivision 13 or
24.11 child abuse as defined in subdivision 5 or 13, or (iv) is a victim of emotional maltreatment
24.12 as defined in subdivision 15;

24.13 (3) is without necessary food, clothing, shelter, education, or other required care
24.14 for the child's physical or mental health or morals because the child's parent, guardian,
24.15 or custodian is unable or unwilling to provide that care;

24.16 (4) is without the special care made necessary by a physical, mental, or emotional
24.17 condition because the child's parent, guardian, or custodian is unable or unwilling to
24.18 provide that care;

24.19 (5) is medically neglected, which includes, but is not limited to, the withholding of
24.20 medically indicated treatment from a disabled infant with a life-threatening condition. The
24.21 term "withholding of medically indicated treatment" means the failure to respond to the
24.22 infant's life-threatening conditions by providing treatment, including appropriate nutrition,
24.23 hydration, and medication which, in the treating physician's or physicians' reasonable
24.24 medical judgment, will be most likely to be effective in ameliorating or correcting all
24.25 conditions, except that the term does not include the failure to provide treatment other
24.26 than appropriate nutrition, hydration, or medication to an infant when, in the treating
24.27 physician's or physicians' reasonable medical judgment:

24.28 (i) the infant is chronically and irreversibly comatose;

24.29 (ii) the provision of the treatment would merely prolong dying, not be effective in
24.30 ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be
24.31 futile in terms of the survival of the infant; or

24.32 (iii) the provision of the treatment would be virtually futile in terms of the survival
24.33 of the infant and the treatment itself under the circumstances would be inhumane;

24.34 (6) is one whose parent, guardian, or other custodian for good cause desires to be
24.35 relieved of the child's care and custody, including a child who entered foster care under a

S.F. No. 958, 2nd Engrossment - 87th Legislative Session (2011-2012) [S0958-2]

25.1 voluntary placement agreement between the parent and the responsible social services
25.2 agency under section 260C.212, subdivision 8;

25.3 (7) has been placed for adoption or care in violation of law;

25.4 (8) is without proper parental care because of the emotional, mental, or physical
25.5 disability, or state of immaturity of the child's parent, guardian, or other custodian;

25.6 (9) is one whose behavior, condition, or environment is such as to be injurious or
25.7 dangerous to the child or others. An injurious or dangerous environment may include, but
25.8 is not limited to, the exposure of a child to criminal activity in the child's home;

25.9 (10) is experiencing growth delays, which may be referred to as failure to thrive, that
25.10 have been diagnosed by a physician and are due to parental neglect;

25.11 (11) has engaged in prostitution as defined in section 609.321, subdivision 9;

25.12 (12) has committed a delinquent act or a juvenile petty offense before becoming
25.13 ten years old;

25.14 (13) is a runaway;

25.15 (14) is a habitual truant;

25.16 (15) has been found incompetent to proceed or has been found not guilty by reason
25.17 of mental illness or mental deficiency in connection with a delinquency proceeding, a
25.18 certification under section 260B.125, an extended jurisdiction juvenile prosecution, or a
25.19 proceeding involving a juvenile petty offense; ~~or~~

25.20 (16) has a parent whose parental rights to one or more other children were
25.21 involuntarily terminated or whose custodial rights to another child have been involuntarily
25.22 transferred to a relative and there is a case plan prepared by the responsible social services
25.23 agency documenting a compelling reason why filing the termination of parental rights
25.24 petition under section 260C.301, subdivision 3, is not in the best interests of the child; or

25.25 (17) is a sexually exploited youth.

25.26 **EFFECTIVE DATE.** This section is effective August 1, 2011.

25.27 Sec. 4. Minnesota Statutes 2010, section 260C.007, subdivision 11, is amended to read:

25.28 Subd. 11. **Delinquent child.** "Delinquent child" ~~means a child:~~

25.29 ~~(1) who has violated any state or local law, except as provided in section 260B.225,~~
25.30 ~~subdivision 1, and except for juvenile offenders as described in subdivisions 19 and 28; or~~

25.31 ~~(2) who has violated a federal law or a law of another state and whose case has been~~
25.32 ~~referred to the juvenile court if the violation would be an act of delinquency if committed~~
25.33 ~~in this state or a crime or offense if committed by an adult~~ has the meaning given in
25.34 section 260B.007, subdivision 6.

26.1 EFFECTIVE DATE. This section is effective August 1, 2011.

26.2 Sec. 5. Minnesota Statutes 2010, section 260C.007, is amended by adding a
26.3 subdivision to read:

26.4 Subd. 31. Sexually exploited youth. "Sexually exploited youth" means an
26.5 individual who:

26.6 (1) is alleged to have engaged in conduct which would, if committed by an adult,
26.7 violate any federal, state, or local law relating to being hired, offering to be hired, or
26.8 agreeing to be hired by another individual to engage in sexual penetration or sexual
26.9 conduct;

26.10 (2) is a victim of a crime described in section 609.342, 609.343, 609.345, 609.3451,
26.11 609.3453, 609.352, 617.246, or 617.247;

26.12 (3) is a victim of a crime described in United States Code, title 18, section 2260;
26.13 2421; 2422; 2423; 2425; 2425A; or 2256; or

26.14 (4) is a sex trafficking victim as defined in section 609.321, subdivision 7b.

26.15 EFFECTIVE DATE. This section is effective August 1, 2011.

26.16 Sec. 6. [609.093] JUVENILE PROSTITUTES; DIVERSION OR CHILD
26.17 PROTECTION PROCEEDINGS.

26.18 Subdivision 1. First-time prostitution offense; applicability; procedure. (a) This
26.19 section applies to a 16 or 17 year old child alleged to have engaged in prostitution as
26.20 defined in section 609.321, subdivision 9, who:

26.21 (1) has not been previously adjudicated delinquent for engaging in prostitution as
26.22 defined in section 609.321, subdivision 9;

26.23 (2) has not previously participated in or completed a diversion program for engaging
26.24 in prostitution as defined in section 609.321, subdivision 9;

26.25 (3) has not previously been placed on probation without an adjudication or received
26.26 a continuance under section 260B.198, subdivision 7, for engaging in prostitution as
26.27 defined in section 609.321, subdivision 9;

26.28 (4) has not previously been found to be a child in need of protection or services for
26.29 engaging in prostitution as defined in section 609.321, subdivision 9, or because the child is
26.30 a sexually exploited youth as defined in section 260C.007, subdivision 31, clause (1); and

26.31 (5) agrees to successfully complete a diversion program under section 388.24 or
26.32 fully comply with a disposition order under section 260C.201.

27.1 (b) The prosecutor shall refer a child described in paragraph (a) to a diversion
27.2 program under section 388.24 or file a petition under section 260C.141 alleging the child
27.3 to be in need of protection or services.

27.4 Subd. 2. **Failure to comply.** If a child fails to successfully complete diversion or
27.5 fails to fully comply with a disposition order under section 260C.201, the child may be
27.6 referred back to the court for further proceedings under chapter 260B.

27.7 Subd. 3. **Dismissal of charge.** The court shall dismiss the charge against the child if
27.8 any of the following apply:

27.9 (1) the prosecutor referred the child to diversion program and the prosecutor notifies
27.10 the court that the child successfully completed the program;

27.11 (2) the prosecutor filed a petition under section 260C.141 and the court does not find
27.12 that the child is in need of protection or services; or

27.13 (3) the prosecutor filed a petition under section 260C.141, the court entered an order
27.14 under section 260C.201, and the child fully complied with the order.

27.15 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to
27.16 offenses committed on or after that date.

27.17 Sec. 7. Minnesota Statutes 2010, section 609.3241, is amended to read:

27.18 **609.3241 PENALTY ASSESSMENT AUTHORIZED.**

27.19 (a) When a court sentences an adult convicted of violating section 609.322 or
27.20 609.324, while acting other than as a prostitute, the court shall impose an assessment of
27.21 not less than ~~\$250~~ \$500 and not more than ~~\$500~~ \$750 for a violation of section 609.324,
27.22 subdivision 2, or a misdemeanor violation of section 609.324, subdivision 3; otherwise
27.23 the court shall impose an assessment of not less than ~~\$500~~ \$750 and not more than
27.24 \$1,000. ~~The mandatory minimum portion of the assessment is to be used for the purposes~~
27.25 ~~described in section 626.558, subdivision 2a, shall be distributed as provided in paragraph~~
27.26 ~~(c) and is in addition to the surcharge required by section 357.021, subdivision 6. Any~~
27.27 ~~portion of the assessment imposed in excess of the mandatory minimum amount shall be~~
27.28 ~~deposited in an account in the special revenue fund and is appropriated annually to the~~
27.29 ~~commissioner of public safety. The commissioner, with the assistance of the General~~
27.30 ~~Crime Victims Advisory Council, shall use money received under this section for grants to~~
27.31 ~~agencies that provide assistance to individuals who have stopped or wish to stop engaging~~
27.32 ~~in prostitution. Grant money may be used to provide these individuals with medical care,~~
27.33 ~~child care, temporary housing, and educational expenses.~~

28.1 **(b) The court may not waive payment of the minimum assessment required by**
28.2 **this section. If the defendant qualifies for the services of a public defender or the court**
28.3 **finds on the record that the convicted person is indigent or that immediate payment of**
28.4 **the assessment would create undue hardship for the convicted person or that person's**
28.5 **immediate family, the court may reduce the amount of the minimum assessment to not**
28.6 **less than \$100. The court also may authorize payment of the assessment in installments.**

28.7 **(c) The assessment collected under paragraph (a) must be distributed as follows:**

28.8 **(1) 40 percent of the assessment shall be forwarded to the political subdivision that**
28.9 **employs the arresting officer for use in enforcement, training, and education activities**
28.10 **related to combating sexual exploitation of youth, or if the arresting officer is an employee**
28.11 **of the state, this portion shall be forwarded to the commissioner of public safety for those**
28.12 **purposes identified in clause (3);**

28.13 **(2) 20 percent of the assessment shall be forwarded to the prosecuting agency that**
28.14 **handled the case for use in training and education activities relating to combating sexual**
28.15 **exploitation activities of youth; and**

28.16 **(3) 40 percent of the assessment must be forwarded to the commissioner of public**
28.17 **safety to be deposited in the safe harbor for youth account in the special revenue fund**
28.18 **and are appropriated to the commissioner for distribution to crime victims services**
28.19 **organizations that provide services to sexually exploited youth, as defined in section**
28.20 **260C.007, subdivision 31.**

28.21 **(d) A safe harbor for youth account is established as a special account in the state**
28.22 **treasury.**

28.23 **EFFECTIVE DATE.** This section is effective August 1, 2011.

28.24 Sec. 8. Minnesota Statutes 2010, section 626.558, subdivision 2a, is amended to read:

28.25 Subd. 2a. ~~Juvenile prostitution~~ **Sexually exploited youth outreach program.** A
28.26 multidisciplinary child protection team may assist the local welfare agency, local law
28.27 enforcement agency, or an appropriate private organization in developing a program of
28.28 outreach services for ~~juveniles who are engaging in prostitution~~ **sexually exploited youth,**
28.29 **including homeless, runaway, and truant youth who are at risk of sexual exploitation.**

28.30 For the purposes of this subdivision, at least one representative of a youth intervention
28.31 program or, where this type of program is unavailable, one representative of a nonprofit
28.32 agency serving youth in crisis, shall be appointed to and serve on the multidisciplinary
28.33 child protection team in addition to the standing members of the team. These services may
28.34 include counseling, medical care, short-term shelter, alternative living arrangements, and
28.35 drop-in centers. ~~The county may finance these services by means of the penalty assessment~~

29.1 ~~authorized by section 609.3241.~~ A juvenile's receipt of intervention services under this
29.2 subdivision may not be conditioned upon the juvenile providing any evidence or testimony.

29.3 **EFFECTIVE DATE.** This section is effective August 1, 2011.

29.4 Sec. 9. **SAFE HARBOR FOR SEX TRAFFICKED YOUTH; SEXUALLY**
29.5 **EXPLOITED YOUTH; STATEWIDE VICTIM SERVICES MODEL.**

29.6 (a) If sufficient funding from outside sources is donated, the commissioner of public
29.7 safety shall develop a statewide model as provided in this section. By June 30, 2012, the
29.8 commissioner of public safety, in consultation with the commissioners of health and
29.9 human services, shall develop a victim services model to address the needs of sexually
29.10 exploited youth and youth at risk of sexual exploitation. The commissioner shall take into
29.11 consideration the findings and recommendations as reported to the legislature on the
29.12 results of the safe harbor for sexually exploited youth pilot project authorized by Laws
29.13 2006, chapter 282, article 13, section 4, paragraph (b). In addition, the commissioner
29.14 shall seek recommendations from prosecutors, public safety officials, public health
29.15 professionals, child protection workers, and service providers.

29.16 (b) By January 15, 2013, the commissioner of public safety shall report to the chairs
29.17 and ranking minority members of the senate and house of representatives divisions having
29.18 jurisdiction over health and human services and criminal justice funding and policy on the
29.19 development of the statewide model, including recommendations for additional legislation
29.20 or funding for services for sexually exploited youth or youth at risk of sexual exploitation.

29.21 (c) As used in this section, "sexually exploited youth" has the meaning given in
29.22 section 260C.007, subdivision 31.

29.23 **EFFECTIVE DATE.** This section is effective August 1, 2011.

29.24 **ARTICLE 5**

29.25 **PROSTITUTION CRIMES**

29.26 Section 1. Minnesota Statutes 2010, section 609.321, subdivision 4, is amended to read:

29.27 Subd. 4. **Patron.** "Patron" means an individual who ~~hires or offers or agrees~~
29.28 engages in prostitution by hiring, offering to hire, or agreeing to hire another individual to
29.29 engage in sexual penetration or sexual contact.

29.30 **EFFECTIVE DATE.** This section is effective August 1, 2011, and applies to crimes
29.31 committed on or after that date.

S.F. No. 958, 2nd Engrossment - 87th Legislative Session (2011-2012) [S0958-2]

30.1 Sec. 2. Minnesota Statutes 2010, section 609.321, subdivision 8, is amended to read:

30.2 Subd. 8. **Prostitute.** "Prostitute" means an individual who engages in prostitution
30.3 by being hired, offering to be hired, or agreeing to be hired by another individual to
30.4 engage in sexual penetration or sexual contact.

30.5 **EFFECTIVE DATE.** This section is effective August 1, 2011, and applies to crimes
30.6 committed on or after that date.

30.7 Sec. 3. Minnesota Statutes 2010, section 609.321, subdivision 9, is amended to read:

30.8 Subd. 9. **Prostitution.** "Prostitution" means ~~engaging or offering or agreeing to~~
30.9 ~~engage for hire~~ hiring, offering to hire, or agreeing to hire another individual to engage in
30.10 sexual penetration or sexual contact, or being hired, offering to be hired, or agreeing to be
30.11 hired by another individual to engage in sexual penetration or sexual contact.

30.12 **EFFECTIVE DATE.** This section is effective August 1, 2011, and applies to crimes
30.13 committed on or after that date.

30.14 Sec. 4. Minnesota Statutes 2010, section 609.324, subdivision 2, is amended to read:

30.15 Subd. 2. **Prostitution in public place; penalty for patrons.** Whoever, while acting
30.16 as a patron, intentionally does any of the following while in a public place is guilty of a
30.17 gross misdemeanor:

30.18 (1) engages in prostitution with an individual 18 years of age or older; or

30.19 (2) hires ~~or~~ offers to hire, or agrees to hire an individual 18 years of age or older to
30.20 engage in sexual penetration or sexual contact.

30.21 Except as otherwise provided in subdivision 4, a person who is convicted of violating this
30.22 subdivision ~~while acting as a patron~~ must, at a minimum, be sentenced to pay a fine
30.23 of at least \$1,500.

30.24 **EFFECTIVE DATE.** This section is effective August 1, 2011, and applies to crimes
30.25 committed on or after that date.

30.26 Sec. 5. Minnesota Statutes 2010, section 609.324, subdivision 3, is amended to read:

30.27 Subd. 3. **General prostitution crimes; penalties for patrons.** (a) Whoever, while
30.28 acting as a patron, intentionally does any of the following is guilty of a misdemeanor:

30.29 (1) engages in prostitution with an individual 18 years of age or ~~above~~ older; or

30.30 (2) hires ~~or~~ offers to hire, or agrees to hire an individual 18 years of age or ~~above~~
30.31 older to engage in sexual penetration or sexual contact. Except as otherwise provided in

31.1 subdivision 4, a person who is convicted of violating this paragraph ~~while acting as a~~
31.2 ~~patron~~ must, at a minimum, be sentenced to pay a fine of at least \$500.

31.3 (b) Whoever violates the provisions of this subdivision within two years of a
31.4 previous prostitution conviction for violating this section or section 609.322 is guilty
31.5 of a gross misdemeanor. Except as otherwise provided in subdivision 4, a person who
31.6 is convicted of violating this paragraph ~~while acting as a patron~~ must, at a minimum,
31.7 be sentenced as follows:

31.8 (1) to pay a fine of at least \$1,500; and

31.9 (2) to serve 20 hours of community work service.

31.10 The court may waive the mandatory community work service if it makes specific,
31.11 written findings that the community work service is not feasible or appropriate under the
31.12 circumstances of the case.

31.13 **EFFECTIVE DATE.** This section is effective August 1, 2011, and applies to crimes
31.14 committed on or after that date.

31.15 Sec. 6. Minnesota Statutes 2010, section 609.324, is amended by adding a subdivision
31.16 to read:

31.17 **Subd. 6. Prostitution in public place; penalty for prostitutes.** Whoever, while
31.18 acting as a prostitute, intentionally does any of the following while in a public place is
31.19 guilty of a gross misdemeanor:

31.20 (1) engages in prostitution with an individual 18 years of age or older; or

31.21 (2) is hired, offers to be hired, or agrees to be hired by an individual 18 years of age
31.22 or older to engage in sexual penetration or sexual contact.

31.23 **EFFECTIVE DATE.** This section is effective August 1, 2011, and applies to crimes
31.24 committed on or after that date.

31.25 Sec. 7. Minnesota Statutes 2010, section 609.324, is amended by adding a subdivision
31.26 to read:

31.27 **Subd. 7. General prostitution crimes; penalties for prostitutes.** (a) Whoever,
31.28 while acting as a prostitute, intentionally does any of the following is guilty of a
31.29 misdemeanor:

31.30 (1) engages in prostitution with an individual 18 years of age or older; or

31.31 (2) is hired, offers to be hired, or agrees to be hired by an individual 18 years of age
31.32 or older to engage in sexual penetration or sexual contact.

S.F. No. 958, 2nd Engrossment - 87th Legislative Session (2011-2012) [S0958-2]

32.1 (b) Whoever violates the provisions of this subdivision within two years of a
32.2 previous prostitution conviction for violating this section or section 609.322 is guilty
32.3 of a gross misdemeanor.

32.4 **EFFECTIVE DATE.** This section is effective August 1, 2011, and applies to crimes
32.5 committed on or after that date.

APPENDIX
Article locations in S0958-2

ARTICLE 1	APPROPRIATIONS	Page.Ln 1.17
	PUBLIC SAFETY, CORRECTIONS, AND HUMAN RIGHTS	
ARTICLE 2	POLICY	Page.Ln 13.1
ARTICLE 3	COURTS AND SENTENCING	Page.Ln 18.19
ARTICLE 4	SEXUALLY EXPLOITED YOUTH	Page.Ln 22.17
ARTICLE 5	PROSTITUTION CRIMES	Page.Ln 29.24

APPENDIX
Repealed Minnesota Statutes: S0958-2

363A.36 CERTIFICATES OF COMPLIANCE FOR PUBLIC CONTRACTS.

Subd. 5. **Technical assistance.** In the case of a contractor whose certificate of compliance has been suspended, the commissioner shall provide technical assistance that may enable the contractor to be recertified within 90 days after the contractor's certificate has been suspended.