

Presented to the governor May 29, 1991

Signed by the governor June 1, 1991, 3:40 p.m.

CHAPTER 272—H.F.No. 695

An act relating to domestic violence; battered women; modifying provisions dealing with orders for protection and domestic assaults; clarifying and expanding the role of the battered women's advisory council; updating and correcting certain statutory provisions; creating a sexual assault advisory council and a general crime victims advisory council; clarifying the commissioner of human services' authority to adopt rules governing general assistance payments on behalf of persons receiving services from battered women's shelters; imposing penalties; amending Minnesota Statutes 1990, sections 256D.04; 518B.01, subdivisions 4, 6, and 14, and by adding a subdivision; 609.135, subdivision 2; 611A.31, subdivision 2; 611A.32, subdivisions 1 and 2; 611A.33; 611A.34; 611A.35; 611A.36, subdivision 1; and 629.72, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 611A; repealing Minnesota Statutes 1990, section 611A.32, subdivision 4.

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

Section 1. Minnesota Statutes 1990, section 256D.04, is amended to read:

256D.04 DUTIES OF THE COMMISSIONER.

In addition to any other duties imposed by law, the commissioner shall:

(1) Supervise according to section 256.01 the administration of general assistance and general assistance medical care by county agencies as provided in sections 256D.01 to 256D.21;

(2) Promulgate uniform rules consistent with law for carrying out and enforcing the provisions of sections 256D.01 to 256D.21, including section 256D.05, subdivision 3, and section 256.01, subdivision 2, paragraph (16), to the end that general assistance may be administered as uniformly as possible throughout the state; rules shall be furnished immediately to all county agencies and other interested persons; in promulgating rules, the provisions of sections 14.001 to 14.69, shall apply;

(3) Allocate money appropriated for general assistance and general assistance medical care to county agencies as provided in section 256D.03, subdivisions 2 and 3;

(4) Accept and supervise the disbursement of any funds that may be provided by the federal government or from other sources for use in this state for general assistance and general assistance medical care;

(5) Cooperate with other agencies including any agency of the United States

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or of another state in all matters concerning the powers and duties of the commissioner under sections 256D.01 to 256D.21;

(6) Cooperate to the fullest extent with other public agencies empowered by law to provide vocational training, rehabilitation, or similar services;

(7) Gather and study current information and report at least annually to the governor and legislature on the nature and need for general assistance and general assistance medical care, the amounts expended under the supervision of each county agency, and the activities of each county agency and publish such reports for the information of the public; and

(8) Specify requirements for general assistance and general assistance medical care reports, including fiscal reports, according to section 256.01, subdivision 2, paragraph (17).

Sec. 2. Minnesota Statutes 1990, section 518B.01, is amended by adding a subdivision to read:

Subd. 3a. FILING FEE. The filing fees for an order for protection under this section are waived for the petitioner. The court shall also direct payment of the reasonable costs of service of process in the manner provided in section 563.01, whether served by a sheriff, private process server, or by publication. The court may direct a respondent to pay to the court administrator the petitioner's filing fees and reasonable costs of service of process if the court determines that the respondent has the ability to pay the petitioner's fees and costs.

Sec. 3. Minnesota Statutes 1990, section 518B.01, subdivision 4, is amended to read:

Subd. 4. **ORDER FOR PROTECTION.** There shall exist an action known as a petition for an order for protection in cases of domestic abuse.

(a) A petition for relief under this section may be made by any family or household member personally or on behalf of minor family or household members.

(b) A petition for relief shall allege the existence of domestic abuse, and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought.

(c) A petition for relief ~~may be made regardless of~~ must state whether ~~or not~~ there is an existing order for protection in effect under this chapter governing both the parties and whether there is a pending lawsuit, complaint, petition or other action between the parties under chapter 257, 518, 518A, 518B, or 518C. The clerk of court shall verify the terms of any existing order governing the parties. The court may not delay granting relief because of the existence of a pending action between the parties or the necessity of verifying the terms of an existing order. A subsequent order in a separate action under this chapter may modify only the provision of an existing order that grants relief authorized under subdivision 6, paragraph (a), clause (1). A petition for relief may be granted, regardless of whether there is a pending action between the parties.

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(d) The court shall provide simplified forms and clerical assistance to help with the writing and filing of a petition under this section.

(e) The court shall advise a petitioner under clause (d) of the right to file a motion and affidavit and to sue in forma pauperis pursuant to section 563.01 and shall assist with the writing and filing of the motion and affidavit.

(f) The court shall advise a petitioner under clause (d) of the right to serve the respondent by published notice under subdivision 5, paragraph (b), if the respondent is avoiding personal service by concealment or otherwise, and shall assist with the writing and filing of the affidavit.

Sec. 4. Minnesota Statutes 1990, section 518B.01, subdivision 6, is amended to read:

Subd. 6. **RELIEF BY THE COURT.** (a) Upon notice and hearing, the court may provide relief as follows:

- (1) restrain the abusing party from committing acts of domestic abuse;
- (2) exclude the abusing party from the dwelling which the parties share or from the residence of the petitioner;
- (3) award temporary custody or establish temporary visitation with regard to minor children of the parties on a basis which gives primary consideration to the safety of the victim and the children. If the court finds that the safety of the victim or the children will be jeopardized by unsupervised or unrestricted visitation, the court shall condition or restrict visitation as to time, place, duration, or supervision, or deny visitation entirely, as needed to guard the safety of the victim and the children. The court's deliberation under this subdivision shall in no way delay the issuance of an order for protection granting other reliefs provided for in Laws 1985, chapter 195;
- (4) on the same basis as is provided in chapter 518, establish temporary support for minor children or a spouse, and order the withholding of support from the income of the person obligated to pay the support according to chapter 518;
- (5) provide upon request of the petitioner counseling or other social services for the parties, if married, or if there are minor children;
- (6) order the abusing party to participate in treatment or counseling services;
- (7) award temporary use and possession of property and restrain one or both parties from transferring, encumbering, concealing, or disposing of property except in the usual course of business or for the necessities of life, and to account to the court for all such transfers, encumbrances, dispositions, and expenditures made after the order is served or communicated to the party restrained in open court;

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(8) exclude the abusing party from the place of employment of the petitioner, or otherwise limit access to the petitioner by the abusing party at the petitioner's place of employment; and

(9) order, in its discretion, other relief as it deems necessary for the protection of a family or household member, including orders or directives to the sheriff or constable, as provided by this section.

(b) Any relief granted by the order for protection shall be for a fixed period not to exceed one year, except when the court determines a longer fixed period is appropriate.

(c) An order granting the relief authorized in paragraph (a), clause (1), may not be vacated or modified in a proceeding for dissolution of marriage or legal separation, except that the court may hear a motion for modification of an order for protection concurrently with a proceeding for dissolution of marriage upon notice of motion and motion. The notice required by court rule shall not be waived. If the proceedings are consolidated and the motion to modify is granted, a separate order for modification of an order for protection shall be issued.

(d) An order granting the relief authorized in paragraph (a), clause (2), is not voided by the admittance of the abusing party into the dwelling from which the abusing party is excluded.

(e) If a proceeding for dissolution of marriage or legal separation is pending between the parties, the court shall provide a copy of the order for protection to the court with jurisdiction over the dissolution or separation proceeding for inclusion in its file.

Sec. 5. Minnesota Statutes 1990, section 518B.01, subdivision 14, is amended to read:

Subd. 14. **VIOLATION OF AN ORDER FOR PROTECTION.** (a) Whenever an order for protection is granted pursuant to this section, and the respondent or person to be restrained knows of the order, violation of the order for protection is a misdemeanor. A person who violates this paragraph within two years after a previous conviction under this paragraph is guilty of a gross misdemeanor. When a court sentences a person convicted of a gross misdemeanor and does not impose a period of incarceration, the court shall make findings on the record regarding the reasons for not requiring incarceration.

(b) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order granted pursuant to this section restraining the person or excluding the person from the residence or the petitioner's place of employment, even if the violation of the order did not take place in the presence of the peace officer, if the existence of the order can be verified by the officer. A peace officer acting in good faith and exercising due care in making an arrest pursuant to this paragraph is immune from civil liability that might result from the officer's actions.

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(c) A violation of an order for protection shall also constitute contempt of court and be subject to the penalties therefor.

(d) If the court finds that the respondent has violated an order for protection and that there is reason to believe that the respondent will commit a further violation of the provisions of the order restraining the respondent from committing acts of domestic abuse or excluding the respondent from the petitioner's residence, the court may require the respondent to acknowledge an obligation to comply with the order on the record. The court may require a bond sufficient to deter the respondent from committing further violations of the order for protection, considering the financial resources of the respondent, and not to exceed \$10,000. If the respondent refuses to comply with an order to acknowledge the obligation or post a bond under this paragraph, the court shall commit the respondent to the county jail during the term of the order for protection or until the respondent complies with the order under this paragraph. The warrant must state the cause of commitment, with the sum and time for which any bond is required. If an order is issued under this paragraph, the court may order the costs of the contempt action, or any part of them, to be paid by the respondent. An order under this paragraph is appealable.

(e) Upon the filing of an affidavit by the petitioner or, any peace officer, or an interested party designated by the court, alleging that the respondent has violated any order for protection granted pursuant to this section, the court may issue an order to the respondent, requiring the respondent to appear and show cause within 14 days why the respondent should not be found in contempt of court and punished therefor. The hearing may be held by the court in any county in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation. The court also may refer the violation of the order for protection to the appropriate prosecuting authority for possible prosecution under paragraph (a).

(f) If it is alleged that the respondent has violated an order for protection issued under subdivision 6 and the court finds that the order has expired between the time of the alleged violation and the court's hearing on the violation, the court may grant a new order for protection under subdivision 6 based solely on the respondent's alleged violation of the prior order, to be effective until the hearing on the alleged violation of the prior order. If the court finds that the respondent has violated the prior order, the relief granted in the new order for protection shall be extended for a fixed period, not to exceed one year.

(g) The admittance into petitioner's dwelling of an abusing party excluded from the dwelling under an order for protection is not a violation by the petitioner of the order for protection.

A peace officer is not liable under section 609.43, clause (1), for a failure to perform a duty required by clause (b).

Sec. 6. Minnesota Statutes 1990, section 609.135, subdivision 2, is amended to read:

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Subd. 2. (1) If the conviction is for a felony the stay shall be for not more than three years or the maximum period for which the sentence of imprisonment might have been imposed, whichever is longer.

(2) If the conviction is for a gross misdemeanor the stay shall be for not more than two years.

(3) If the conviction is for a any misdemeanor under section 169.121 or for a misdemeanor under section 609.224, subdivision 1, in which the victim of the crime was a family or household member as defined in section 518B.01, the stay shall be for not more than two years. The court shall provide for unsupervised probation for the second year of the stay unless the court finds that the defendant needs supervised probation for all or part of the second year.

(4) If the conviction is for a misdemeanor not specified in clause (3), the stay shall be for not more than one year.

(5) The defendant shall be discharged when the stay expires, unless the stay has been revoked or the defendant has already been discharged.

Sec. 7. [611A.25] SEXUAL ASSAULT ADVISORY COUNCIL.

Subdivision 1. CREATION. The commissioner of corrections shall appoint a 12 member advisory council on sexual assault to advise the commissioner on the implementation and continued operation of sections 611A.21 to 611A.23. The sexual assault advisory council shall also serve as a liaison between the commissioner and organizations that provide services to victims of sexual assault, and as an advocate within the department of corrections for the rights of sexual assault victims.

Subd. 2. MEMBERSHIP. No more than six of the members of the sexual assault advisory council may be representatives of community or governmental organizations that provide services to sexual assault victims. One-half of the council's members shall reside in the metropolitan area, composed of Hennepin, Ramsey, Anoka, Dakota, Scott, Washington, and Carver counties, and one-half of the members shall reside in the nonmetropolitan area. To the extent possible, nonmetropolitan members must be representative of all nonmetropolitan regions of the state.

Subd. 3. TERMS; VACANCIES; EXPENSES. Section 15.059 governs the filling of vacancies and removal of members of the sexual assault advisory council. The terms of the members of the advisory council shall be two years. No member may serve on the advisory council for more than two consecutive terms. Council members shall not receive per diem or expense reimbursement.

Subd. 4. REPORT TO LEGISLATURE. On or before August 1, 1992, the sexual assault advisory council, in consultation with the commissioner and the Minnesota coalition of sexual assault services, shall file a written report with the legislature, containing recommendations on the following matters:

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(1) the scope of the commissioner's authority regarding the administration of grants for sexual assault services;

(2) the membership and duties of the sexual assault advisory council;

(3) criteria for funding programs for services for sexual assault victims;

(4) the appointment of a sexual assault program director; and

(5) other matters agreed to by the commissioner, the sexual assault advisory council, and the Minnesota coalition of sexual assault services.

Sec. 8. Minnesota Statutes 1990, section 611A.31, subdivision 2, is amended to read:

Subd. 2. "Battered woman" means a woman who is being or has been assaulted by her spouse, ~~other male relative, or by a male with whom she is residing or has resided in the past~~ victimised by domestic abuse as defined in section 518B.01, subdivision 2, except that "family or household members" includes persons with whom the woman has had a continuing relationship.

Sec. 9. Minnesota Statutes 1990, section 611A.32, subdivision 1, is amended to read:

Subdivision 1. ~~PROGRAMS DESIGNATED GRANTS AWARDED.~~ The commissioner shall ~~designate four or more pilot award grants to~~ programs to which provide emergency shelter services and support services to battered women and shall award grants to the pilot programs. At least two pilot programs shall be designated in the metropolitan area, composed of Hennepin, Ramsey, Anoka, Dakota, Scott, Washington and Carver counties. At least one pilot program shall be designated in a city located outside of the metropolitan area, and at least one pilot program shall be designated in a location accessible to a predominately rural population their children. The commissioner shall also award grants for training, technical assistance, and for the development and implementation of education programs to increase public awareness of the causes of battering, the solutions to preventing and ending domestic violence, and the problems faced by battered women. Grants shall be awarded in a manner that ensures that they are equitably distributed to programs serving metropolitan and nonmetropolitan populations.

Sec. 10. Minnesota Statutes 1990, section 611A.32, subdivision 2, is amended to read:

Subd. 2. ~~APPLICATIONS.~~ Any public or private nonprofit agency may apply to the commissioner for ~~designation as a pilot program a grant~~ to provide emergency shelter services and support services, or both, to battered women and their children. The application shall be submitted in a form approved by the commissioner by rule adopted under chapter 14, after consultation with the advisory council, and shall include:

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~~(a)~~ (1) a proposal for the provision of emergency shelter services ~~and~~, support services, or both, for battered women and their children;

~~(b)~~ (2) a proposed budget;

~~(c)~~ (3) evidence of ~~the integration of an ability to integrate into the proposed program~~ the uniform method of data collection and program evaluation established by the director pursuant to section under sections 611A.33 into the proposed program and 611A.34;

~~(d)~~ (4) evidence of ~~the participation of the~~ an ability to represent the interests of battered women and their children to local law enforcement agencies and courts, county welfare agencies, and local boards or departments of health; ~~and other interested agencies or groups in the development of the application; and~~

~~(e)~~ (5) evidence of an ability to do outreach to unserved and underserved populations and to provide culturally and linguistically appropriate services; and

~~(6)~~ any other content the commissioner may; require by rule adopted under chapter 14, require after considering the recommendations of the advisory council.

Programs which have been approved for grants in prior years may submit materials which indicate changes in items listed in clauses (1) to (6), in order to qualify for renewal funding. Nothing in this subdivision may be construed to require programs to submit complete applications for each year of renewal funding.

Sec. 11. Minnesota Statutes 1990, section 611A.33, is amended to read:

611A.33 DUTIES OF COMMISSIONER.

The commissioner shall:

~~(a)~~ (1) Review applications for ~~designation as and award grants to a pilot program; and designate four or more pilot programs~~ pursuant to section 611A.32, subdivision 1, after considering the recommendation of the advisory council;

~~(b)~~ Review applications from and award grants to public or private non-profit agencies which submit proposals to develop and implement education programs pursuant to section 611A.32, subdivision 4;

~~(c)~~ (2) Appoint the members of the advisory ~~task force~~ council created under section 611A.34, and provide consultative staff and other administrative services to the advisory ~~task force~~ council;

~~(d)~~ (3) After considering the recommendation of the advisory council, appoint a ~~project coordinator~~ program director to perform the duties set forth in section 611A.35;

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(e) ~~(4) Design and implement a uniform method of collecting and evaluating data on battered women and of evaluating to be used to evaluate the programs funded under section 611A.32;~~

~~(f) (5) Provide technical aid to applicants in the design and implementation of the programs funded under section 611A.32 development of grant requests and provide technical aid to programs in meeting the data collection requirements established by the commissioner; and~~

~~(g) Promulgate (6) Adopt, under chapter 14, all rules necessary to implement the provisions of sections 611A.31 to 611A.36 and 256D.05, subdivision 3; including emergency rules; and~~

~~(h) Report to the legislature on January 1, 1978, January 1, 1979, and November 15, 1979, on the programs funded under section 611A.32 and report to the legislature by January 1, 1979 on the feasibility of creating similar programs for men.~~

Sec. 12. Minnesota Statutes 1990, section 611A.34, is amended to read:

611A.34 ADVISORY COUNCIL.

Subdivision 1. **CREATION GENERALLY.** ~~Within 60 days after June 3, 1977, The commissioner shall appoint a nine~~ 12 member advisory council to advise the commissioner on the implementation and continued operation of sections 611A.31 to 611A.36. ~~The provisions of battered women's advisory council shall also serve as a liaison between the commissioner and organizations that provide services to battered women. Section 15.059 shall govern~~ governs the terms, filling of vacancies and removal of members, and expiration of the advisory council. The terms of the members of the advisory council shall be two years. No member may serve on the advisory council for more than two consecutive terms. Notwithstanding section 15.059, the council shall not expire. Council members shall not receive per diem, but shall receive expenses in the same manner and amount as state employees.

Subd. 2. **MEMBERSHIP.** ~~Persons appointed shall be knowledgeable in the fields of health, law enforcement, social services or the law. Five members of the advisory council shall be representatives of community or governmental organizations which provide services to battered women; and four members of the advisory council shall be public members.~~ about and have experience or interest in issues concerning battered women, including the need for effective advocacy services. The membership of the council shall broadly represent the interests of battered women in Minnesota. No more than six of the members of the battered women's advisory council may be representatives of community or governmental organizations that provide services to battered women. One-half of the council's members shall reside in the metropolitan area, composed of Hennepin, Ramsey, Anoka, Dakota, Scott, Washington, and Carver counties, and one-half of the members shall reside in the nonmetropolitan area. To the extent possible, nonmetropolitan members must be representative of all nonmetropolitan regions of the state.

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Subd. 3. **DUTIES.** The advisory council shall:

~~(a)~~ (1) advise the commissioner on all planning, development, data collection, rulemaking, funding, and evaluation of programs and services for battered women that are funded under section 611A.32, other than matters of a purely administrative nature;

(2) advise the commissioner on the adoption of rules under chapter 14 governing the award of grants to ensure that funded programs are consistent with section 611A.32, subdivision 1;

(3) recommend to the commissioner the names of five applicants for the position of ~~project coordinator~~ battered women's program director;

~~(b)~~ (4) advise the commissioner on the rules ~~promulgated~~ adopted under chapter 14 pursuant to section 611A.33;

~~(e)~~ (5) review and comment on applications received by the commissioner for designation as a pilot program and applications for education grants under section 611A.32 and make recommendations on the awarding of grants; and

~~(d)~~ (6) advise the ~~project coordinator~~ program director in the performance of duties in the administration and coordination of the programs funded under section 611A.32.

Subd. 4. **CONFLICTS OF INTEREST.** A member of the advisory council shall be excluded from participating in review and recommendations concerning a grant application if the member:

(1) serves or has served at any time during the past three years as an employee, volunteer, or governing board member of an organization whose application is being reviewed; or

(2) has a financial interest in the funding of the applicant organization.

Sec. 13. [611A.345] **ADVISORY COUNCIL RECOMMENDATIONS.**

The commissioner shall consider the advisory council's recommendations before awarding grants or adopting policies regarding the planning, development, data collection, rulemaking, funding or evaluation of programs and services for battered women funded under section 611A.32. Before taking action on matters related to programs and services for battered women and their children, except day-to-day administrative operations, the commissioner shall notify the advisory council of the intended action. Notification of grant award decisions shall be given to the advisory council in time to allow the council to request reconsideration.

Sec. 14. Minnesota Statutes 1990, section 611A.35, is amended to read:

611A.35 **PROJECT COORDINATOR BATTERED WOMEN'S PROGRAM DIRECTOR.**

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The commissioner shall appoint a project coordinator program director. In appointing the project coordinator program director the commissioner shall give due consideration to the list of applicants submitted to the commissioner ~~by the advisory task force~~ pursuant to section 611A.34, subdivision 3, clause (a) (3). The project coordinator program director shall administer the funds appropriated for sections 611A.31 to 611A.36 ~~and 256D.05; subdivision 3;~~ coordinate the programs funded under section 611A.32, consult with and provide staff to the advisory council, and perform other duties related to battered women's programs as the commissioner may assign. The project coordinator program director shall serve at the pleasure of the commissioner in the unclassified service.

Sec. 15. Minnesota Statutes 1990, section 611A.36, subdivision 1, is amended to read:

Subdivision 1. **FORM PRESCRIBED.** The commissioner shall, by rule adopted under chapter 14, after considering the recommendations of the advisory council, prescribe a uniform form and method for the collection of data on battered women. The method and form of data collection shall be designed to document the incidence of assault on battered women by their spouses, male relatives or other males with whom they are residing or have resided in the past as defined in section 611A.31, subdivision 2. All data collected by the commissioner pursuant to this section shall be summary data within the meaning of section 13.02, subdivision 19.

Sec. 16. [611A.361] **GENERAL CRIME VICTIMS ADVISORY COUNCIL.**

Subdivision 1. **CREATION.** The commissioner of corrections shall appoint a 12 member advisory council on general crime victims to advise the commissioner on the implementation and continued operation of chapter 611A with respect to victims of crimes other than sexual assault and domestic abuse. The general crime victims advisory council shall also serve as a liaison between the commissioner and organizations that provide services to victims of crime, and as an advocate within the department of corrections for the rights of general crime victims.

Subd. 2. **MEMBERSHIP.** No more than six of the members of the general crime victims advisory council may be representatives of community or governmental organizations that provide services to crime victims. One-half of the council's members shall reside in the metropolitan area, composed of Hennepin, Ramsey, Anoka, Dakota, Scott, Washington, and Carver counties, and one-half of the members shall reside in the nonmetropolitan area. To the extent possible, nonmetropolitan members must be representative of all nonmetropolitan regions of the state.

Subd. 3. **TERMS; VACANCIES; EXPENSES.** Section 15.059 governs the filling of vacancies and removal of members of the general crime victims advisory council. The terms of the members of the advisory council shall be two years. No member may serve on the advisory council for more than two consec-

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utive terms. Council members shall not receive per diem or expense reimbursement.

Subd. 4. REPORT TO LEGISLATURE. On or before August 1, 1992, the general crime victims advisory council, in consultation with the commissioner, shall file a written report with the legislature, containing recommendations on the following matters:

(1) the scope of the commissioner's authority regarding the administration of grants for general crime victims services;

(2) the membership and duties of the general crime victims advisory council;

(3) criteria for funding programs for services for general crime victims;

(4) the appointment of a general crime victims program director; and

(5) other matters agreed to by the commissioner, and the general crime victims advisory council.

Sec. 17. Minnesota Statutes 1990, section 629.72, subdivision 2, is amended to read:

Subd. 2. **JUDICIAL REVIEW; RELEASE; BAIL.** (a) The judge before whom the arrested person is brought shall review the facts surrounding the arrest and detention. The arrested person must be ordered released pending trial or hearing on the person's personal recognizance or on an order to appear or upon the execution of an unsecured bond in a specified amount unless the judge determines that release (1) will be inimical to public safety, (2) will create a threat of bodily harm to the arrested person, the victim of the alleged assault, or another, or (3) will not reasonably assure the appearance of the arrested person at subsequent proceedings.

(b) If the judge determines release is not advisable, the judge may impose any conditions of release that will reasonably assure the appearance of the person for subsequent proceedings, or will protect the victim of the alleged assault, or may fix the amount of money bail without other conditions upon which the arrested person may obtain release. If conditions of release are imposed, the judge shall issue a written order for conditional release. The court administrator shall immediately distribute a copy of the order for conditional release to the agency having custody of the arrested person and shall provide the agency having custody of the arrested person with any available information on the location of the victim in a manner that protects the victim's safety. Either the court or its designee or the agency having custody of the arrested person shall serve upon the defendant a copy of the order. Failure to serve the arrested person with a copy of the order for conditional release does not invalidate the conditions of release.

(c) If the judge imposes as a condition of release a requirement that the person have no contact with the victim of the alleged assault, the judge may also,

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on its own motion or that of the prosecutor or on request of the victim, issue an ex parte temporary order for protection under section 518B.01, subdivision 7. Notwithstanding section 518B.01, subdivision 7, paragraph (b), the temporary order is effective until the defendant is convicted or acquitted, or the charge is dismissed, provided that upon request the defendant is entitled to a full hearing on the order for protection under section 518B.01. The hearing must be held within seven days of the defendant's request.

Sec. 18. TRANSITION.

(a) Notwithstanding Minnesota Statutes, section 611A.34, until the first Monday in January 1992, the battered women's advisory council consists of the members serving as delegates or alternates on the council on January 1, 1991.

(b) Notwithstanding any law to the contrary, the terms of all members serving on the council before the first Monday in January 1992, expire on the first Monday in January 1992. Of the members appointed to terms beginning in January 1992, six shall be appointed to one-year terms and six shall be appointed to two-year terms.

(c) The limit on consecutive terms in Minnesota Statutes, section 611A.34, applies to members serving on the council on and after the effective date of section 611A.34, but does not operate to remove a person from the council before the expiration of the person's term.

Sec. 19. INITIAL APPOINTMENTS.

The commissioner of corrections shall make the appointments required by sections 7 and 16 within 60 days after the effective date of those sections.

Sec. 20. REPEALER.

Minnesota Statutes 1990, section 611A.32, subdivision 4, is repealed. Sections 7, subdivision 4; and 16, subdivision 4, are repealed effective August 1, 1992.

Sec. 21. EFFECTIVE DATE.

Sections 5 and 6 are effective August 1, 1991, and apply to crimes committed on or after that date.

Presented to the governor May 29, 1991

Signed by the governor June 1, 1991, 3:42 p.m.

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