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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 4044

03/19/2018 Authored by Considine and Bly
The bill was read for the first time and referred to the Committee on Public Safety and Security Policy and Finance
03/28/2018 Adoption of Report: Placed on the General Register
Read for the Second Time

1.1 A bill for an act
1.2 relating to public safety; including the transfer of all bodily fluids in the crime of
1.3 assaulting secure treatment facility personnel; amending Minnesota Statutes 2016,
1.4 section 609.2231, subdivision 3a.

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

1.6 Section 1. Minnesota Statutes 2016, section 609.2231, subdivision 3a, is amended to read:

1.7 Subd. 3a. Secure treatment facility personnel. (a) As used in this subdivision, "secure
1.8 treatment facility" includes facilities listed in sections 253B.02, subdivision 18a, and
1.9 253D.02, subdivision 13.

1.10 (b) Whoever, while committed under chapter 253D, Minnesota Statutes 2012, section
1.11 253B.185, or Minnesota Statutes 1992, section 526.10, commits either of the following acts
1.12 against an employee or other individual who provides care or treatment at a secure treatment
1.13 facility while the person is engaged in the performance of a duty imposed by law, policy,
1.14 or rule is guilty of a felony and may be sentenced to imprisonment for not more than two
1.15 years or to payment of a fine of not more than \$4,000, or both:

- 1.16 (1) assaults the person and inflicts demonstrable bodily harm; or
1.17 (2) intentionally throws or otherwise transfers bodily fluids or feces at or onto the person.

1.18 (c) Whoever, while committed under section 253B.18, or admitted under the provision
1.19 of section 253B.10, subdivision 1, commits either of the following acts against an employee
1.20 or other individual who supervises and works directly with patients at a secure treatment
1.21 facility while the person is engaged in the performance of a duty imposed by law, policy,
1.22 or rule, is guilty of a felony and may be sentenced to imprisonment for not more than two
1.23 years or to payment of a fine of not more than \$4,000, or both:

2.1 (1) assaults the person and inflicts demonstrable bodily harm; or

2.2 (2) intentionally throws or otherwise transfers ~~urine, blood, semen,~~ bodily fluids or feces
2.3 at or onto the person.

2.4 (d) The court shall commit a person convicted of violating paragraph (b) to the custody
2.5 of the commissioner of corrections for not less than one year and one day. The court may
2.6 not, on its own motion or the prosecutor's motion, sentence a person without regard to this
2.7 paragraph. A person convicted and sentenced as required by this paragraph is not eligible
2.8 for probation, parole, discharge, work release, or supervised release, until that person has
2.9 served the full term of imprisonment as provided by law, notwithstanding the provisions of
2.10 sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135.

2.11 (e) Notwithstanding the statutory maximum sentence provided in paragraph (b), when
2.12 a court sentences a person to the custody of the commissioner of corrections for a violation
2.13 of paragraph (b), the court shall provide that after the person has been released from prison,
2.14 the commissioner shall place the person on conditional release for five years. The terms of
2.15 conditional release are governed by sections 244.05 and 609.3455, subdivision 6, 7, or 8;
2.16 and Minnesota Statutes 2004, section 609.109.

2.17 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to violations
2.18 committed on or after that date.